

DISTRICT REGULATIONS

5.1 A-1 Agricultural District

No building or use shall hereafter be established or enlarged within the A-1 Agricultural District unless it conforms to the following regulations:

- a. Purpose. All agricultural land in the Township's considered transitional and the primary purposes of the A-1 District are to (1) provide for the orderly transition of agricultural land into other uses in area planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) 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.
- b. Permitted Uses.
 - (1) Agricultural and agricultural storage as defined in this Ordinance.
 - (2) One (1) single or two-family dwelling.
 - (3) Public and private schools, colleges, and universities.
- c. Permitted Uses If Under Thirty-five (35) Acres. If at any time the minimum lot area of A-1^z zoned land is less than thirty-five (35) acres, no new structure shall be constructed, except single family dwellings.
- d. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- e. Lot Size Requirements.
 - (1) Minimum lot area: Farm Size – thirty-five (35) acres.
 - (2) Minimum lot width: 100 feet.
- f. Building Bulk Limitations.
 - (1) Farm Dwelling:
 - (a) A front yard of not less than thirty feet (30').
 - (b) A side yard on each side of the lot not less than fifteen feet (15').
 - (c) A rear yard of not less than fifty feet (50').
 - (d) Maximum dwelling height:
 - (i) Farm dwelling - thirty-five feet (35').
 - (ii) Other structures - two (2) times distance from the nearest lot lines with a maximum of sixty feet (60').
 - (2) Other Structures:
 - (a) Rear - Minimum 100 feet.
 - (b) Side - Minimum twenty feet (20') if structure is not to be used for the housing of animals; 100 feet if structure is to be used for the housing of animals.
 - (c) Street - See Section 5.1, f., (1)(a).
- g. Existing Substandard Lots. No accessory farm structures may be erected on any substandard lot or parcel of record in the County Register of Deeds Office before the effective date of this Ordinance without obtaining a conditional use permit for same.
- h. Building Coverage and Construction Specifications.
 - (1) All farm dwellings hereafter constructed or erected shall conform to the following
 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwelling shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

2.3 Agriculture

The use of a tract of land of not less than thirty-five (35) acres for growing crops in the open, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry (but expressly prohibiting the feeding of garbage to any animal or poultry), and necessary accessory uses; the feeding (other than grazing in open pasture) or sheltering in penned enclosures of animals or poultry within 100 feet of any lot line.

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 - (c) A rear yard of not less than fifty feet (50').
 - (d) Maximum dwelling height:
 - (i) Farm dwelling - thirty-five feet (35').
 - (ii) Other structures - two (2) times distance from the nearest lot lines with a maximum of sixty feet (60').
 - (2) Other Structures:
 - (a) Rear - Minimum 100 feet.
 - (b) Side - Minimum twenty feet (20') if structure is not to be used for the housing of animals; 100 feet if structure is to be used for the housing of animals.
 - (c) Street - See Section 5.1, f., (1)(a).
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 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwelling shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

d. Agricultural Uses in R-2, R-3 and R-4, except as follows:

- (1) No building or enclosure in which farm animals and poultry are kept shall be nearer than 100 feet to any adjoining property line.
- (2) No storage of manure, odor, or dust producing substances or use shall be permitted within 100 feet of any adjoining property line.
- (3) No swine, fur farms or fee lots shall be allowed.
- (4) No sale of products shall be allowed from any roadside stands.
- (5) All animals and poultry, except household pets, shall be kept within a structure or other enclosure. See Section 6.18 for keeping horses.
- (6) Any other conditions deemed necessary to carry out the intent of this Ordinance.

AN ORDINANCE AMENDING CHAPTER 7.01 (ZONING CODE) OF THE TOWN OF SHEBOYGAN MUNICIPAL CODE TO CREATE ARCHITECTURAL, EXTERIOR LIGHTING, AND LANDSCAPING STANDARDS

WHEREAS, the Town of Sheboygan is authorized to enact zoning 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), 61.35, and 62.23; and **WHEREAS**, the Town Board of the Town of Sheboygan has determined that the health, safety and welfare of the Town and its inhabitants will be promoted by the Town establishing in its zoning code additional regulations applicable to the architectural design, exterior lighting, and landscaping of new and remodeled structures. **NOW, THEREFORE**, the Town Board of the Town of Sheboygan, Sheboygan County, Wisconsin, does ordain as follows:

Section 1. **Amending and Creating Code**. Section 3, entitled “General Provisions,” of Chapter 7.01 (the Zoning Code) of the Town of Sheboygan Municipal Code is hereby amended and created as follows:

3.1 Jurisdiction

d. The Duty of the Town Board, Plan Commission and/or Their Designees. The Town Board, Plan Commission and/or their designees, which may include but are not limited to, the Sheriff’s Department, Town Constables, the Director of Public Works, Building Inspector, consulting architects, engineers or surveyors and the Town Attorney, shall have the authority to review, inspect, and enforce the provisions of this ordinance.”

Section 2. **Amending and Creating Code**. Section 3.7, entitled “Performance Standards,” of Chapter 7.01 (the Zoning Code) of the Town of Sheboygan Municipal Code, is hereby amended and created as follows:

3.7 Performance Standards

f. Control of Odors. No operation or activities shall emit any substance or combination thereof in such quantities that create an objectionable odor as defined in Ch. NR 429, Wis. Adm. Code, as amended.

g. Noise. No operation or activity shall transmit any noise so that it unreasonably disturbs the peace and quiet of persons beyond the boundaries of the property, or the boundaries of the district if located in a business or industrial district.

h. Vibration.

1. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by direct means such as, but not limited to, sensation by touch or visual observation of moving objects.

2. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.”

Section 3. Repealing and Recreating Code. Within Section 3 of Chapter 7.01 (the

Zoning Code) of the Town of Sheboygan these subsections are repealed and recreated to read as follows:

“3.8 Non-residential Development Standards

a. Applicability. The standards set forth below shall apply as follows:

1. To all new structures and development in R-3 General Residence District, R-4 Multiple Family Residence and Office District, and every business, industrial, and mineral extraction zoning districts, except that the herein described development standards do not apply to property located in the Town Business Park. Property within the Town Business Park shall continue to be regulated by and subject to the Town of Sheboygan Business Park Protective Covenants as recorded in Volume 1181 of Records n Pages 193/207 in the office of the Register of Deeds for Sheboygan County as Document Number 1224985.

2. To all new non-residential structures and development which may be allowed in the residential and agricultural zoning districts.

3. To all new structures and development in the Commercial Corridor Overlay District, and as otherwise set forth in this Code.

b. Approvals Required. No building, structure, improvement or development to which this section applies shall be constructed, placed on any lot, remodeled or altered until detailed plans and specifications for the same have been reviewed and approved by the Town Board after receiving the recommendation of the Plan Commission.

c. Architectural Standards. Buildings and structures shall comply with the following standards:

1. Buildings shall be designed by an architect or engineer. All sides, elevations and facades of buildings and structures shall be visually pleasing and architecturally and aesthetically compatible with the surrounding environment. Building materials shall be selected for their ability to present a visual statement of a building's purpose, attractiveness, and permanence. Building materials shall be harmonious with the general character of other buildings and structures in the adjacent neighborhood or area. 2. The front, side, and rear walls of all buildings shall be faced seventy-five percent (75%) with brick, decorative masonry, stone, architecturally finished precast concrete panels, glass or other decorative material; if special conditions exist, approval may be granted for as little as fifty percent (50%) coverage with such materials. In the event exceptional circumstances exist that justify a greater deviation from the herein described standards, said deviation may only be granted upon the approval of both the Plan Commission and Town Board. For the purpose of this architectural standard, light weight or cinder concrete block shall not be considered a decorative masonry material. Exterior gutters and downspouts shall be permitted only along the side and rear of buildings.

3. Metal siding shall be used only as a minor building component not to exceed twenty-five percent (25%) of exterior wall surface, excluding roofing, in combination with one of the above materials unless approval is granted to exceed this amount. The metal panels must be attractive, durable, of an earth tone or compatible color, and not merely an inexpensive method of building.

4. All mechanical equipment should be screened with parapets or the roof form.

5. The architectural standards and design of any accessory buildings shall be

consistent with the design and materials of the principal building(s).

d. Exterior Lighting Standards. Exterior lighting shall be in accord with the following standards:

1. Exterior lighting shall be located, oriented, and shielded and of an intensity so as to illuminate only the building or lot without adversely affecting activity on adjacent buildings, lots, or traffic on streets and highways. Exterior light poles shall not exceed a maximum height of twenty (20) feet.
2. The emission of exterior light shall be directed away from nearby residential areas.
3. Exterior lights shall not flash, pulsate, nor impair or hinder vision on public streets rights-of-way or adjacent properties.
4. Exterior lighting shall meet the standards promulgated by the Illuminating Engineering Society of North America.

e. Landscaping Standards. Landscaping shall be in accord with the following standards:

1. General. All developed areas of any lot not used for building, parking, driveways, or storage shall be landscaped with a combination of grass, trees, shrubs, berms, and planted ground covers. Areas of the site held or designated for expansion shall be planted with grass and maintained as specified herein.

2. Parking Areas. Parking lots and driveways shall incorporate the following design standards:

(a) Perimeter and interior lot line greenbelt: A perimeter greenbelt of at least five (5) feet in width shall be installed along all interior lot lines. Perimeter edges should be landscaped with a combination of plant material and earth berming whenever possible.

Perimeter greenbelt landscaping may be omitted along side lot lines which have shared driveways with adjacent lots. The omitted area is limited to that portion from the street to the required minimum building setback line or as necessary to accommodate access cuts.

(b) Additional Interior Greenspace: The interior of parking lots shall be provided with landscape areas consisting of at least five percent (5%) of the total surface area intermittently placed throughout the parking area.

(c) Location: Interior landscape plantings may be located in protected areas such as along walkways, in center islands, in end islands, or between parking stalls. Perimeter edge screening and berming should be limited in height to allow a line of sight to the buildings and not obstruct sight distance at entry drives. Parking areas located beyond the forty- (40-) foot setback required from existing or planned public street right-of-way shall be screened by berm(s) and/or landscaping.

(d) Landscape Materials: Landscape materials may include shrubs, hardy flowering trees and/or decorative evergreen and deciduous trees. New trees shall have a minimum caliper of two inch (2") to two and one-half inches (2-1/2") for canopy trees. The area around trees and planting beds shall be planted with shrubs or ground cover and covered with mulch, bark, or appropriate landscape stones."

Section 4. Renumbering Code. Existing Sections 3.8 and 3.9, entitled "Violations" and "Penalties," of Chapter 7.01 are renumbered as Sections 3.10 and 3.11.

Section 5. Creating Code. Section 5.18 of Chapter 7.01 (the Zoning Code) is created to read as follows:

“5.18 Commercial Corridor Overlay (CCO) District

a. Purpose. The Commercial Corridor Overlay (CCO) District is intended to foster compatible, aesthetically pleasing, and mutually beneficial development of commercial structures and properties within and along certain commercial areas within the Town, by requiring review and approval of architectural exterior lighting and landscaping plans for any new or modified structures or uses in the district.

b. Area. The CCO District shall consist of the area(s) indicated on the official Zoning Map of the Town of Sheboygan. [The “Initial CCO Commercial Corridor Overlay District Map,” dated February 1, 2008, which shall be used to update the Town’s official Zoning Map, is attached to this Ordinance as Exhibit A.]

c. Applicable Standards. The standards in Section 3.8 of this Zoning Code shall apply to any new, enlarged, altered, or modified structure, use, or development in the CCO District, to supplement and not replace the existing, underlying zoning regulations applicable to that area. However, should conflict or inconsistencies occur, the more restrictive regulation shall control.”

Section 6. **Amending Code**. Section 4.1, entitled “Districts,” of Chapter 7.01 (the Zoning Code) of the Town of Sheboygan Municipal Code is hereby amended to read as follows:

“4.1 Districts

The Town of Sheboygan contains the following zoning districts:

A-1	Agricultural District
C-1	Conservancy District
R-1	One Family Residence District
R-1/RS	Rural Standard District
R-1/RSUB	Rural Suburban District
R-1/RE	Rural Estate District
RRC	Rural Residential Cluster (RCC) Development District
R-2	One and Two Family Residence District
R-3	General Residence District
R-4	Multiple Family Residence and Office District
R-5	Residential Condominium District
R-6	Senior Housing District
B-1	Neighborhood Business District
B-2	General Business District
B-3	Highway Service District
B-4	Planned Business Park District
B-4A	Planned Business Park Office and Light Industrial District
I-1	Light Industrial District
I-2	Heavy Industrial District
M-1	Mineral Extraction District
OL Zone A	Overlay District Zone A
OL Zone B	Overlay District Zone B
CCO	Commercial Corridor Overlay District”

Section 7. **Severability**. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this

Ordinance shall not be affected.

Section 8. **Effective Date.** This Ordinance shall take effect upon passage and publication as required by law.

Enacted this 18th day of March 2008.

TOWN OF SHEBOYGAN by DANIEL W. HEIN, Chairperson

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 18th day of March 2008. Cathy Conrad, Deputy Clerk

TOWN OF SHEBOYGAN
CHAPTER 8
BUILDING CODES – Subsection 1
(Wisconsin Uniform Dwelling Code)

- 8.1.1 Authority
- 8.1.2 Purpose
- 8.1.3 Scope
- 8.1.4 Adoption of Wisconsin Uniform Dwelling Code
- 8.1.5 Building Inspector
- 8.1.6 Building Permit Required
- 8.1.7 Building Permit Fees
- 8.1.8 Penalties
- 8.1.9 Effective Date
- 8.1.10 Record Keeping

8.1.1 Authority. These regulations are adopted under the authority granted by Wis. Stat. § 101.65.

8.1.2 Purpose. The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

8.1.3 Scope. The scope of this ordinance includes the construction and inspection of one- and two- family dwellings built since June 1, 1980.

(1) Notwithstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of alterations and additions to one- and two- family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under Wis. Admin. Code §§ SPS 320.19 and 320.21, respectively, shall be decided by the Town Board of Appeals. Petitions for variance shall be decided per Wis. Admin. Code § SPS 320.19 (Intro.) so that equivalency is maintained to the intent of the rule being petitioned.

(2) Notwithstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of detached garages serving one- and two- family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the requirements of the Uniform Dwelling Code, other than for smoke alarms, carbon monoxide alarms and frost protection of footings, which shall be determined by the code official. Petitions for variance and appeals shall be handled by this municipality.

8.1.4 Wisconsin Uniform Dwelling Code Adopted.

- (1) The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, of the Wisconsin Administrative Code, including all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- (2) The Electrical Code, Ch. SPS 316, of the Wisconsin Administrative Code, including all amendments thereto, is adopted and incorporated by reference in its entirety.

8.1.5 Building Inspector. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Professional Credential Processing, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. In the alternative the Town Board may contract with independent contractors to provide the inspection services required by this chapter. For purposes of this chapter the term “building inspector” shall mean any individual or independent contractors authorized by the Town Board to administer and/or enforce all building regulations of the Town of Sheboygan.

8.1.6 Building Permit Required. If a person alters a building in excess of \$1,000.00 value in any twelve month period, adds onto a building in excess of \$1,000.00 in any twelve month period, or builds or installs a new building, within the scope of this ordinance, they shall first obtain a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits if over the forgoing thresholds. Restoration or repair of an installation to its previous code-complaint condition as determined by the building inspector is exempted from permit requirements. Re-siding, re-roofing (a separate roof permit is required for each address in a condominium or multi-family building), finishing of interior surfaces and installation of countertops and cabinetry shall be included and require permits if over the foregoing thresholds. Roof coverings – whenever twenty-five percent (25%) or less of the roof covering of a building is replaced in any twelve (12) month period, shall not need a roof permit

8.1.7 Building Permit Fee. The building permit fees shall be determined by resolution of the Town Board and shall include the applicable fee per Wis. Admin. Code Ch. SPS 302 to be forwarded to the Wisconsin Department of Safety & Professional Services for a UDC permit seal that shall be assigned to any new dwelling.

8.1.8 Penalties. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action.

Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.

8.1.9 Effective Date. This ordinance shall be effective upon passage and publication as provided by law.

8.1.10 Record Keeping. The building inspector(s) shall keep a log of all inspections completed.

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TOWN OF SHEBOYGAN
CHAPTER 8
BUILDING CODES – Subsection 2
(Wisconsin Commercial Building Codes)

- 8.2.1 Authority
- 8.2.2 Purpose
- 8.2.3 Adoption of Wisconsin Commercial Building Codes
- 8.2.4 Appointed Agent Responsibilities
- 8.2.5 Plan Review Process
- 8.2.6 Acceptance of DSPS Review
- 8.2.7 Optional Waiver of Plan Review Responsibility
- 8.2.8 Building Inspector
- 8.2.9 Building Permit Required
- 8.2.10 Building Permit Fees
- 8.2.11 Penalties
- 8.2.12 Effective Date

8.2.1 Authority. These regulations are adopted under the authority granted by Wis. Stat. § 101.12.

8.2.2 Purpose. The purpose of this ordinance is to promote the general health, safety and welfare by enforcing the adopted codes.

8.2.3 Adoption of Wisconsin Commercial Building Codes. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted in entirety for municipal enforcement by the building inspector and/or plans examiner, who shall be commercially certified by the WI Division of Industry Services.

Ch. SPS 302	Plan review fee schedules
Ch. SPS 316	Electrical
Chs. SPS 360-366	Wisconsin Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914 Code
Chs. SPS 381-387	Wisconsin Plumbing Code

8.2.4 Appointed Agent Responsibilities. The Division of Industry Services has granted the municipality the authority to conduct Commercial Building, HVAC, Fire Alarm System, Fire Suppression System, and Plumbing plan reviews and inspections for buildings of any size.

8.2.5 Plan Review Process.

(1) Building, HVAC, Fire Alarm, and Fire Suppression System plans shall be submitted and reviewed in accordance with the procedures detailed in Wis. Admin. Code Ch. SPS 361. Applicants for plan review shall submit the following directly to the Town of Sheboygan.

(a) Application form SBD-118;

- (b) Plan review fee per table SPS 302.31-2. Payment shall be made to the Town of Sheboygan; and
 - (c) Digital or hardcopy plans in accordance with Wis. Admin. Code Ch. SPS 361.
 - (2) Plumbing plans shall be submitted and reviewed in accordance with the procedures detailed in Wis. Admin. Code Ch. SPS 382. Applicants for plan review shall submit the following directly to the Town of Sheboygan.
 - (a) Application form SBD-6154;
 - (b) Plan review fee per SPS 302.64. Payment shall be made to the Town of Sheboygan; and
 - (c) Digital or hardcopy plans in accordance with Wis. Admin. Code SPS Table 382.20-2.
- 8.2.6 Acceptance of DSPS Review. The Town will continue to accept any plan reviews conducted by the Division of Industry Services if applicants are unaware of the municipality's ability to conduct such plan reviews or choose to send their projects to the Division of Industry Services for review.
- 8.2.7 Optional Waiver of Plan Review Responsibility. The Town may choose for any reason to waive their plan review responsibilities and require a building or building component be reviewed by the Division of Industry Services.
- 8.2.8 Building Inspector. The building inspector or any independent contractors that are authorized by the Town Board to enforce the adopted codes and responsibilities shall be properly certified by the Division of Industry Services.
- 8.2.9 Building Permit Required. No person shall build or cause to be built any new public building or alter a public building without first submitting plans and specifications to the building inspector and obtaining a building permit for such building.
- 8.2.10 Building Permit Fee. Building permit fees shall be determined by resolution of the Town Board.
- 8.2.11 Penalties. Enforcement of this section shall be by means of withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.
- 8.2.12 Effective Date. This ordinance shall be effective upon passage and publication as provided by law.

5.8 B-1 Neighborhood Business District

No building or use shall hereafter be established or enlarged within the B-1 Neighborhood Business District unless it conforms to the following regulations:

a. Permitted Uses.

- (1) Business and professional offices.
- (2) Drug stores.
- (3) Food Stores.
- (4) Existing residences.

b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

c. Lot Size Requirements.

- (1) On-site sewage disposal systems:
 - (a) Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (b) Minimum lot width: Eighty feet (80').
- (2) With municipal sewers:
 - (a) Minimum lot area: 20,000 square feet.
 - (b) Minimum lot width: Eighty feet (80').

d. Building Bulk Limitations.

- (1) A front yard not less than thirty feet (30').
- (2) A side yard on each side of the lot not less than fifteen feet (15').
- (3) A rear yard not less than fifty feet (50').
- (4) Maximum building height: Thirty-five feet (35').
- (5) Transitional yards:
 - (a) where a side lot coincides with a side or rear lot line in an adjacent residential district, then a side yard shall be provided along such side lot line that is equal in width to the minimum side yard which would be required by this Ordinance for residential use on the adjacent residential lot.
 - (b) where a rear lot line coincides with a side lot line in an adjacent residential district, then a yard shall be provided along such rear lot line that is equal in dimension to the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.
 - (c) where a rear lot coincides with a rear lot in an adjacent residence district, then a yard shall be provided along such rear lot line that is not less than twenty feet (20') in depth.
 - (d) where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residence district, then a yard equal in depth to the minimum front yard required by this Ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least twenty feet (20'), including the width of any intervening alley.

e. Standards. All buildings, structures, and uses hereafter established or enlarged in the B-1 Neighborhood Business District shall comply with the following conditions and restrictions:

- (1) No new residential buildings shall be constructed in the B-1 Neighborhood 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-4 General Residence District.
- (2) 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.
- (3) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
- (4) No business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.
- (5) 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.

5.9 B-2 General Business District

No building or use shall hereafter be established or enlarged within the B-2 General Business District unless it conforms to the following regulations:

- a. Permitted Uses. Any use permitted in B-1 District.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (2) Minimum lot width: Eighty feet (80').
- d. Building Bulk Limitations.
 - (1) A front yard not less than twenty-five feet (25').
 - (2) A side yard on each side of the lot not less than fifteen feet (15').
 - (3) Rear yard not less than thirty feet (30').
 - (4) Maximum building height: Thirty-five feet (35').
 - (5) No side yards are required for shopping centers, except when adjacent to a residential zone, then a twenty-five foot (25') side yard on each side of the shopping center shall be provided.
- e. Standards. All buildings, structures, and uses hereafter established, altered, or enlarged in the B-2 General Business District shall comply with the following conditions and restrictions:
 - (1) No buildings shall be used for residential purposes, except for the use of the owner or operator of the premises, except that accommodation may be offered to the transient public by motels or hotels, and except that existing dwelling units located above a permitted use on the first or ground floor of a building may be continued.
 - (2) 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.
 - (3) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
 - (4) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
 - (5) No business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles; however, drive-in banking facilities may be permitted as a conditional use.

5.10 B-3 Highway Service District

No building or use shall hereafter be established or enlarged within the B-3 Highway District unless it conforms to the following regulations:

- a. Permitted Uses. None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 6.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (2) Minimum lot width: 200 feet.
- d. Building Bulk Limitations.
 - (1) A front yard not less than thirty feet (30').
 - (2) A side yard on each side of the lot not less than fifteen feet (15').
 - (3) A rear yard not less than thirty feet (30').
 - (4) Maximum building height: Thirty-five feet (35').
 - (5) Maximum lot coverage: Forty percent (40%).
- e. Standards. All buildings, structures, and uses hereafter established, altered, in the B-3 Highway Service District shall comply with the following conditions and restrictions:
 - (1) No building shall be used for residential purposes, except for the use of the owner or operator of the premises, except that accommodation may be offered to the transient public by motels or hotels, and except that existing dwelling units located above a permitted business use on the first or ground floor of a building may be continued.
 - (2) All outdoor storage, except the storage of automobiles and other motor vehicles in operating condition, and off-street parking and loading spaces, shall be enclosed by a decorative solid fence not less than five nor more than eight feet in height. Off-street parking and loading spaces and the storage of automobiles and other motor vehicles in operating condition shall be so enclosed when such use abuts on a residence district at a side or rear lot line or is separated from a residence district only by an alley.
 - (3) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold on the premises where produced.
 - (4) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residence district or upon any public street or park.

5.11 B-4 Planned Business Park District

No building or use shall hereafter be established or enlarged within the B-4 Planned Business Park unless it conforms to the following regulations:

a. Permitted Uses.

- (1) B-4A Planned Business Park Office and Light Industrial: Business offices.
- (2) B-4C Planned Business Park Commercial: Business offices.
- (3) B-4G Planned Business Park Governmental: Governmental and cultural uses, such as fire and police stations, community centers, libraries, parks, playgrounds, and museums.

b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

c. Lot Size Requirements. Minimum lot width: 200 feet.

d. Building Bulk Limitations.

- (1) Maximum building height: Thirty-five feet (35').
- (2) Maximum lot coverage: Forty percent (40%).

e. Nuisance Restrictions. No operation, process, or other use or activity on said property shall produce noise, light, odors, smoke, vibrations, heat, industrial waste, or other external nuisances in excess of the limits defined in the Town Code.

f. Special Use. Any activity causing or resulting in electro-mechanical or electro-magnetic disturbance or radiation shall require a written application to and the approval by the Town.

g. Intent of District Restriction and Use. The use in this district is intended to provide for clean and quiet light manufacturing and office business uses creating low density traffic.

h. Setbacks from Property Lines.

(1) Front Yard Setback. No part or portion of any building shall be erected, constructed, or extended nearer than thirty feet (30') to the front lot line of any parcel. Parking or storage of automobiles or other vehicles, materials, products, or equipment shall be prohibited within this thirty foot (30') setback area. The thirty foot (30') setback shall be entirely graded and sodded or seeded between side lot lines and from the road shoulder to the building face in a manner that will produce and planting beds for flowers, groundcover, shrubs, trees, or combinations thereof. All driveways shall be surfaced with hot-mixed asphalt concrete or portland cement concrete from the Town street surface to the front building face. All walks shall be of portland cement concrete. All such landscaping, drives, and walks shall be completed within one (1) year of the time construction of the principal building has been completed.

(2) Side Yard Setback. No part or portion of any building shall be erected, constructed, or extended nearer than twenty-five feet (25') to any interior lot line of any parcel within the Business Center. The use and treatment of all side yard areas shall be in accordance with the provisions of Paragraph h (1) above. Parking, material storage, loading docks, and vehicular circulation shall be

(3) prohibited within this twenty-five foot (25') setback.

Rear Yard Setback. No part or portion of any building shall be erected, constructed, or extended nearer than twenty-five feet (25') to any rear lot line. Those lots abutting a residential zoning district shall have a fifty foot (50') rear yard setback.

- i. Construction Materials. All buildings or structures shall be designed using not more than three exterior wall facing materials (not including glass and trim) for all elevations. Exterior gutter and down spout roof drainage systems will be permitted only on sides and backs of buildings.
Facade treatments must be compatible with Park Center standards and aesthetically appropriate. All designs must be submitted to the Town for review and approval by the Park Commission in conformance with B-4 zoning designation for the Park.
- j. Easements Required. Easements for utilities shall be provided as follows:
- (1) Front Yard. A fifteen foot (15') easement adjacent to the roadway shall be provided in the front yard setback.
 - (2) Rear and Side Yard. A fifteen foot (15') setback shall be provided on the rear lot line and/or eight feet (8') along the side yard as directed by the Town.
- k. Highway Access. No direct access to State Trunk or County Highways shall be allowed. All ingress and egress shall be made to interior Park roads.
- l. Sewer Required. All structures must be served by municipal sewer.

2.3 Agriculture

The use of a tract of land of not less than thirty-five (35) acres for growing crops in the open, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry (but expressly prohibiting the feeding of garbage to any animal or poultry), and necessary accessory uses; the feeding (other than grazing in open pasture) or sheltering in penned enclosures of animals or poultry within 100 feet of any lot line.

5.1 A-1 Agricultural District

No building or use shall hereafter be established or enlarged within the A-1 Agricultural District unless it conforms to the following regulations:

- a. Purpose. All agricultural land in the Township's considered transitional and the primary purposes of the A-1 District are to (1) provide for the orderly transition of agricultural land into other uses in area planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) 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.
- b. Permitted Uses.
 - (1) Agricultural and agricultural storage as defined in this Ordinance.
 - (2) One (1) single or two-family dwelling.
 - (3) Public and private schools, colleges, and universities.
- c. Permitted Uses If Under Thirty-five (35) Acres. If at any time the minimum lot area of A-1 zoned land is less than thirty-five (35) acres, no new structure shall be constructed, except single family dwellings.
- d. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- e. Lot Size Requirements.
 - (1) Minimum lot area: Farm Size – thirty-five (35) acres.
 - (2) Minimum lot width: 100 feet.
- f. Building Bulk Limitations.
 - (1) Farm Dwelling:
 - (a) A front yard of not less than thirty feet (30').
 - (b) A side yard on each side of the lot not less than fifteen feet (15').
 - (c) A rear yard of not less than fifty feet (50').
 - (d) Maximum dwelling height:
 - (i) Farm dwelling - thirty-five feet (35').
 - (ii) Other structures - two (2) times distance from the nearest lot lines with a maximum of sixty feet (60').
 - (2) Other Structures:
 - (a) Rear - Minimum 100 feet.
 - (b) Side - Minimum twenty feet (20') if structure is not to be used for the housing of animals; 100 feet if structure is to be used for the housing of animals.
 - (c) Street - See Section 5.1, f., (1)(a).
- g. Existing Substandard Lots. No accessory farm structures may be erected on any substandard lot or parcel of record in the County Register of Deeds Office before the effective date of this Ordinance without obtaining a conditional use permit for same.
- h. Building Coverage and Construction Specifications.
 - (1) All farm dwellings hereafter constructed or erected shall conform to the following
 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwelling shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

d. Agricultural Uses in R-2, R-3 and R-4, except as follows:

- (1) No building or enclosure in which farm animals and poultry are kept shall be nearer than 100 feet to any adjoining property line.
- (2) No storage of manure, odor, or dust producing substances or use shall be permitted within 100 feet of any adjoining property line.
- (3) No swine, fur farms or fee lots shall be allowed.
- (4) No sale of products shall be allowed from any roadside stands.
- (5) All animals and poultry, except household pets, shall be kept within a structure or other enclosure. See Section 6.18 for keeping horses.
- (6) Any other conditions deemed necessary to carry out the intent of this Ordinance.

5.18 CCO Commercial Corridor Overlay District

a. Purpose. The Commercial Corridor Overlay (CCO) District is intended to foster compatible, aesthetically pleasing, and mutually beneficial development of commercial structures and properties within and along certain commercial areas within the Town, by requiring review and approval of architectural exterior lighting and landscaping plans for any new or modified structures or uses in the district.

b. Area. The CCO District shall consist of the area(s) indicated on the official Zoning Map of the Town of Sheboygan.

c. Applicable Standards. The standards in Section 3.8 of this Zoning Code shall apply to any new, enlarged, altered, or modified structure, use or development in the CCO District, to supplement and not replace the existing, underlying zoning regulations applicable to that area. However, should conflict or inconsistencies occur, the more restrictive regulation shall control.

6.19 COMMUNICATION TOWERS AND ANTENNAS

- a. Applicability. This section applies to all "communication towers" and "antennas" as defined in Section 2 of this Zoning Ordinance, except for:
- (1) Any device that does not exceed thirty-five feet (35') in height 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 feet (70') 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 parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article 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 article, 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 to 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 artificially lighted, 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 6 feet above the ground on a placard no larger than 1-1/2 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 administrative agency of the State of Wisconsin with jurisdiction.

h. Setbacks. All alternative tower structures, communication towers, and antennas shall be set back from residential dwellings one foot for each foot of overall structure height including antennas, provided that this one-to-one setback requirement may be increased or decreased on a site-by-site basis by the governing authority in its sole discretion.

i. Conditional Use Permits. All antennas and communication towers subject to this section shall require a Conditional Use Permit. Applications for Conditional Use Permits shall be made in accordance with all other requirements of the Zoning Ordinance and with the following:

- (1) Factors. The governing authority shall consider the following factors in determining whether to issue a Conditional Use Permit, although the governing authority may waive or

reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

- (a) Height of the proposed tower;
 - (b) Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
 - (c) Proximity of the tower to residential structures and residential district boundaries within 1000 feet of the tower;
 - (d) List of nature of uses on all adjacent parcels and all other parcels within 1000 feet of the tower;
 - (e) Surrounding topography within 1000 feet of the tower;
 - (f) Surrounding tree coverage and foliage within 500 feet of the tower;
 - (g) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (h) Proposed ingress and egress;
 - (i) Availability of suitable existing towers and other structures as discussed below.
- (2) Availability of Existing Towers or Structures. No new tower shall be permitted unless the applicant demonstrates to the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
 - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

- (3) Landscaping. The governing authority shall require towers and their appurtenant structures to be surrounded by appropriate landscaping designed to minimize the visual impact of the towers and structures. Appropriate landscaping plans shall be determined after consideration of the surrounding topography, existing trees and shrubs, and visibility of the tower and structures from nearby parcels. Standard minimum landscaping requirements shall consist of a buffer strip at least four feet (4') in width surrounding the tower and structures that is planted with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view from nearby parcels. The governing authority may impose greater requirements or may reduce these requirements for a particular site.
- 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 or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- k. Special Assessments. Pursuant to the Town's police power and pursuant to authority granted by Wis. Stat. § 66.0703, any costs incurred by the governing authority in ensuring compliance with the Conditional Use Permit or with any other requirement of this Section shall be billed to the Conditional Use Permit holder, and to the current titleholder of the land if different from the Permit holder. Any amounts not paid within thirty (30) days of billing shall accrue interest at one and one-half percent (1.5%) per month compounded monthly. Any amounts not paid within ninety (90) days of billing shall be entered on the tax assessment roll as a special assessment for the parcel(s) upon which the tower and/or antenna are located.

6.10 Conditional Uses in A-1 Agricultural District

The following uses shall be conditional uses and may be permitted in the Agricultural District.

- a. Airports and airstrips.
- b. Auditoriums, stadiums, arenas, armories or gymnasiums.
- c. Cemeteries.
- d. Churches, temples, and other places of worship.
- e. Dog kennels, dog day care facilities, dog grooming facilities and stables.¹
- f. Drive-in theaters, provided that a planting screen at least twenty-five feet (25') wide is created along any side abutting a residential district and no access is permitted to or within one thousand (1,000) feet of any arterial street.
- g. Golf courses, including club houses located thereon, excluding miniature golf courses.
- h. Governmental and cultural uses, such as fire and police stations, community centers, libraries, parks, playgrounds, museums.
- i. Greenhouses and garden centers.
- j. Hatcheries.
- k. Hospital, sanitariums, nursing homes.
- l. Other compatible uses that may be interpreted by the Park Commission as generally understood to be an "agricultural/agriculturally related use."
- m. Propagation, boarding or butchering of animals, processing of meat products, packing plants, tanning and curing of raw hides.
- n. Public utilities engaged in the sale and delivery of gas, water, and telephone service, including equipment and facilities required for their distribution, regulation, and metering of such utilities in any district.
- o. Radio and TV towers.
- p. Recreation camps and parks.
- q. Sanitary landfill.

- r. Storage of any kind, except that storage shall not include the accumulation of motor vehicles for salvage or otherwise or junk of any type.

6.11 Conditional Uses in C-1 Conservancy District

The following uses may be conditionally permitted, except that issuance of a "Conditional Use Shoreland Zoning Permit" (pursuant to the SHORELAND-FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN) and/or Department of Natural Resources permits (pursuant to Wis. Stat. §§ 30.11, 30.12, 30.19, 30.195, and 31.05) may be required:

- a. Stream bank and shore protection and preservation.
- b. Piers and docks.
- c. Removal of peat or topsoil.
- d. Special crop farming.
- e. Utilities such as telephone, telegraph, gas lines, and transmission lines.
- f. Nonresidential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animals or crops.

6.12 Conditional Uses in -R- Residence Districts

The following uses shall be conditional uses and may be permitted in the R-Residence Districts:

- a. In R-1 and R-2 Residence Districts:
 - (1) Fire stations (satellite).
 - (2) Public Utilities.
 - (3) Dog grooming facilities²
- b. In R-3 Residence District:
 - (1) Multiple family dwellings containing no more than twelve (12) dwelling units.
 - (2) Professional offices. (No professional office building shall contain more than 3,000 square feet of floor area.)
- c. In R-4 Residence District:
 - (1) Hotels and motels.
 - (2) Governmental buildings, excluding incinerators and tool houses.

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- (3) Multiple family dwellings.
 - (4) Private clubs and fraternal organizations.
 - (5) Colleges and universities.
- d. Agricultural Uses in R-2, R-3 and R-4, except as follows:
- (1) No building or enclosure in which farm animals and poultry are kept shall be nearer than 100 feet to any adjoining property line.
 - (2) No storage of manure, odor, or dust producing substances or use shall be permitted within 100 feet of any adjoining property line.
 - (3) No swine, fur farms or fee lots shall be allowed.
 - (4) No sale of products shall be allowed from any roadside stands.
 - (5) All animals and poultry, except household pets, shall be kept within a structure or other enclosure. See Section 6.18 for keeping horses.
 - (6) Any other conditions deemed necessary to carry out the intent of this Ordinance.
- e. Hospitals, sanitariums, nursing homes, and homes for the aged in R-2, R-3 and R-4, subject to the following:
- (1) The proposed site and site development does not in any way tend to prevent the use of adjacent land for permitted principal uses of the district.
 - (2) Side and rear yards shall be screened from adjacent uses with in R-2 district through the use of planting, landscaping, or decorative fencing.
 - (3) The site shall be easily accessible through the use of adjacent streets without causing a substantial increase in traffic on streets intended and designed only for local residential traffic.
 - (4) Off street parking for all staff employees, patients, and visitors must be provided.
- f. Governmental and cultural uses, such as fire and police stations, community centers, libraries, parks, playgrounds, museums in R-2, R-3, R-4 and R-5.
- g. Auditoriums, stadiums, arenas, armories, or gymnasiums in R-3 and R-4.
- h. Manufactured homes in the R-4 district subject to the following conditions:³
- (1) Manufactured Home Communities.

- (a) A manufactured home community shall be located on a well-drained site consisting of at least ten (10) acres, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Community or municipal sewer and water facilities must be provided directly to each manufactured home space.
- (c) Each manufactured home community shall provide manufactured home spaces and each such space shall be clearly defined and delineated. Each space shall have an area of not less than 2,000 square feet and a width of not less than thirty feet (30'). The average size of all manufactured home spaces in a manufactured home community shall not be less than 3,000 square feet, and the average width of all such spaces in a manufactured home community shall not be less than forty feet (40').
- (d) Manufactured homes shall be located so that there is at least a twenty-five foot (25') clearance between manufactured homes; provided, however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance may not be less than fifteen feet (15').
- (e) No manufactured home shall be located closer than forty feet (40') from any community building, including any washroom, toilet, or laundry facilities within a manufactured home community or from any property line of a manufactured home community.
- (f) Each manufactured home community shall devote at least twenty-five percent (25%) of its total area to open space provided for the recreational uses and enjoyment of the occupants of a manufactured home community.
- (g) All manufactured home spaces shall abut upon a paved driveway of not less than twenty feet (20') in width, which shall have unobstructed access to a public street, alley, or highway.
- (h) No manufactured home shall be located less than 100 feet from any property line or county trunk or Town highway and wherever a manufactured home community abuts upon any property outside a manufactured home community that is classified for residential uses (except property used for non-residential uses or for a manufactured home community), then no manufactured home shall be placed closer than 200 feet from such boundary. The 200 foot setback required by this subsection shall be planted and landscaped so as to screen a manufactured home community from the abutting property.
- (i) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residence district or upon any public street or park.
- (j) In all other respects, manufactured home communities shall comply with all of the applicable statutes of the State of Wisconsin, and all applicable regulations of all departments, commissions, and agencies of the State of Wisconsin.

- (k) Screening shall be utilized on all sides of a manufactured home community. Consideration shall be given to topography, large trees, vegetation, site design, and land uses in the evaluation of the extent of required screening. Whenever screening is required, either a durable masonry wall, fence or berm, natural planting and landscaping, designed to be compatible with the character of adjoining properties, shall be provided. Walls and fences shall be at least five feet (5') in height, but not greater than six feet (6') in height, measured from the ground along the common lot line of adjoining properties. Hedges or comparable natural plantings shall be planted at an initial height of at least three feet (3') and shall be of such variety that an average height of at least six feet (6') could be expected within no later than two (2) years from the time of planting.
- (l) For each manufactured home there shall be constructed a permanent patio located adjacent to or attached to the manufactured home stand, and such patio shall be of the following characteristics:
- (i) Each patio shall be at least 180 square feet in area.
 - (ii) East patio shall have sufficient gradient to facilitate adequate drainage away from the manufactured home stand.
 - (iii) Each patio shall have a graded and compacted base and shall be Portland cement concrete or masonry construction.
- (m) A walkway shall be constructed for each manufactured home space and shall connect the parking bay and the patio where parking is provided for on the manufactured home space, and shall connect the patio and the drive where community parking areas are provided.
- (n) Parking areas for mobile vehicles shall be provided at a ration of two (2) parking spaces for each manufactured home living unit. Parking may be provided on the manufactured home space or in community bays. Each parking space shall be at least 180 square feet in area, have a minimum width of eight and one-half feet (8-1/2'), and shall be surfaced with at least four inches (4") of compacted crushed stone.
- (2) Manufactured Home Subdivision. A Manufactured Home Subdivision may be created by converting a Manufactured Home Community to a Manufactured Home Subdivision. A Manufactured Home Subdivision is a parcel of land to be divided into three (3) or more lots for the purpose of siting thereon three (3) or more manufactured homes to be used as single-family residences on said lots that may be owned by the manufactured home owner. Manufactured home communities (as set forth in Section h.,(1), may be converted to a Manufactured Home Subdivision subject to the following conditions, provided, however, these conditions shall be superceded by variances, approvals, development agreements, permits, and agreements that have been granted, issued, or entered into for the existing Manufactured Home Community:

- (a) A Manufactured Home Subdivision shall be located on a well-drained site consisting of at least ten (10) acres, property graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Community or municipal sewer and water facilities must be provided directly to each lot.
- (c) Each Manufactured Home Subdivision shall provide lots that are platted in accordance with Section _____ of the Town of Sheboygan Ordinances. Each lot shall have an area of not less than 2,000 square feet and a width of not less than thirty feet (30'). The average size of all Manufactured Home Subdivision lots shall not be less than 3,000 square feet, and the average width of all such spaces in a Manufactured Home Subdivision shall not be less than forty feet (40').
- (d) There shall be no more than one (1) dwelling unit on each lot.
- (e) Manufactured homes shall be located so that there is at least a twenty-five foot (25') clearance between manufactured homes; provided, however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance may not be less than fifteen feet (15').
- (f) No manufactured home shall be located closer than forty feet (40') from any subdivision community building, including any washroom, toilet, or laundry facilities within a Manufactured Home Subdivision.
- (g) Each Manufactured Home Subdivision shall devote at least twenty-five percent (25%) of its total area to open space provided for the recreational uses and enjoyment of the occupants of a Manufactured Home Subdivision.
- (h) All lots shall abut upon a paved driveway of not less than twenty feet (20') in width, which shall have unobstructed access to a public street, alley, or highway.
- (i) No manufactured home shall be located less than 100 feet from any county trunk or Town highway and wherever a Manufactured Home Subdivision abuts upon any property outside a Manufactured Home Subdivision that is classified for residential uses (except property used for non-residential uses or fora Manufactured Home Subdivision), then no manufactured home shall be placed closer than 100 feet from such boundary. The 100 foot setback required by this subsection shall be planted and landscaped so as to screen a Manufactured Home Subdivision from the abutting property.
- (j) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residence district or upon any public street or park.
- (k) In all other respects, Manufactured Home Subdivisions shall comply with all of the applicable statutes of the State of Wisconsin and all applicable regulations of all departments, commission, and agencies of the State of Wisconsin.

- (l) Screening shall be utilized on all sides of a Manufactured Home Subdivision. Consideration shall be given to topography, large trees, vegetation, site design, and land uses in the evaluation of the extent of required screening. Whenever screening is required, either a durable masonry wall, fence, or berm, natural planting and landscaping, designed to be compatible with the character of properties adjoining a Manufactured Home Subdivision, shall be provided. Walls and fences shall be at least five feet (5') in height, but not greater than six feet (6') in height, measured from the ground along the common lot line of properties adjoining a Manufactured Home Subdivision. Hedges or comparable natural plantings shall be planted at an initial height of at least three feet (3') and shall be of such variety that an average height of at least six feet (6') could be expected within no later than two (2) years from the time of planting.
 - (m) A walkway shall be constructed for each lot and shall connect the parking bay and the patio where parking is provided for on the lot.
 - (n) Parking areas for mobile vehicles shall be provided at a ratio of two (2) parking spaces for each manufactured home living unit. Parking shall be provided on each lot. Each parking space shall be at least 180 square feet in area, have a minimum width of eight and one-half feet (8-1/2'), and shall be surfaced with at least four inches (4") of compacted crushed stone.
- i. Planned Residential Developments, such as cluster developments, in the R-3 Residential District and garden apartments, row housing, and group housing in the R-4 Residential District.
- The ^{Plan} ~~Park~~ Commission may disapprove, recommend the development as submitted, or may modify, alter, adjust, or amend the plan before recommendation, and in recommendation it may prescribe other conditions as provided in this section.
- 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.
- Character, identity, and architectural and siting variation incorporated in a development may include (but are not limited to) the following:
- (1) Landscaping.
 - (a) Street scape.
 - (b) Open spaces and plazas.
 - (c) Use of existing landscape.
 - (d) Pedestrian way treatment.
 - (e) Recreational areas.

- (2) 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 (cluster, etc.).

- (3) Design Features.
 - (a) Street sections.
 - (b) Architectural styles.
 - (c) Harmonious use of materials.
 - (d) Parking areas broken by landscape features.
 - (e) Varied use of house types:
 - (i) Town house
 - (ii) Attached
 - (iii) Maisonette
 - (iv) Terrace
 - (v) Tower

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 the 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.

The following provision shall be complied with:

<u>Development</u>		Minimum ten (10) acres.
<u>Lot</u>	Area	Minimum of 2/3 of the minimum lot area for the district in which located. Minimum 3,000 square feet for row houses.
	Width	Minimum of 2/3 of the minimum lot width for the district in which located. Minimum twenty feet (20') for row houses.
<u>Building</u>	Area	Minimum building area for the district in which located.
	Height	Maximum of thirty-five feet (35').
	Rooms	All living rooms shall have windows opening onto a yard.
<u>Yards</u>	Street	Minimum twenty feet (20').
	Rear	Minimum fifty feet (50').
	Side	Minimum twenty feet (20') from street rights-of-way, exterior property lines of the development, and other buildings.

The development as authorized shall be subject to all conditions so imposed, and shall be excepted from other provisions of this Ordinance only to the extent specified in the authorization.

The report of the ^{Plan} Park Commission to the Building Inspector shall be in writing and shall include a finding as to whether the proposed development is consistent with the Comprehensive Plan of the Town.

- a. The proposed residential development must be designated to produce a stable and desirable environment not out of harmony with the surrounding neighborhoods, and must provide standards of open space and parking adequate for the occupancy proposed. It must include provisions for open space to meet the needs of the anticipated population, or as specified in the Comprehensive Plan of the Town of Sheboygan.
- b. The conditional use of this category may contain a professional or limited commercial use as an integral part of a residential development, but such uses shall be planned primarily for the service and convenience of the residents of the planned residential development, and shall be authorized only to the extent that such uses are not available to the residents in reasonable proximity.
- c. The ^{Plan} Park Commission may approve the plan if it finds that:
 - (1) The proposed uses will not be detrimental to present and potential uses in the area surrounding the proposed district.

- (2) Existing and future highways are suitable and adequate to carry anticipated traffic associated with the proposed district.
 - (3) Existing and future utilities are or will be adequate for the proposed development.
 - (4) The development plan complies with the requirements of this Ordinance.
- d. The permit, when authorized, shall be for a term of two (2) years from the date of issue. At the end of two (2) years, the Plan Commission shall review the progress of the planned residential development and upon finding that development is in substantial accord with the permit, shall authorize a renewal of the permit for an additional period of its own determination. Upon a finding that there had not been substantial, authorized development within the area, the Plan Commission may refuse to renew the permit, except when the developer shows good cause for such failures. The planned residential development may be amended when authorized at the discretion of the Town Plan Commission.

6.13 Conditional Uses in -B- Business Districts

The following uses shall be conditional uses and may be permitted in the B-Business Districts:

- a. B-1 District.
 - (1) Apartments and general residential use incidental to main purpose of building in B-1.
 - (2) Self-service laundries and dry cleaning establishments and pick up stations in B-1.
 - (3) Packaged beverage stores and personal service establishments.
 - (4) Dog day care and dog grooming facilities.⁴
- b. B-2 District.
 - (1) Any use permitted in B-1 District.
 - (2) All types of otherwise lawful retail sales and services.
 - (3) Garden centers and greenhouses.
 - (4) Taverns and cocktail lounges.
 - (5) Restaurants.
 - (6) Theaters, not including outdoor drive-in theaters.
 - (7) Bowling alleys.
 - (8) Laundry and dry cleaning establishments.

- (9) Radio and television repair shops.
- (10) Banks, savings and loan, and credit union establishments, including drive-in banking facilities.⁵
- (11) Radio and television broadcasting stations, excluding towers and relay equipment.
- (12) Wholesale establishments confined to indoor storage.
- (13) Indoor storage and warehouses.
- (14) General retail merchandise and food stores.
- (15) Public passenger transportation terminals.
- (16) Motels, hotels, and tourist courts in the B-2 and B-3 Districts.
- (17) Mobile home and trailer sales and rental in B-2 and B-3, but not including the use of any mobile home as a residence.

c. B-3 District.

- (1) Drug stores.
- (2) Food stores.
- (3) Gift and souvenir shops.
- (4) Restaurants.
- (5) Taverns and Cocktail lounges.
- (6) Parking.
- (7) Self-service laundries and dry cleaning establishments.

d. B-4A District. (Planned Business Park Office and Light Industrial)

- (1) Banks, savings and loan establishments, except drive-in banking facilities.
- (2) Radio and television broadcasting stations, excluding tower and relay equipment.
- (3) Wholesale establishments confined to indoor storage.
- (4) Indoor storage and warehouses.
- (5) Private clubs and fraternal organizations.

-
- (6) Motels and hotels.
 - (7) Contractor's and construction offices, and shops.
 - (8) Machine shops and metal products manufacturing and tool and die shops, provided they do not include drop forges or riveting machines.
 - (9) Manufacturing and/or assembling products from substances such as wood, cork, glass, leather, fur, plastic, felt, and other textiles.
 - (10) Manufacturing of electronic products and components.
 - (11) Printing and binding plants.
 - (12) Radio and television broadcasting stations and electronic equipment.
 - (13) Research laboratories.
 - (14) Business service establishments.
 - (15) Personal services.
 - (16) Packing and packaging plants.
 - (17) Public passenger transportation terminals.
 - (18) Indoor storage and warehouses.
- e. B-4C Districts. (Planned Business Park Commercial)
- (1) Automobile service stations, automobile laundries, automobile repair stations and garages, automobile sales and rentals.
 - (2) Restaurants and drive-in restaurants serving food or beverages for consumption outside the structure and on the premises.
 - (3) Mortuaries and funeral parlors, but not including crematoriums.
 - (4) Planned shopping center developments.
 - (5) Drive-in banking facilities maintained in conjunction with a bank or financing institution.
 - (6) Hotels and motels.
 - (7) Private clubs and fraternal organizations.
- f. In All B-4 Districts.
- (1) Public utilities engage in the sale and delivery of gas, water, and telephone service, including equipment and facilities required for their distribution, regulation, and metering of such utilities.

- (2) No building shall be used for residential purposes, except that accommodation may be offered to the transient public by motels or hotels.
 - (3) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
 - (4) No business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles, except under District B4-C and after obtaining a conditional use permit.
- g. Multi-Use Zoning. Planned Business Park District may be zoned for multi uses, which shall be designated by scaled map designating the specific uses as listed in this section.

6.14 Conditional Uses in I-1 Industrial Districts

The following uses shall be conditional uses and may be permitted in I-1 and 2 Industrial Districts:

- a. Incinerators, tool houses and sewage treatment plants.
- b. Sand, gravel, and mineral extraction. Sand, gravel, and mineral extractions including washing, crushing, and other processing:
 - (1) The application for the conditional use permit shall include: adequate description of the operations; a list of equipment, machinery, and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet (5'); trees; proposed and existing access roads; the depth of all existing and proposed excavations; and a restoration plan.
 - (2) The Restoration Plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration, commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Engineer, and the form and type of such sureties shall be approved by the Town attorney.
 - (3) The Conditional Use Permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period not to exceed two (2) years. Modifications or additional conditions may be imposed upon application for renewal.
 - (4) The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality, and shall also consider the practicality of the proposed restoration of the site.
- c. Public passenger transportation and terminals, radio and television towers.

- (2) No building shall be used for residential purposes, except that accommodation may be offered to the transient public by motels or hotels.
 - (3) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
 - (4) No business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles, except under District B4-C and after obtaining a conditional use permit.
- g. Multi-Use Zoning. Planned Business Park District may be zoned for multi uses, which shall be designated by scaled map designating the specific uses as listed in this section.

6.14 Conditional Uses in -I- Industrial Districts

The following uses shall be conditional uses and may be permitted in I-1 and 2 Industrial Districts:

- a. Incinerators, tool houses and sewage treatment plants.
- b. Sand, gravel, and mineral extraction. Sand, gravel, and mineral extractions including washing, crushing, and other processing:
 - (1) The application for the conditional use permit shall include: adequate description of the operations; a list of equipment, machinery, and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet (5'); trees; proposed and existing access roads; the depth of all existing and proposed excavations; and a restoration plan.
 - (2) The Restoration Plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration, commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Engineer, and the form and type of such sureties shall be approved by the Town attorney.
 - (3) The Conditional Use Permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period not to exceed two (2) years. Modifications or additional conditions may be imposed upon application for renewal.
 - (4) The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality, and shall also consider the practicality of the proposed restoration of the site.
- c. Public passenger transportation and terminals, radio and television towers.

- d. Crematoriums.
- e. Dumps and disposal areas:
 - (1) That they are properly licensed or are fully qualified for licensing under state statute and Town ordinance.
 - (2) The Town *Plan* Commission 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.
- f. Automobile wrecking and junk yards provided as follows:
 - (1) They are enclosed around the entire perimeter by a solid fence of heights sufficient to effectively screen the scrap material.
 - (2) That said fence shall be located at least 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.
 - (3) That they are properly licensed or are fully qualified for licensing under state statute and Town ordinance.
 - (4) The Town *Plan* Commission may recommend and prescribe other conditions as to access roads, landscaping, sun and wind orientation, pedestrian way treatment, and parking facilities.
- g. Building material sales and storage.
- h. Business offices.
- i. Contractors' and construction offices, shops and yards.
- j. Machinery sales.
- k. Machine shops and metal products manufacturing and tool and die shops, provided they do not include drop forges or riveting machines.
- l. Manufacturing and/or assembling products from substances such as wood, cork, glass, leather, fur, plastic, felt, and other textiles.
- m. Manufacturing of electronic products and components.
- n. Printing and binding plants.
- o. Radio and television broadcasting stations and electric equipment.
- p. Research laboratories.
- q. Warehouses and storage yards, not including scrap or junk yards.

- r. Wholesale outlets.
- s. Beverage and bottling works, canning or preserving factories, and food product plants, except those uses specified in Section 6.14 as Conditional Uses in I-2 Industrial District.

6.15 Conditional Uses in I-2 Industrial District

The following uses shall be conditional uses and may be permitted in I-2 Industrial District only:

- a. Refining or manufacturing of petroleum or petroleum products, fuel storage such as coal yards.
- b. Foundries, forge plants, or drop forges.
- c. Stockyards or commercial slaughter of animals or commercial rendering.
- d. Manufacture or storage of explosives or fireworks, manufacture of acids, or the manufacture of fertilizer.
- e. Amusement parks.
- f. Propagation, boarding or butchering of animals, processing of meat products, packing plants, tanning and curing of raw hides.
- g. All other uses not specifically indicated as permitted or conditional uses in other districts.

6.16 Conditional Uses Multiple Industrial Districts

Industrial and related uses:

Commercial service facilities such as restaurants and fueling stations in the I-1 and I-2 Districts, provided that all such services are physically and otherwise oriented toward industrial district users and employees and other users are only incidental customers.

6.17 General Uses

The following uses shall be conditional uses in all districts:

- a. Public utilities engaged in the sale and delivery of gas, water, and telephone service, including equipment and facilities required for their distribution, regulation and metering of such utilities in any district.
- b. Municipal earth landfill operations.
- c. Barber shops and beauty salons, except where specifically permitted.
- d. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, cemeteries, and museums, in all districts.

- e. Public, parochial, and private elementary and secondary schools and churches in all residential, business, and park districts, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty feet (50') from any lot line.

5.2 C-1 Conservancy District

No building or use shall hereafter be established or enlarged within the C-1 District unless it conforms to the following regulations:

- a. Purpose. The primary purpose of the C-1 District is to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in the Town of Sheboygan. The proper regulation of these areas will serve to maintain and improve ground water and surface water quality; prevent flood damage; protect fish and wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreation and open space resources of Sheboygan County. This District recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers of the land and water interface.
- b. Lands Included. The C-1 District shall include minimally all areas delineated as swamps, marshes, bogs, and other wetlands on the "Shoreland Zoning Map, Sheboygan County, Wisconsin," as described in the SHORELAND-FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, wetlands as delineated by the State of Wisconsin as such, as well as those shoreland and wetland areas identified as being of local concern.
- c. Permitted Uses. The following uses are permitted in the C-1 District, provided that such uses are conducted in accordance with sound conservation practices and do not involve dumping, filling, extension of cultivated areas, mineral, soil, or peat removal, or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography:
 - (1) Dugout ponds and level ditches;
 - (2) Flood overflow and movement of water;
 - (3) Forestry and game management;
 - (4) Hiking trails;
 - (5) Hunting, fishing (where permitted by law), wildlife preserves, and other historic/scientific areas;
 - (6) Navigation;

 - (7) Park and recreation areas not including the location or erection of buildings or structures; and
 - (8) Wild crop harvesting, including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds.
- d. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- e. Restrictions. The following general restrictions are placed within the C-1 Conservancy District:

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 prior approval of the plan is obtained from the Park Commission.
- f. Area, Height, and Yard Requirements. None; no buildings or structures permitted except as provided under as a conditional use.

8.3 Additions

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

8.4 Average Street Yards

The required street yards may be decreased in any residential or business districts 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 feet (15') in any residential district and five feet (5') in any business district.

8.5 Special Setbacks

The setback requirements in each district shall be modified so as to provide that the minimum setbacks for any district shall be the greatest distance from the lot line as set forth in each district or:

- a. All county and state highways a setback of seventy-five feet (75') from the center of the road or forty-two feet (42') from the lot line, whichever is greater.
- b. All town roads and highways on the official map of the City of Sheboygan or the Town of Sheboygan, a setback of sixty feet (60') from the center of the road or thirty feet (30') from the lot line, whichever is greater.
- c. Where the location of two (2) or more highways of different classifications are coincidental, the greater setback shall apply.
- d. Where easements exist for the purpose of access to other properties, setbacks shall be determined from the edge of easement and not the property line; on all other easements, setbacks shall be determined from the property line.

8.6 Corner Lot Setbacks

The setback requirements for each corner lot shall not be less than thirty feet (30') from each existing or planned street right-of-way line unless greater restrictions apply.

8.7 Street Grades

All structures shall conform to street and building site grades as established by the Town.

SECTION 8 MODIFICATIONS

8.1 Height

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

- a. Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Ordinance.
- b. Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- c. Essential Services such as utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this Ordinance.
- d. Communication Structures such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- e. Agricultural Structures such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.
- f. Public or Semi-public Facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, and stations, may be erected to a height of sixty feet (60'), provided all required yards are increased not less than one foot (1') from each foot the structure exceeds the district's maximum height requirement.

8.2 Yards

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

- a. Uncovered Stairs, landings, and fire escapes may project into any yard but not to exceed six feet (6') and not closer than three feet (3') to any lot line.
- b. Architectural Projections such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two feet (2').
- c. Residential Fences are permitted on the property lines in residential districts, but shall not in any case exceed a height of six feet (6'), and shall not be closer than two feet (2') to any public right-of-way.
- d. Security Fences are permitted on the property lines in all districts, except residential districts, but shall not exceed ten feet (10') in height and shall be of an open type similar to woven wire or wrought iron fencing.
- e. Accessory Uses and detached accessory structures are permitted in the rear yard only except for decks and fences which are permitted in the side yard of a property as long as the minimum side yard building bulk limitation setback of the Zoning District in which the deck or fence is being constructed is met. Off-street parking is permitted in all yards of the B-2 and B-3 Business Districts, but shall not be closer than twenty-five feet (25') to any

public right-of-way.

- f. Essential Services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance. Landscaping and vegetation are exempt from the yard requirements of this Ordinance.
- g. Sidewalks, Driveway and Retaining Walls are permitted on the property lines in all districts.

8.3 Additions

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

8.4 Average Street Yards

The required street yards may be decreased in any residential or business districts 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 feet (15') in any residential district and five feet (5') in any business district.

8.5 Special Setbacks

The setback requirements in each district shall be modified so as to provide that the minimum setbacks for any district shall be the greatest distance from the lot line as set forth in each district or:

- a. All county and state highways a setback of seventy-five feet (75') from the center of the road or forty-two feet (42') from the lot line, whichever is greater.
- b. All town roads and highways on the official map of the City of Sheboygan or the Town of Sheboygan, a setback of sixty feet (60') from the center of the road or thirty feet (30') from the lot line, whichever is greater.
- c. Where the location of two (2) or more highways of different classifications are coincidental, the greater setback shall apply.
- d. Where easements exist for the purpose of access to other properties, setbacks shall be determined from the edge of easement and not the property line; on all other easements, setbacks shall be determined from the property line.

8.6 Corner Lot Setbacks

The setback requirements for each corner lot shall not be less than thirty feet (30') from each existing or planned street right-of-way line unless greater restrictions apply.

8.7 Street Grades

All structures shall conform to street and building site grades as established by the Town.

SECTION 2 – DEFINITIONS

In the construction of this Ordinance, the definitions contained in this Section shall be observed and applied.

2.1 Accessory Building

A subordinate building or a portion of a main building, the use of which is incidental to that of the main building, and which is located on the same lot as the main building.

2.2 Accessory Use

An accessory use is one which is incidental to the dominant use of the premises.

2.3 Agriculture

The use of a tract of land of not less than thirty-five (3)5 acres for growing crops in the open, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry (but expressly prohibiting the feeding of garbage to any animal or poultry), and necessary accessory uses; the feeding (other than grazing in open pasture) or sheltering in penned enclosures of animals or poultry within 100 feet of any lot line.

2.4 Alley

A special public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.

2.5 Alteration, Structural

See Structural Alteration.

2.5.1 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. See COMMUNICATION TOWER.

2.5.2 Antenna

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

2.5.3 Antenna Array

A set of interconnected antennas installed on one tower by one telecommunications provider that receive and/or transmit one type of telecom munications signal.

2.6 Area, Net Developable

Those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of twelve percent (12%) or greater, and all lands having slopes of twenty percent (20%) or greater.

2.7 Automobile Accessory Store

The sale of tires, batteries, seat covers, and other accessories for automobiles and other motor vehicles.

2.8 Automobile Laundry

A building, or portion thereof, containing facilities for washing more than two (2) automobiles using production-line methods with a chain conveyor, blower, steam-cleaning device, or other mechanical device.

2.9 Automobile and Motor Vehicle Repairs and Storage

The repairing and servicing of automobiles and other motor vehicles in operating condition including body work, painting, motor rebuilding, and the storage of such vehicles in operating condition, but not including the storage of trucks that exceed ten (10) tons in weight.

2.10 Automobile Sales and Storage

The sale of new and used automobiles and other motor vehicles in operating condition, the storage of automobiles and other motor vehicles in operating condition, but not including storage of trucks more than five (5) tons in weight or buses; and the repair and servicing of such vehicles, but not including body work, painting, or motor rebuilding.

2.11 Automobile Service Station

A building or other structure and surrounding land used for the storage and sale of gasoline and for accessory uses such as the sale of lubricants, accessories or supplies, the incidental washing of motor vehicles, and performing minor repairs or adjustments.

2.12 Automobile Wrecking or Salvage Yard

The use of any tract of land for the storage, keeping, or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition, or abandonment of structures, automobiles or other vehicles, equipment and machinery or parts thereof, but not including dumps for the disposal

or abandonment of garbage, refuse, trash, or any premises on which more than two (2) self-propelled vehicles in not running or operating condition, or are unlicensed, and are stored in the open.

2.13 Basement

A space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet (6-1/2'), which, if used for dwelling, office, or similar purposes, shall be counted as a story.

2.14 Boarder

An individual other than a member of the family occupying the dwelling unit or part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

2.15 Boarding House

A dwelling, or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

2.16 Building

A covered structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

2.17 Building, Accessory

A subordinate structure on the same lot as the principal building or use occupied or devoted to a use incidental to the principal use.

2.18 Building Bulk Regulations

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 regulations include restrictions controlling:

- a. Maximum height;
- b. Maximum lot coverage;
- c. Gross floor area of buildings in relation to lot area (floor area ratio);
- d. Minimum size of yards.

2.19 Building Coverage

The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

2.20 Building Height

The vertical distance of a building measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the roof.

2.21 Building Line

A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

2.22 Building Lot Area

The portion of a lot remaining after required yards have been provided.

2.23 Building, Principal

A non-accessory building in which is conducted a principal use of the lot on which the building is located.

2.24 Building, Temporary

Any building not designed to be permanently located at the place where it is or where it is intended to be temporarily placed or affixed.

2.25 Business

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

2.26 Business Offices

Any office used primarily for accounting, correspondence, research, editing, or administration such as general or administrative offices of business, commercial, or industrial enterprises, and including real estate, insurance, and stock and bond sales, advertising agencies, employment agencies, and other similar office. No merchandise shall be displayed or handled upon the premises of a business office unless such display or handling of merchandise would otherwise be permitted by this Ordinance at the site where the business office is located.

2.27 Capacity in Persons

The maximum number persons that can avail themselves of the services (or goods) of such establishment at any one time with reasonable comfort.

2.28 Carport

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

2.29 Child Care Center

An establishment enrolling four (4) or more children between two (2) and five (5) years of age and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or otherwise approved to operate as a child care center.

2.30 Clinic

An establishment for the medical examination and treatment of patients, but where patients are not usually lodged overnight. For the purpose of this Ordinance, a doctor's or dentist's office in his own home, when it complies with the requirements of this Ordinance relating to such offices, shall not be considered a clinic; but any doctor's or dentist's office which is not a part of his own home, or the office of two (2) or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

2.31 Club

An association of persons organized for some common purpose and usually characterized by membership qualifications, payment of dues, regular meetings, and a constitution and by-laws. A club shall not include groups organized primarily to render a service which is customarily carried on as a business (i.e., racquet clubs operated for profit).

2.31.1 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.

2.32 Common Elements

Land amenities, parts of buildings, central services and utilities, and any other facilities owned and used by all condominium unit owners and designated in the master deed as common elements.

2.32.1 Communication Tower

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

2.33 Community Living Arrangements

Community living arrangements means facilities and arrangements under Wis. Stat. § 46.03(23).

2.34 Conditional Use

A use permitted in a particular zoning district, after it has been shown that such use in a specified location will comply with all the conditions and standards for the location or operation of such use, as specified in a zoning ordinance and authorized by the planning body.

2.35 Condominium

A form of real property ownership under which a declaration of condominium has been recorded pursuant to Chapter 703 of the Wisconsin Statutes. Typically, a building or groups of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

2.36 Condominium Association

The community association which administers and maintains the common property and common elements of a condominium.

2.37 Conforming Building or Structure

A building, or other structure, which is designed or intended for a conforming use and which complies with all the regulations of this Ordinance, or of any amendment hereto, governing use, lot size, building bulk, and off-street parking and loading for the zoning district in which such building or structure is located.

2.38 Conservancy District

Shall be that area set out on the Zoning District Map of the Town of Sheboygan and shall conform to the forty foot (40') contour or such area, if greater, as is set out by the State of Wisconsin or the County of Sheboygan for flood plain control, wet lands, and regulation along rivers flowing in and through the Town of Sheboygan.

2.39 Corner Lot

A lot which adjoins the point of intersection of two or more streets and in which the interior angle formed by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measure at the point of intersection of the extensions of the street lines in the directions which they take at the intersection of the street line with the side lot line and with the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street line.

2.40 Development

The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance, and any use or extension of the use of land.

2.41 District

A portion of the territory of the Town of Sheboygan within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

2.41.1 Dog Grooming

An establishment in which dogs are groomed, where the animals are brought to the groomer and picked up the same day, with no overnight boarding.

2.41.2 Dog Day Care

An establishment in which dogs are boarded for an extended period of time, from one (1) day up to one (1) month.

2.42 Drive-in Establishment

An enterprise which accommodates the patrons' automobiles and from which the occupants of the automobiles may take purchases, transact business, or view motion pictures or other entertainment.

2.43 Dwelling

A building, or portion thereof, but not a mobile home or house trailer, designed or used exclusively for the residential occupancy.

2.44 Dwelling, Multiple-family

A building containing three or more dwelling units. A multiple-family dwelling does not include a hotel or a motel as defined in this Ordinance.

2.45 Dwelling, Single-family

A building containing one (1) dwelling unit only.

2.46 Dwelling, Two-family

A building containing two (2) dwelling units only (duplex).

2.47 Dwelling Unit

One 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 includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

2.47.1 FAA

Federal Aviation Administration.

2.48 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; plus, in either case, usual domestic servants.

2.48.1 FCC

Federal Communications Commission.

2.49 Floating Zone

An unmapped zoning district where all the zone requirements are contained in this Ordinance and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

2.50 Floor Area, Gross

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet (6').

2.51 Floor Area, Net

The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

2.52 Floor Area Ratio

The gross floor area of all buildings on a lot divided by the lot area.

2.53 Food Stores

Stores which sell foods and other items commonly sold in connection therewith and including, but not limited to, stores commonly referred to as candy stores, dairy stores, delicatessens, fish markets, groceries, health food stores, ice cream stores, meat markets, nut shops, and supermarkets. Sales must be made at retail on the premises, but not for consumption on the premises.

2.54 Frontage

The part of a lot, building, or other structure that fronts on or faces a public street.

2.55 Fur Farm

Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals, including those defined in Wis. Stat. § 29.01(3)(c), and also including chinchillas and other fur bearing animals, if any, whether or not the animals are kept for breeding, slaughtering, or pelting purposes.

2.56 Garage, Private

An accessory building or accessory portion of a main building or use which is used primarily for the parking and storage of vehicles owned and operated by the residents or visitors of the main use, and which is not necessarily available to the general public.

2.57 Garage, Public

Any building, or portion thereof, not accessory to a residential building or structure used primarily for the parking and storage of vehicles and available to the general public.

2.58 Garage, Repair

Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

2.58.1 Governing Authority

The Town Board of the Town of Sheboygan, or in cases in which authority has been delegated by ordinance to the Park Commission, the Park Commission.

2.59 Grade

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

2.60 Grade, Natural

The elevation of the ground surface in its natural state, prior to any development.

2.61 Grading

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

2.62 Ground Floor

The first floor of a building other than a cellar or basement.

2.63 Ground Sign

Any sign placed upon or supported by the ground independently of the main building or structure on the property. Signs attached to trees, light poles, or accessory buildings shall be considered ground signs.

2.64 Group Family Household

A group of individuals not related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common management plan providing organization and stability.

2.65 Home Occupations

Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.

- a. Standards. In addition to all of the standards applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following standards:
 - (1) No person other than a member of the immediate family occupying such dwelling unit shall be employed.
 - (2) No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.
 - (3) No alteration of the principal building shall be made, which changes the character thereof as a dwelling.
 - (4) No more than twenty-five percent (25%) of the area of one story of a single-family dwelling, nor more than twenty percent (20%) of the area of any other dwelling unit, shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
 - (5) No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
 - (6) The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
 - (7) There shall be no outside storage of equipment or materials used in the home occupation.
 - (8) No signs shall be permitted other than those permitted by the applicable regulations in Section 9.
- b. Particular Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 2 of this Ordinance, as well as to any limitations specifically imposed on such occupation by this Section 2:

- (1) Dressmakers, seamstresses, tailors;
- (2) Music teachers, provided that the instruction shall be limited to one pupil at a time, except for occasional groups;
- (3) Artists, sculptors, or authors;
- (4) Physicians, dentists, or other licensed medical practitioners;
- (5) Lawyers, architects, engineers, realtors, insurance agents, brokers, and members of similar professions;
- (6) Ministers, rabbis or priests;
- (7) The letting for hire of not more than two (2) rooms for residential use only and for not more than four (4) persons, none of whom is a transient.

c. Particular Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:

- (1) Barber shops, unless specifically permitted by the district regulations or obtaining a conditional use permit.
- (2) Beauty parlors, unless specifically permitted by the district regulations or obtaining a conditional use permit.
- (3) Dancing schools.
- (4) Funeral homes.
- (5) Nursery schools.
- (6) Restaurants.
- (7) Tourist homes.
- (8) Renting of trailers.
- (9) Clinics or hospitals.
- (10) Repair shops or service establishments.
- (11) Animal kennels, hospitals, or stables.

2.66 Junkyards

Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery, or two (2) or more vehicles not in running or operating condition or are unlicensed, or other type of junk.

2.67 Kennels¹

An establishment in which more than four (4) dogs or domesticated animals more than one year old are housed, bred, boarded, trained, or sold.

2.68 Loading Areas

An off-street space or berth used for the loading or unloading of commercial vehicles.

2.69 Lot

A parcel of land that is designated by its owner or developer at the time of applying for a building permit (or at the time of applying for an occupancy certificate) as a tract, all of which is to be used, developed, or built upon as a unit under single ownership. So long as it satisfies the above requirements, such lot may consist of:

- a. a single lot of record, or
- b. a portion of a lot of record, or
- c. a combination of complete lots of record and portions of lots of record, or of portions of lots of record only.

2.70 Lot Area

The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a fully recorded lake or river.

2.71 Lot, Corner

(See Section 2.39)

2.72 Lot Depth

The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundary.

2.73 Lot, Interior

A lot other than a corner lot.

2.74 Lot Line, Front

The boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way.

¹ Repealed and Recreated by Ordinance 2004-05, Enacted August , 2004.

2.75 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 feet (15') long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen feet (15') long lying wholly within the lot parallel to the front lot line.

2.76 Lot, Substandard

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

2.77 Lot, Through

A lot which fronts upon two (2) substantially parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

2.78 Lot Line, Side

Any boundary of a lot which is not a front lot line or a rear lot line.

2.79 Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Sheboygan County, or a parcel of land, the deed to which was recorded in the Office of said Register prior to the adoption of this Ordinance.

2.80 Lot Width

The horizontal distance between the side lot lines of a lot measured within the lot lines at the building line established by the applicable required front yard, except that at no time shall the front lot line, as defined herein, be less than thirty-five (35) feet, measured by the horizontal distance between the side lot lines as they intersect with the public street or public way.

2.81 Manufacturing Establishment

All establishments, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods, or products.

2.82 Mobile Home (Also Called Residential Manufactured Home)

A structure, transportable in one or more sections, which is at least eight feet (8') in width and thirty-two feet (32') in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. As it relates to all such homes hereafter proposed to be located or relocated in the Town, mobile homes shall also be known as manufactured homes, shall conform with all requirements of the Manufacture Homes Construction and Safety Standards Act of 1974 (U. S. Department of Housing and Urban

Development), the American National Standards Institute (ANSI) Code, and the Wisconsin Uniform Dwelling Code.

2.83 Mobile Home Park

An area or premises on which two (2) or more mobile homes or trailers are parked, or any premises on which space for the parking of mobile homes or trailers is rented or held out for rent, or on which free occupancy or camping is granted to the owners or users of mobile homes or trailers for the purpose of securing their trade. The term mobile home park does not include sales lots on which unoccupied mobile homes or trailers, whether new or used, are parked for the purposes of inspection and sale.

2.84 Motel

An establishment providing transient accommodations containing six (6) or more rooms, with most typically having direct access to the outside without the necessity of passing through the main lobby of the building.

2.85 Nonconforming Lot

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.

2.86 Nonconforming Structure

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.

2.87 Nonconforming Use

A use or activity which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.

2.88 Nursing Home

A home for the care of children, the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or for the treatment of sickness or injuries.

2.89 On-Site Sewage Disposal System

An on-site sewage disposal system, or other county and state approved off-site cluster or common sewage disposal system, other than a municipal system.

2.90 Open Space

A parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining such open space.

2.91 Outdoor Storage

The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

2.92 Park

A tract of land designated and used by the public for active and passive recreation.

2.93 Parking Lot

An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

2.94 Person

An individual, group of individuals, partnership, firm, corporation, association, state, county, town, city, village, special district, or other government corporation.

2.95 Planned Unit Development

An area of land controlled by a single owner, corporation, or other legal entity, to be developed as a singled entity for a number of buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot, and density requirements of this Ordinance.

2.95.1 Pre-existing Antenna or Tower

Any antenna or tower constructed prior to the effective date of this ordinance.

2.96 Principal Use

The primary or predominant use of any lot.

2.97 Professional Office

The office of an architect, engineer, doctor, dentist, attorney, or other similar licensed professional person.

2.98 Prohibited Use

A use that is not permitted in a zoning district.

2.99 Recreation Facility

A place, private, public, or commercial, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

2.100 Recreational Vehicle

A vehicular type portable structure without permanent foundation which can be towed, hauled, or driven, and primarily designed as temporary living accommodations for recreational, camping, and travel use; including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

2.101 Residential Building

A building, all or part of which contains dwelling units, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but excluding hotels and motels, mobile homes, dormitories, sororities and fraternities, nurses' residences, sanitariums, nursing homes, and convalescent homes.

2.102 Retail Services

Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, education, social services, museums, and galleries.

2.103 Retail Trade

Establishments engaged in selling foods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

2.104 Roadside Stand

A small seasonal structure not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and used solely for the sale of farm products produced in Sheboygan County.

2.105 Service Station

Any building, structure, premises, or other place used or intended to be used for the retail dispensing, sale, or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire, and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a municipal garage used for the repair or storage of motor vehicles.

2.106 Setbacks

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

2.107 Shorelands

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

2.108 Sewage Disposal Systems

(See "On-site Sewage Disposal Systems")

2.109 Sight Triangle

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

2.110 Sign

Any writing (including letters, words or numerals); pictorial representation (including illustrations or decorations); emblem (including devices, symbols or trademarks); flag (including banner 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; and
- 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 outside a building.

A sign shall include a writing, pictorial representation, or other figure of similar character within a building, only when it is illuminated and located in a window.

2.111 Sign, Gross Area of

The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which do not form an integral part of the display. The gross area of a sign shall be measured on only one side of such sign even though both sides thereof are utilized as a sign. Refer to Section 9.

2.112 Street

Any vehicular way which (1) is an existing state, county, or local roadway; or (2) is shown upon a plat or survey map approved pursuant to law; or (3) is approved by other official action, and includes the land between the street right-of-way lines, whether improved or unimproved.

2.113 Structural Alterations

Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

2.114 Structure

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

2.115 Substandard Structures

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

2.116 Turning Lanes

An existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes including grade separated interchange ramps.

2.117 Use

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

2.118 Use, Accessory

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

2.119 Use, Permitted

A use which may be lawfully established in a particular district.

2.120 Use, Principal

The primary or predominant use of any lot.

2.121 Utilities

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

2.122 Wholesale Trade

Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

2.123 Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation or as may be specifically provided in this Ordinance. The street and rear yards extend the full width of the lot.

2.124 Yard, Front

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure (also called street yard). Corner lots shall have two (2) such yards.

2.125 Yard, Rear

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

2.126 Yard, Side

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

2.127 Yard, Transitional

A yard that must be provided on a lot in a business district which adjoins a lot in a residence district; or a yard that must be provided on a lot in a manufacturing district which adjoins a lot in either a residence or business district.

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL ORDINANCE

TABLE OF CONTENTS

- 15.01 Authority**
- 15.02 Findings of Fact**
- 15.03 Purpose**
- 15.04 Applicability and Jurisdiction**
 - (1) Applicability
 - (2) Jurisdiction
 - (3) Exclusions
- 15.05 Definitions**
- 15.055 Applicability of Maximum Extent Practicable**
- 15.06 Technical Standards**
- 15.07 Performance Standards for Construction Sites Under One Acre (Optional)**
 - (1) Responsible Party
 - (2) Erosion and Sediment Control Practices
 - (3) Location
 - (4) Implementation
- 15.08 Performance Standards for Construction Sites of One Acre or More**
 - (1) Responsible Party
 - (2) Erosion and Sediment Control Plan
 - (3) Erosion and Other Pollutant Control Requirements
 - (4) Implementation
- 15.09 Permitting Requirements, Procedures and Fees**
 - (1) Permit Required
 - (2) Permit Application and Fees
 - (3) Permit Application Review and Approval
 - (4) Surety Bond
 - (5) Permit Requirements
 - (6) Permit Conditions
 - (7) Permit Duration
 - (8) Maintenance
- 15.10 Erosion and Sediment Control Plan, Statement and Amendments**

- (1) Erosion and Sediment Control Plan Statement
- (2) Erosion and Sediment Control Plan Requirements
- (3) Erosion and Sediment Control Plan Amendments

15.11 Fee Schedule

15.12 Inspection

15.13 Enforcement

15.14 Appeals

- (1) Board of Appeals
- (2) Who May Appeal

15.15 Severability

15.16 Effective Date

CHAPTER 15
CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

15.01 Authority.

- (1) This ordinance is adopted by the Town Board of the Town of Sheboygan under the authority granted by Wis. Stats. § 60.627. This ordinance supersedes all provisions of an ordinance previously enacted under Wis. Stats. § 60.62 that relate to construction site erosion control. Except as otherwise specified in Wis. Stats. §§ 60.627 and 60.62 applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Town Board of the Town of Sheboygan hereby designates the Director of Public Works or his designee to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under Wis. Stats. §§ 281.16 and 283.33,
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wis. Admin. Code § NR 151.004,

15.02 Findings of Fact.

The Town Board of the Town of Sheboygan acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the Town of Sheboygan.

15.03 Purpose.

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other

pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Town of Sheboygan.

15.04 Applicability and Jurisdiction.

(1) Applicability.

- (a) Except as provided under par. (b), this ordinance applies to any construction site as defined under § 15.05(6).
- (b) This ordinance does not apply to the following:
 - 1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
 - 2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
 - 3. Nonpoint discharges from agricultural facilities and practices.
 - 4. Nonpoint discharges from silviculture activities.
 - 5. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (c) Notwithstanding the applicability requirements in par. (a), this ordinance applies to construction sites of any size that, as determined by the Director of Public Works or his designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

(2) Jurisdiction.

This ordinance applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the Town of Sheboygan.

(3) Exclusions.

This ordinance is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1),

15.05 Definitions.

- (1) "Administering Authority" the Director of Public Works/Zoning Administration.
- (2) "Agricultural facilities and practices" has the meaning in Wis. Stats. § 281.16(1),
- (3) "Agricultural land use" means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
- (4) "Average annual rainfall" means a calendar year of precipitation, excluding snow that is considered typical.
- (5) "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (6) "BMP Handbook" means the most recent edition of the *Wisconsin Construction Site Best Management Practices Handbook*, or as listed on the WDNR's website.
- (7) "Business day" means a day the office of the Town of Sheboygan is routinely and customarily open for business.
- (8) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Director of Public Works or his designee.
- (9) "Commercial land use" means use of land for retail or wholesale of good or services.
- (10) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (11) "Control plan" means a written description of the number, locations, sizes and other pertinent information of BMPs designed to meet the requirements of this ordinance submitted by the applicant for review and approval by the Town of Sheboygan.
- (12) "Design Storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- (8)* "Division of land" means the creation from one parcel of two or more parcels or building sites of one or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.
- (9) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (10) "Erosion and sediment control plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (11) "Extraterritorial" means the unincorporated area within 3 miles of the corporate limits of a first,

- second, or third class city, or within 1.5 miles of a fourth class city or village.
- (12) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
 - (13) "Governing body" means the Town Board of the Town of Sheboygan.
 - (14) "Land developing" activity means the construction and reconstruction of buildings, roads, parking lots, paved storage areas and similar facilities.
 - (15) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
 - (16) "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.
 - (17) "Land user" means any person operating, leasing, renting, or having made other arrangements with the landowner where the landowner authorizes use of his or her land.
 - (18) "Maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with § 15.055 of this ordinance.
 - (19) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
 - (20) "Permit" means a written authorization made by the Town of Sheboygan to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
 - (21) "Pollutant" has the meaning given in Wis. Stats. § 283.01(13).
 - (22) "Pollution" has the meaning given in Wis. Stats. § 281.01(10).
 - (23) "Responsible party" means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.
 - (24) "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
 - (25) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
 - (26) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, that meets all of the following criteria:

- a. Is designed or used for collecting storm water or conveying runoff.
 - b. Is not part of a combined sewer system.
 - c. Is not draining to a storm water treatment device or system.
 - d. Discharges directly or indirectly to Waters of the State.
- (27) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (28) "Stabilize" means to make the site steadfast or firm, minimizing soil movement by mulching and seeding, sodding, landscaping, concrete, gravel or other measure.
- (29) "Stop work order" means an order issued by the Town of Sheboygan which requires that all construction activity on the site be stopped.
- (30) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (31) "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b).
- (32) "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to Wis. Stats. § 281.33.
- (33) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

15.055 Applicability of Maximum Extent Practicable.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Town of Sheboygan's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

15.06 Technical Standards.

All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Wis. Admin. Code Ch. NR 151 subchapter V.
- (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- (3) Technical standards and methods approved by the Town of Sheboygan.

15.07 Performance Standards for Construction Sites Under One Acre.

- (1) Responsible Party. The responsible party shall comply with this section.
- (2) Erosion and Sediment Control Practices. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - (a) The deposition of soil from being tracked onto streets by vehicles.
 - (b) The discharge of sediment from disturbed areas into on-site storm water inlets.
 - (c) The discharge of sediment from disturbed areas into adjacent waters of the state.
 - (d) The discharge of sediment from drainage ways that flow off the site.
 - (e) The discharge of sediment by dewatering activities.
 - (f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - (g) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
- (3) Location. The BMPs shall be located so that treatment occurs before runoff enters waters of the state.
- (4) Implementation. The BMPs used to comply with this section shall be implemented as follows:
 - (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.

- (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

15.08 Performance Standards for Construction Sites of One Acre or More.

- (1) Responsible Party. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with 15.10.
- (2) Erosion and Sediment Control Plan. A written site-specific erosion and sediment control plan shall be developed in accordance with 15.10 of this ordinance and implemented for each construction site.
- (3) Erosion and Other Pollutant Control Requirements. The erosion and sediment control plan required under sub. (2) shall include the following:
 - (a) Erosion and Sediment Control Practices. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - 1. The deposition of soil from being tracked onto streets by vehicles.
 - 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - 4. The discharge of sediment from drainage ways that flow off the site.
 - 5. The discharge of sediment by dewatering activities.
 - 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 - 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) Sediment Performance Standards. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) Preventive Measures. The erosion and sediment control plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
2. Minimization of soil compaction and preservation of topsoil.
3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
4. Development of spill prevention and response procedures.

(d) Location. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

(4) Implementation. The BMPs used to comply with this section shall be implemented as follows:

- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in 15.08(2).
- (b) Erosion and sediment control practices shall be maintained until final stabilization.
- (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

- (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

15.09 Permitting Requirements, Procedures And Fees.

- (1) Permit Required. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Town of Sheboygan.
- (2) Permit Application and Fees. The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of 15.10, and shall pay an application fee to the Town of Sheboygan in the amount specified in 15.11. By submitting an application, the applicant is authorizing the Administering Authority to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) Permit Application Review and Approval. The Town of Sheboygan shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (a) Within 30 business days of the receipt of a complete permit application, as required by sub. (2), the Town of Sheboygan shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and erosion and sediment control plan are approved, the Town of Sheboygan shall issue the permit.
 - (c) If the permit application or erosion and sediment control plan is disapproved, the Town of Sheboygan shall state in writing the reasons for disapproval.
 - (d) The Town of Sheboygan may request additional information from the applicant. If additional information is submitted, the Town of Sheboygan shall have 30 business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.
 - (e) Failure by the Town of Sheboygan to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

- (4) Surety Bond. As a condition of approval and issuance of the permit, the Town of Sheboygan may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- (5) Permit Requirements. All permits shall require the responsible party to:
- (a) Notify the Town of Sheboygan within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the Town of Sheboygan of completion of any BMPs within 14 days after their installation.
 - (c) Obtain permission in writing from the Town of Sheboygan prior to any modification pursuant to 15.10(3) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the Town of Sheboygan to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (6) Permit Conditions. Permits issued under this section may include conditions established by Administering Authority in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in 15.07 or 15.08.
- (7) Permit Duration. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Town of Sheboygan may grant one or more extensions not to exceed 180 days cumulatively. The Town of Sheboygan may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.

- (8) Maintenance. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

15.10 Erosion and Sediment Control Plan, Statement And Amendments.

- (1) Erosion and Sediment Control Plan Statement. For each construction site identified under 15.04(1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Town of Sheboygan. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.

- (2) Erosion and Sediment Control Plan Requirements.

- (a) An erosion and sediment control plan shall be prepared and submitted to the Town of Sheboygan.
- (b) The erosion and sediment control plan shall be designed to meet the performance standards in 15.07, 15.08 and other requirements of this ordinance.
- (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
1. Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 2. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 3. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

4. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 5. Calculations to show the compliance with the performance standard in 15.08(3)(b)1.
 6. Existing data describing the surface soil as well as subsoils.
 7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed one foot.
1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
 2. Boundaries of the construction site.
 3. Drainage patterns and approximate slopes anticipated after major grading activities.
 4. Areas of soil disturbance.
 5. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
 6. Location of areas where stabilization BMPs will be employed.
 7. Areas which will be vegetated following land disturbing construction activities.
 8. Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 9. Areas(s) used for infiltration of post-construction storm water runoff.
- (e) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented.

The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Administering Authority, structural measures shall be installed on upland soils.
 3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.
 5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
 6. Protection of downslope drainage inlets where they occur.
 7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 8. Clean up of off-site sediment deposits.
 9. Proper disposal of building and waste material.
 10. Stabilization of drainage ways.
 11. Installation of permanent stabilization practices as soon as possible after final grading.
 12. Minimization of dust to the maximum extent practicable.
- (f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- (3) Erosion and Sediment Control Plan Amendments. The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
 - (b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.

- (c) The Town of Sheboygan notifies the applicant of changes needed in the erosion and sediment control plan.

15.11 Fee Schedule.

The fees referred to in other sections of this ordinance shall be established by the Town Board of the Town of Sheboygan and may from time to time be modified by resolution.

15.12 Inspection.

The Town of Sheboygan shall inspect construction sites on a periodic basis to promote compliance with the sediment and erosion control plan.

If land disturbing construction activities are occurring without a permit required by this ordinance, the representative of the Town of Sheboygan may enter the land pursuant to the provisions of Wis. Stats. §§ 66.0119(1), (2), and (3),

15.13 Enforcement.

- (1) The Town of Sheboygan may post a stop work order if any of the following occurs:
 - (a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
 - (b) The erosion and sediment control plan is not being implemented in good faith.
 - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Town of Sheboygan may revoke the permit.
- (3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Town of Sheboygan, or if a responsible party violates a stop work order posted under sub. (1), the Town of Sheboygan may request the Town of Sheboygan Attorney, to obtain a cease and desist order in any court with jurisdiction.
- (4) The Town of Sheboygan or the Board of Appeals may retract the stop work order issued under sub. (1) or the permit revocation under sub. (2).

- (5) After posting a stop work order under sub. (1), the Town of Sheboygan may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Town of Sheboygan may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Town of Sheboygan, plus interest at the rate authorized by the Town of Sheboygan shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Wis. Stats. Ch. 66, subch. VII.
- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

15.14 Appeals.

- (1) Board of Appeals. The board of appeals created pursuant to Chapter 7 of the Municipal Code of the Town of Sheboygan, pursuant to Wis. Stats. § 60.65:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Town of Sheboygan in administering this ordinance except for cease and desist orders obtained under 15.13(3).
 - (b) May authorize, upon appeal, variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) Who May Appeal. Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Town of Sheboygan affected by any decision of the Town of Sheboygan.

AN ORDINANCE AMENDING SECTION 5.10, REGULATION OF FIREARMS, CROSSBOWS, AND BOWS AND ARROWS OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN

WHEREAS, pursuant to changes in Chapter NR 19 of Wisconsin Administrative Code by the Department of Natural Resources the Town Board of the Town of Sheboygan, as authorized by Wis. Stat. § 66.0409(3)(b) and as an exercise of police powers pursuant to Wis. Stat. § 60.22(3), hereby determines that prohibiting the discharge of crossbows and bows and arrows is necessary to promote and protect the health, safety, and welfare of Town residents.

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

Section 1. Amending Code. Section 5.10 of the Ordinances of the Town of Sheboygan, is hereby amended to read as follows (additions indicated by underline; deletions by ~~strikeout~~):

"Section 5.10 Regulation of Firearms, Crossbows, and Bows and Arrows

(1) Purpose –

The purpose of this Ordinance is to protect and foster the health, safety and well being of persons in the Town of Sheboygan, for the protection of property rights, and to protect individuals from injury

(2) Definitions –

a. "Firearm" shall mean "any firearm or air gun such as pistols, revolvers, shot guns, rifles, BB guns, or such other devices

b. "Permitted firearm discharge area" shall mean "any parcel of land consisting of not less than 15 acres or a combination of contiguous parcels under common ownership or control consisting of not less than 15 acres."

(3) Prohibition Against Discharge –

a. Except as permitted by this ordinance, no owner or other person shall discharge any firearm within the Town. This prohibition of the discharge of a firearm does not apply and may not be enforced if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stat. § 939.45.

b. Exception To Prohibition Against Firearm Discharge. Notwithstanding Section 5.10(3)a., immediately above, an owner, a member of an owner's household, or a person authorized by an owner who obtains a discharge permit from the Town, may discharge a firearm in a permitted firearm discharge area.

c. Restricted Area. Notwithstanding any provisions of this ordinance to the contrary, no owner or other person shall discharge any firearm in the area of the Town lying east of County Road LS (Lakeshore

A property owner or member of the property owner's household shall not need a discharge permit to discharge a firearm, ~~crossbow or bow and arrow~~ on the owner's parcel of land.

(6) Farmers & Sportsmens Conservation Club.

The property owned and operated by the Farms & Sportsmens Conservation Club located at 2412 N. 44th Street in the Town of Sheboygan is exempt from the regulations of this ordinance.

(7) Penalty –


The penalty for violation of this code section shall be \$50.00 plus costs for the first offense and \$200 plus costs for the second or more offense within one (1) year."

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 upon enactment.

Enacted this _____ day of January, 2021.

TOWN OF SHEBOYGAN

By: 
Daniel W. Hein, Chairperson

CERTIFICATE OF CLERK

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 19 day of January, 2021.


Peggy Fischer, Town Clerk

ROLL CALL VOTE

	<u>Aye</u>	<u>Nay</u>
Chairperson Daniel W. Hein	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Supervisor Char Gumm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Supervisor James Schwinn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Supervisor Brad Lambrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Supervisor Alexandra Nugent	<input type="checkbox"/>	<input type="checkbox"/>

Posted: _____, 2021.

2.3 Agriculture

The use of a tract of land of not less than thirty-five (35) acres for growing crops in the open, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry (but expressly prohibiting the feeding of garbage to any animal or poultry), and necessary accessory uses; the feeding (other than grazing in open pasture) or sheltering in penned enclosures of animals or poultry within 100 feet of any lot line.

5.1 A-1 Agricultural District

No building or use shall hereafter be established or enlarged within the A-1 Agricultural District unless it conforms to the following regulations:

- a. Purpose. All agricultural land in the Township's considered transitional and the primary purposes of the A-1 District are to (1) provide for the orderly transition of agricultural land into other uses in area planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) 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.
- b. Permitted Uses.
 - (1) Agricultural and agricultural storage as defined in this Ordinance.
 - (2) One (1) single or two-family dwelling.
 - (3) Public and private schools, colleges, and universities.
- c. Permitted Uses If Under Thirty-five (35) Acres. If at any time the minimum lot area of A-1 zoned land is less than thirty-five (35) acres, no new structure shall be constructed, except single family dwellings.
- d. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- e. Lot Size Requirements.
 - (1) Minimum lot area: Farm Size – thirty-five (35) acres.
 - (2) Minimum lot width: 100 feet.
- f. Building Bulk Limitations.
 - (1) Farm Dwelling:
 - (a) A front yard of not less than thirty feet (30').
 - (b) A side yard on each side of the lot not less than fifteen feet (15').
 - (c) A rear yard of not less than fifty feet (50').
 - (d) Maximum dwelling height:
 - (i) Farm dwelling - thirty-five feet (35').
 - (ii) Other structures - two (2) times distance from the nearest lot lines with a maximum of sixty feet (60').
 - (2) Other Structures:
 - (a) Rear - Minimum 100 feet.
 - (b) Side - Minimum twenty feet (20') if structure is not to be used for the housing of animals; 100 feet if structure is to be used for the housing of animals.
 - (c) Street - See Section 5.1, f., (1)(a).
- g. Existing Substandard Lots. No accessory farm structures may be erected on any substandard lot or parcel of record in the County Register of Deeds Office before the effective date of this Ordinance without obtaining a conditional use permit for same.
- h. Building Coverage and Construction Specifications.
 - (1) All farm dwellings hereafter constructed or erected shall conform to the following
 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwelling shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

d. Agricultural Uses in R-2, R-3 and R-4, except as follows:

- (1) No building or enclosure in which farm animals and poultry are kept shall be nearer than 100 feet to any adjoining property line.
- (2) No storage of manure, odor, or dust producing substances or use shall be permitted within 100 feet of any adjoining property line.
- (3) No swine, fur farms or fee lots shall be allowed.
- (4) No sale of products shall be allowed from any roadside stands.
- (5) All animals and poultry, except household pets, shall be kept within a structure or other enclosure. See Section 6.18 for keeping horses.
- (6) Any other conditions deemed necessary to carry out the intent of this Ordinance.

10.5 Substandard Lots

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance.

Such Lot or Parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical, but shall not be less than the following, except where the Department of Natural Resources require more:

<u>Lot</u>	Width	Minimum sixty feet (60')
	Area	Minimum 12,000 square feet
<u>Building</u>	Area	Minimum 1,000 square feet
	Height	Maximum thirty-five feet (35')
<u>Yards</u>	Street	See Section 8.5, Special Setbacks
	Rear Side	Minimum twenty-five feet (25')
		Minimum not less than eight feet (8')

If a substandard lot was created by a transfer of any kind from abutting lands, this section shall not apply.

10.6 Moving Buildings

No buildings or other structure that is devoted in whole or in part to a nonconforming use shall be moved, in whole or in part for any distance whatever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved, in whole or in part for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

10.7 Nonconforming Accessory Uses

No nonconforming accessory use shall continue after the principal use to which it is accessory has been abolished.

10.8 Accessory Uses

- a. Purpose. The uses of land, buildings, and other structures permitted in each district are determined by the list of permitted uses for such district. In addition to such 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 are permitted in any district in connection with any use, which is permitted within such district. An accessory use is a building or use which:
- (1) Is subordinate to and serves a principal building or a principal use;
 - (2) Is subordinate in area, extent, or purpose to the principal building or principal use served;
 - (3) Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served;
 - (4) Is located on the same premises as the principal building or principal use served.
- c. Specific Regulations. An accessory building or use includes, but is not limited to, the following; provided, however, that all of the specific uses must also fit the general definition of "general permitted uses" in this section.
- (1) Private one story garage, carport or accessory use structures shall not exceed the following limitations:
 - (a) For a single-family residence: A garage or accessory use structure shall not exceed fifteen hundred (1500) square feet.
 - (b) For parcels or lots five (5) acres or greater in area, private garages, carports or accessory use structures shall not exceed three thousand (3000) square feet.
 - (c) The Town Board may approve accessory use structures that exceed the limitations provided above by conditional use permit pursuant to the procedure and standards set forth in section 6 of this code.
 - (d) A conditional use permit, as governed by Chapter 6 of the Zoning Code, and authorizing greater private garage, carport or accessory use structure square footage shall be granted, granted with conditions, or denied based upon the consideration of the following factors: Proximity to adjacent lots, impact on storm water drainage, potential impacts on other utilities, impact to surrounding land uses, and physical characteristics of the proposed private garage, carport or accessory use structure, including size and compatibility with the principal dwelling.

- (f) For a multi-family residence: Two cars per dwelling unit that shall not exceed six hundred (600) square feet per 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 height of twelve (12) feet. The shed shall be constructed on a four (4) inch concrete slab and the walls shall be bolted down with at least 3/8" bolts imbedded in said concrete. Structures which have less than fifty cubic feet (50') of interior space are exempt from the requirements of this subsection.
- (3) A child's playhouse.
- (4) Private swimming pool and bath house.
- (5) Statuary arbors, trellises, barbecue stoves, flag poles, fences, walls, and hedges.
- (6) Outdoor storage, except as specifically permitted by the district regulation, is prohibited.
- (7) Outdoor Furnaces. Outdoor furnaces means a furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals, and that burns wood, wood pellets, corn, or similar material.
- (a) Exclusions. This section does not apply to: Grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances; burning in a stove, furnace, fireplace, or other heating device within a building used primarily for human or animal habitation; the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.
- (b) Regulation. An outdoor furnace may be installed and used in the Town only in accordance with the following provisions:
1. Building Permit. The owner of the outdoor furnace shall obtain a building permit pursuant to Chapter 8 of this Municipal Code. Any violation of this subsection shall void the permit.
 2. Emission Standards. The outdoor furnace shall meet all emission standards required by the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing. This documentation must be provided at the time the building permit is applied for.
 3. Location. The outdoor furnace shall be located at least two hundred feet (200') from the nearest building, which is not on the same property as the outdoor furnace; at least one hundred feet (100') from the side or rear lot line; and not in a front or street yard.

4. Chimney. The outdoor furnace shall have a chimney that extends at least fifteen feet (15') above the ground surface. If there are any residences within two hundred fifty feet (250'), the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Building Inspector may approve a lesser height on a case-by-case basis, if necessary, to comply with manufacturer's recommendations and, if the smoke from the lower chimney height does not create a nuisance for neighbors.
5. Prohibited Time. The outdoor furnace may not be in operation from May 1 through October 31.
6. Other Restrictions. The Building Inspector may impose additional restrictions deemed necessary to protect public health and safety.

(c) Materials That May Not Be Burned. An outdoor furnace shall not be used to burn any of the following materials:

1. Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
2. Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
3. Asphalt and products containing asphalt.
4. Treated or painted wood including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
5. Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics.
6. Rubber, including tires and synthetic rubber-like products.
7. Newspaper, corrugated cardboard, container board, office paper, and similar materials.

(d) Right of Entry and Inspection. The Building Inspector, or any authorized Town officer, agent, employee, or representative who presents credentials, may inspect any property for the purpose of ascertaining compliance with the provisions of this subsection. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § 66.0119."

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: open terraces not covered four feet (4') above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch, awnings and canopies; steps four feet (4') or less

above grade, which are necessary for access to a permitted building or for access to a lot from a street or alley; one (1) story bay windows and overhanging eaves and gutters projecting thirty inches (30") or less into the yard; chimney projections thirty inches (30") or less into the yard; arbors and trellises; flag poles, signs, recreation and laundry drying equipment; lights, pillars, planters, posts, fountains and other water features, provided they are set back at least two feet (2') from the property line.

- e. Standards. All accessory uses shall comply with all standards applicable to the district in which they are located, and with 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 five feet (5') from any side or rear property line, nor closer than ten feet (10') to any main building, unless it is attached to or forms a part of such main building.
 - (3) No accessory use shall be permitted in any required front yard unless it is a permitted obstruction within the meaning of Section 10.8, d., above.
 - (4) Garage or car port shall not exceed twenty (20) feet in height.
- f. Conditional Use Permit. A conditional use permit may be issued pursuant to Section 6 of this Ordinance allowing a two-story garage or carport.
- (1) Said permit may be issued upon compliance with all the requirements of this Ordinance, including the particular district said lands are located in and of this section and Section 6.
 - (2) Said permit may, among other things, restrict the use of construction material of the requested accessory structure (see 6.5).
 - (3) Failure to comply with the restrictions of any conditional use permit issued under this Ordinance may result in the termination of the permit and removal of the structure and other improvements associated therewith, in addition to any penalties provided by law.
 - (4) All other provisions of this Ordinance shall be observed with the granting of a conditional use permit, including height limitations of each district.

10.9 Swimming Pools

a. Definitions:

- (1) Aboveground pool-type O: A removable pool of any shape that has a minimum water depth of thirty-six inches (36") and maximum water depth of forty-eight inches (48"). The wall is located on the surrounding earth and may be readily dissembled or stored and reassembled to its original integrity.

10.10 Garage Sales⁵

- a. Definitions. "Garage sale", also known as yard sale, tag sale, alley sale, means a sale of miscellaneous household or personal articles, such as furniture, tools, or clothing, held on the seller's own premises. A sale conducted on any three (3) consecutive days, or portions thereof, shall be considered one (1) garage sale. [For example, a sale conducted on a consecutive Thursday, Friday, and Saturday shall be considered one (1) garage sale, while a sale conducted on a consecutive Thursday, Friday, Saturday and Sunday shall be considered two (2) garage sales.]
- b. Number Restricted. No person or group of persons may conduct, carry on, operate or run more than six (6) garage sales as defined in Sec. a. above upon the person or groups' premises in any calendar year. In addition, no person or group of persons may conduct, carry on, operate or run more than one (1) garage sale on any premise in any thirty (30) day period of time.
- c. Penalty. The penalty for violation of this section shall be a penalty as provided in Section 11.04(1) of this Code.

2.63 Ground Sign

Any sign placed upon or supported by the ground independently of the main building or structure on the property. Signs attached to trees, light poles, or accessory buildings shall be considered ground signs.

2.64 Group Family Household

A group of individuals not related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common management plan providing organization and stability.

2.65 Home Occupations

Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.

- a. Standards. In addition to all of the standards applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following standards:
 - (1) No person other than a member of the immediate family occupying such dwelling unit shall be employed.
 - (2) No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.
 - (3) No alteration of the principal building shall be made, which changes the character thereof as a dwelling.
 - (4) No more than twenty-five percent (25%) of the area of one story of a single-family dwelling, nor more than twenty percent (20%) of the area of any other dwelling unit, shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
 - (5) No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
 - (6) The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
 - (7) There shall be no outside storage of equipment or materials used in the home occupation.
 - (8) No signs shall be permitted other than those permitted by the applicable regulations in Section 9.
- b. Particular Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 2 of this Ordinance, as well as to any limitations specifically imposed on such occupation by this Section 2:

- (1) Dressmakers, seamstresses, tailors;
 - (2) Music teachers, provided that the instruction shall be limited to one pupil at a time, except for occasional groups;
 - (3) Artists, sculptors, or authors;
 - (4) Physicians, dentists, or other licensed medical practitioners;
 - (5) Lawyers, architects, engineers, realtors, insurance agents, brokers, and members of similar professions;
 - (6) Ministers, rabbis or priests;
 - (7) The letting for hire of not more than two (2) rooms for residential use only and for not more than four (4) persons, none of whom is a transient.
- c. Particular Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:
- (1) Barber shops, unless specifically permitted by the district regulations or obtaining a conditional use permit.
 - (2) Beauty parlors, unless specifically permitted by the district regulations or obtaining a conditional use permit.
 - (3) Dancing schools.
 - (4) Funeral homes.
 - (5) Nursery schools.
 - (6) Restaurants.
 - (7) Tourist homes.
 - (8) Renting of trailers.
 - (9) Clinics or hospitals.
 - (10) Repair shops or service establishments.
 - (11) Animal kennels, hospitals, or stables.

2.66 Junkyards

Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery, or two (2) or more vehicles not in running or operating condition or are unlicensed, or other type of junk.

6.18 Horses.

The keeping of horses in all districts, except A-1 Agricultural District, is prohibited except as follows:

- a. Non-conforming Use. All areas or lands, except in Agricultural Districts, used for stabling, raising, breeding, or grazing of horses at the effective date of this Ordinance (8/1/68) shall be considered a non-conforming use and shall be governed as such under Chapter 10.
- b. Conditional Use. No horses shall be allowed in any district, except A-1 Agricultural District, without applying for and receiving a conditional use permit for the stabling and grazing only of horses kept for private recreational purposes.
- c. General Restrictions On Permit. Restrictions on the general use permit shall include the following:
 - (1) Buildings. All horses shall be stabled in a roomy, well-ventilated building equipped with stalls and suitable hygienic floor.
 - (2) Fly and Insect Control. Said building shall have screened doors and windows, necessary spraying or mechanical control of flies and insects shall be mandatory.
 - (3) Number of Horses Allowed. The number of horses kept under this permit shall not exceed four (4).
 - (4) Pasture Lands. No permit shall be issued unless there is available for paddocks or pasture use at least one (1) acre of land for each horse located thereon.
 - (5) Manure Handling. Suitable covered containers shall be provided for manure. Manure and cleanings shall be removed from the premises weekly and shall not be used as fertilizer on the paddock, pasture area, or owner's lot.
 - (6) Feed and Supplies. Grain shall be kept within covered metal containers and all hay and straw shall be kept within the building.
 - (7) Fences. Applicant, owner, or occupant of said land shall be responsible for the construction or proper fences so as to control horses and prevent said animals from reaching into a neighbor's yard or destroying plants, trees, shrubs, or other vegetation on the neighbor's property.
 - (8) Rat Control. The presence of rats on the premises shall be considered a violation of this permit.
 - (9) Breeding of Horses. The breeding of horses on premises is prohibited. Mares may foal if property facilities are present.
 - (10) Definition. Horses shall mean and include within its meaning ponies, foals, colts, mules, or donkeys.
 - (11) Other Restrictions. The Town Plan Commission may set forth other requirements for the issuance of said permit as it deems necessary from time to time to conform with the intent and purpose of this Ordinance.
- d. Violation. A violation of any permit restrictions as set forth herein and as determined by the Town Park Commission shall be deemed a revocation of said permit and said use as a stable 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.

5.12 I-1 Light Industrial

No building or use shall hereafter be established or enlarged within the I-1 Light Industrial District unless it conforms to the following regulations:

- a. Permitted Uses. None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 6.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (2) Minimum lot width: 100 feet.
- d. Building Bulk Limitations.
 - (1) A front yard not less than fifty feet (50').
 - (2) A side yard on each side of the lot not less than twenty-five feet (25'); if abutting a residential district, thirty feet (30') where the industrial and residential zones abut.
 - (3) A rear yard no less than twenty-five feet (25').
 - (4) Maximum building height: Sixty feet (60').
 - (5) Other structures: antennas, smokestacks, water towers, and other similar equipment and structures shall not exceed the height of seventy-five feet (75') unless the conditional use permit is secured.

5.13 I-2 Heavy Industrial District

No building or use shall hereafter be established or enlarged within the I-2 Heavy Industrial District unless it conforms to the following regulations:

- a. Permitted Uses. None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section c.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
- d. Building Bulk Limitations.
 - (1) A front yard not less than twenty-five feet (25'), or if abutting a residential district, fifty feet (50').
 - (2) A side yard on each side of the lot not less than fifteen feet (15'); if abutting a residential district, fifty feet (50') where the industrial and residential zones abut.
 - (3) A rear yard not less than ten feet (10'); if abutting a residential district, thirty feet (30') where the industrial and residential zones abut.
 - (4) Maximum building height: Sixty feet (60').
 - (5) Other structures: Antennas, smokestacks, water towers, and other similar equipment and structures shall not exceed the height of seventy-five feet (75') unless the conditional use permit is secured.

5.14 M-1 Mineral Extraction District

- a. Principal Uses. None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 6.
- b. Regulations. All uses listed are subject to the following regulations and such other requirements as the Town Board and Town Park Commission, may deem appropriate to protect the health, safety, and general welfare:
 - (1) Plat of Survey showing topographic data (minimum contour interval of five feet (5')), existing natural resource base data, and the location of existing and proposed excavations.
 - (2) Operations Plan, including a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and proposed hours of operation.
 - (3) Restoration Plan, including at least proposed contours (minimum contour interval of five feet (5')), type of fill, depth of restored topsoil, planting or reforestation, and timing and completion data.
 - (4) Sureties to enable the Town to carry out the restoration plan in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by or for the Town and the amount, form, and type of sureties shall be approved by the Town Board.
 - (5) All excavations shall be at least 200 feet from the right-of-way of any public or private street or property line. All accessories such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line.

SECTION 7 – OFF-STREET PARKING**7.1 General Requirements**

- a. A required off-street parking space shall be at least nine feet in width and at least twenty feet (20') in length exclusive of access drives or aisles, ramps, columns, or work areas, and shall have a vertical clearance of at least nine feet (9').
- b. Each required off-street parking space shall open directly upon an aisle, driveway, or alley of such width and designed as to provide safe and efficient means of vehicular access to such parking space.
- c. Off-street parking spaces open to the sky may be located in any yard, except that in Residence 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 foot (5') green strip of grass and landscaping shall be maintained contiguous to the abutting property.
- d. Enclosed buildings and car ports containing off-street parking shall be subject to the yard requirements applicable in the district in which located.
- e. All parking areas required by these district regulations shall be graded and improved to municipal standards, except that when the Park Commission finds that the cost or desirability of such improvements are inappropriate, because of the rural character of the areas surrounding the district or the seasonal nature of usage, it may waive the improvement of required parking areas for a period of not more than five (5) years. Such waivers may be periodically renewed after review of each situation, with such renewals have a validity of not more than five (5) years each, upon application of the property owner.
- f. Uses not listed, the provision for a use which is similar shall apply.
- g. Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.
- h. Lighting provided in any parking area shall be hooded or beamed so as not to create undesirable glare or interference of any adjacent residential property or public roadways.
- i. Screening. Any off-street parking area, other than that provided for a residence, which abuts or faces a residential district shall provide a planting screen, landscaped fence, or landscaped berm, at least four feet (4') high along the side abutting or fronting on a residential district.

7.2 Design and Maintenance

- a. Off-street parking spaces may be open to the sky or enclosed in a building.
- b. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public highways in such a way as not to interfere with the residential use.

- c. Traffic Visibility. No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half feet (2-1/2') and ten feet (10') above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen feet (15') from their intersection.
- d. In the Case of Arterial Streets intersecting with other streets or railways, the corner cutoff distance establishing the triangular vision clearance space shall be increased to fifty feet (50').
- e. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
- f. Computation. When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, the fraction of one-half or less may be disregarded and a fraction in excess of one-half shall be counted as one parking space.
- g. Collective Provisions. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so furnished is not less than the sum of the separate requirements for each such use, and provided that all regulations covering the location of accessory parking spaces in relation to the use served are adhered to.
- h. Location. All parking spaces required to serve buildings or uses shall be located on the same lot as the building or use served or within 300 feet of a main entrance to the use served, provided no off-street parking facilities for a business or industrial use shall be located in a residential district, except as allowed as a conditional use.
- i. Employee Parking. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

7.3 Application to Existing and Proposed Commercial and Industrial Uses

- a. Required off-street parking spaces shall be provided on the basis set forth in 7.4 below, except that when:
 - (1) A commercial or industrial use existing prior to August 1, 1968, is expanded in area of intensity; or,
 - (2) Plans for the construction of a commercial or industrial use have been approved and a building permit issued prior to August 1, 1968, adoption of this Ordinance, then the off-street parking requirements shall apply only to the addition in area or increase in the intensity of use in excess of the original or approved proposed use.

7.4 Required Off-Street Parking Spaces

Off-street parking spaces shall be provided as follows:

- a. Dwelling and lodging uses:
- (1) Hotels and motels: One (1) space for each guest room, plus one (1) space for each three (3) employees.
 - (2) Single-family dwellings: At least two (2) parking spaces for each dwelling unit.
 - (3) Multiple-family dwellings: At least two (2) parking spaces for each dwelling unit.
- b. Business, commercial, and manufacturing uses:
- (1) All business and commercial establishments, except those specified hereafter: At least one (1) parking space for each 300 square feet of floor area.
 - (2) Automobile service stations: At least four (4) spaces plus one (1) for each employee.
 - (3) Medical and dental clinics: At least three (3) parking spaces for each examination or treatment room, plus one (1) for each doctor and employee of the building.
 - (4) Office, professional, and public administration or service buildings: At least one (1) parking space for each two (2) persons employed based on the design maximum employee capacity of the building.
 - (5) Cartage, express, parcel delivery, and freight terminal establishments: At least one (1) parking space for each two (2) employees as related to the working period when the maximum number of persons are employed on the premises, and one (1) parking space for each vehicle maintained on the premises.
 - (6) Establishments handling the sale and consumption on the premises of food, beverages, and refreshments: At least one (1) parking space for each three (3) persons based upon the maximum number of persons that can be accommodated at the same time in accordance with the designed capacity.
 - (7) Manufacture, production, processing, assembly, disassembly, cleaning, servicing, testing or preparing of foods, materials, or products: At least one (1) parking space for each two (2) employees as related to the working period when the maximum number of persons are employed on the premises.
 - (8) Bowling alleys: At least five (5) parking spaces for each alley, plus additional space as may be required herein for affiliated uses such as restaurants and the like.
 - (9) Theaters: At least one (1) parking space for each four seats.
 - (10) Undertaking establishments and funeral parlors: At least eight (8) parking spaces for each chapel or parlor plus one (1) parking space for each funeral vehicle maintained on the premises.
 - (11) Warehouses, storage, and wholesale establishments: At least one (1) parking space for each two (2) employees as related to the working period when the maximum number of persons are employed on the premises.

- c. Other uses:
- (1) High schools, public or private: At least one (1) space for each three (3) students or auditorium requirement, whichever is greater, and one (1) space for each full time employee and faculty member.
 - (2) Elementary schools, nursery schools, and junior high schools, public or private: At least one (1) parking space of each faculty member and full-time employee.
 - (3) Hospitals: At least one (1) parking space for each two (2) hospital beds, plus one (1) parking space for each two (2) employees (other than doctors), plus one (1) parking space for each doctor assigned to the staff.
 - (4) Churches and temples: At least one (1) parking space for each eight (8) seats.
 - (5) Private clubs and lodges: At least one (1) parking space for each three (3) persons based on the maximum number of persons that can be accommodated at the same time in accordance with designed capacity.
 - (6) Nursing homes: At least one (1) parking space for each three (3) beds and one (1) space for each two (2) employees.
- d. Parking spaces for other permitted or special uses not listed above shall be provided in accordance with the determination of the Building Inspector with respect to the required off-street parking requirements for similar uses.
- e. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

7.5 Modification of Parking Requirements

If the ^{plan} Park Commission, in its review of the site plan for development, finds that the parking requirements specified in subsection (1) are inappropriate, it may modify said requirements in the following manner:

Where two (2) or more uses are located on the same spot on a single lot, and simultaneous usage is precluded, the minimum requirement shall be the greatest of the single requirements for each individual use. Where two (2) or more uses are located on a single lot and by reason of seasonal use are precluded from simultaneous usage, the minimum requirements for each individual use, or combination of uses capable of simultaneous usage.

7.6 Loading Requirements

In all districts, adequate loading areas shall be provided so that all vehicles loading or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

The size or number of such loading spaces provided shall be based upon the operating characteristics of the individual use and shall be subject to approval by the Park Commission upon submittal of site and operational plans.

Approved 3-21-2006
Line items #18

ORDINANCE NO. _____

2005/2006

**AN ORDINANCE AMENDING THE ZONING CODE, CHAPTER 7,
OF THE ORDINANCES OF THE TOWN OF SHEBOYGAN (MORE
PARTICULARLY SECTIONS 10.8, c. and d.), REGARDING
OUTDOOR FURNACES AND BULK REGULATIONS FOR
ACCESSORY USES AND STRUCTURES**

WHEREAS, the Town Board of the Town of Sheboygan recognizes the pollution effects, potential danger of fire hazards, and other problems associated with outdoor furnaces; and

WHEREAS, the Town Board of the Town of Sheboygan seeks to regulate the installation and use of outdoor furnaces in order to promote the health, safety, comfort, and welfare of the residents of the Town; and

WHEREAS, the Town of Sheboygan Zoning Code currently regulates the uses and structures, which may exist in certain yards, but allows certain exceptions to such bulk regulations for accessory uses and structures; and

WHEREAS, the Plan Commission of the Town of Sheboygan has recommended that the Town Zoning Code be amended to regulate outdoor furnaces and to expand and more clearly define the exceptions to the otherwise applicable bulk regulations; and

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

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

Section 1. **Amending Code.** Section 10.8, c. of the Zoning Code of the Town of Sheboygan, Sheboygan County, Wisconsin, is hereby amended by adding paragraph (7) pertaining to outdoor furnaces to read as follows:

"10.8 ACCESSORY USES

"c. Specific Regulations.

"(7) Outdoor Furnaces. Outdoor furnaces means a furnace, stove, or boiler that is not located within a building intended for habitation

by humans or domestic animals, and that burns wood, wood pellets, corn, or similar material.

- "(a) Exclusions. This section does not apply to: Grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances; burning in a stove, furnace, fireplace, or other heating device within a building used primarily for human or animal habitation; the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.
- "(b) Regulation. An outdoor furnace may be installed and used in the Town only in accordance with the following provisions:
- "1. Building Permit. The owner of the outdoor furnace shall obtain a building permit pursuant to Chapter 8 of this Municipal Code. Any violation of this subsection shall void the permit.
 - "2. Emission Standards. The outdoor furnace shall meet all emission standards required by the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing. This documentation must be provided at the time the building permit is applied for.
 - "3. Location. The outdoor furnace shall be located at least two hundred (200) feet from the nearest building, which is not on the same property as the outdoor furnace; at least one hundred (100) feet from the side or rear lot line; and not in a front or street yard.
 - "4. Chimney. The outdoor furnace shall have a chimney that extends at least fifteen (15) feet above the ground surface. If there are any residences within two hundred fifty (250) feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Building Inspector may approve a lesser height on a case-by-case basis, if necessary, to

comply with manufacturer's recommendations and, if the smoke from the lower chimney height does not create a nuisance for neighbors.

- "5. Prohibited Time. The outdoor furnace may not be in operation from May 1 through October 31.
- "6. Other Restrictions. The Building Inspector may impose additional restrictions deemed necessary to protect public health and safety.

"©) Materials That May Not Be Burned. An outdoor furnace shall not be used to burn any of the following materials:

- "1. Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- "2. Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- "3. Asphalt and products containing asphalt.
- "4. Treated or painted wood including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
- "5. Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics.
- "6. Rubber, including tires and synthetic rubber-like products.
- "7. Newspaper, corrugated cardboard, container board, office paper, and similar materials.

"(d) Right of Entry and Inspection. The Building Inspector, or any authorized Town officer, agent, employee, or

representative who presents credentials, may inspect any property for the purpose of ascertaining compliance with the provisions of this subsection. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § 66.0119."

Section 2. Amending Code. Section 10.8, d., of the Zoning Code of the Town of Sheboygan, Sheboygan County, Wisconsin, concerning bulk regulations is hereby amended to read as follows (additions are indicated by underscoring):

"10.8 ACCESSORY USES.

"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: Open terraces not covered four (4) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch, awnings and canopies; 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; one (1) story bay windows and overhanging eaves and gutters projecting thirty (30) inches or less into the yard; chimney projections thirty (30) inches or less into the yard; arbors and trellises; flag poles, signs, recreation and laundry drying equipment; lights, pillars, planters, posts, fountains and other water features, provided they are set back at least two (2) feet from the property line."

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

Section 4. Effective Date. This Ordinance shall take effect upon enactment and publication. All Ordinances or parts of Ordinances contravening or inconsistent with the provisions of this Ordinance shall be and are hereby repealed.

Enacted this _____ day of March, 2006.

TOWN OF SHEBOYGAN

By _____
DANIEL W. HEIN, Town Chairperson

SECTION 8 MODIFICATIONS

8.1 Height

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

- a. Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Ordinance.
- b. Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- c. Essential Services such as utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this Ordinance.
- d. Communication Structures such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- e. Agricultural Structures such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.
- f. Public or Semi-public Facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, and stations, may be erected to a height of sixty feet (60'), provided all required yards are increased not less than one foot (1') from each foot the structure exceeds the district's maximum height requirement.

8.2 Yards

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

- a. Uncovered Stairs, landings, and fire escapes may project into any yard but not to exceed six feet (6') and not closer than three feet (3') to any lot line.
- b. Architectural Projections such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two feet (2').
- c. Residential Fences are permitted on the property lines in residential districts, but shall not in any case exceed a height of six feet (6'), and shall not be closer than two feet (2') to any public right-of-way.
- d. Security Fences are permitted on the property lines in all districts, except residential districts, but shall not exceed ten feet (10') in height and shall be of an open type similar to woven wire or wrought iron fencing.
- e. Accessory Uses and detached accessory structures are permitted in the rear yard only except for decks and fences which are permitted in the side yard of a property as long as the minimum side yard building bulk limitation setback of the Zoning District in which the deck or fence is being constructed is met. Off-street parking is permitted in all yards of the B-2 and B-3 Business Districts, but shall not be closer than twenty-five feet (25') to any

public right-of-way.

- f. Essential Services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance. Landscaping and vegetation are exempt from the yard requirements of this Ordinance.
- g. Sidewalks, Driveway and Retaining Walls are permitted on the property lines in all districts.

8.3 Additions

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

8.4 Average Street Yards

The required street yards may be decreased in any residential or business districts 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 feet (15') in any residential district and five feet (5') in any business district.

8.5 Special Setbacks

The setback requirements in each district shall be modified so as to provide that the minimum setbacks for any district shall be the greatest distance from the lot line as set forth in each district or:

- a. All county and state highways a setback of seventy-five feet (75') from the center of the road or forty-two feet (42') from the lot line, whichever is greater.
- b. All town roads and highways on the official map of the City of Sheboygan or the Town of Sheboygan, a setback of sixty feet (60') from the center of the road or thirty feet (30') from the lot line, whichever is greater.
- c. Where the location of two (2) or more highways of different classifications are coincidental, the greater setback shall apply.
- d. Where easements exist for the purpose of access to other properties, setbacks shall be determined from the edge of easement and not the property line; on all other easements, setbacks shall be determined from the property line.

8.6 Corner Lot Setbacks

The setback requirements for each corner lot shall not be less than thirty feet (30') from each existing or planned street right-of-way line unless greater restrictions apply.

8.7 Street Grades

All structures shall conform to street and building site grades as established by the Town.

5.3 R-1 Single Family Residence District

No building or use shall hereafter be established or enlarged within the R-1 Single Family Residence District unless it conforms to the following regulations:

- a. Principal Uses.
 - (1) Single-family detached dwellings.
 - (2) Parks and playgrounds.
 - (3) Churches and similar places of worship
 - (4) Public or private elementary, middle and high schools (in Sanitary Districts only).

- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

- c. Lot Size Requirements.
 - (a) Minimum lot area: 12,000 square feet.
 - (b) Minimum lot width: Eighty feet (80').

- d. Building Bulk Limitations.
 - (1) Maximum building height: Thirty-five feet (35').
 - (2) Lot coverage: No more than thirty percent (30%) of the area of a lot shall be occupied by a building or structure with its accessory buildings.
 - (3) Yard Requirements:
 - (a) a front yard not less than thirty feet (30') in depth;
 - (b) a side yard on each side of lot not less than ten feet (10');
 - (c) a rear yard not less than fifty feet (50') in depth.

- e. Building Coverage and Construction Specifications.

All dwellings hereafter constructed or erected shall conform to the following regulations:

 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

5.3.1 R-1 Rural Standard District (R-1/RS)

No building or use shall hereafter be established or enlarged within the R-1 Rural Standard District

unless it conforms to the following regulations:

a. Permitted Uses.

- (1) Single-family detached dwellings.
- (2) Parks and playgrounds.
- (3) Churches and similar places of worship.
- (4) Public or private elementary, middle and high schools (in Sanitary Districts only).

b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

c. Lot Size Requirements.

- (1) On-site sewage disposal systems.
 - (a) Minimum lot area: 20,000 square feet except where Department of Natural Resources regulations require more.
 - (b) Minimum lot width: 110 feet
- (2) With municipal sewers.
 - (a) Minimum lot area: 14,500 square feet.
 - (b) Minimum lot width: 110 feet

d. Building Bulk Limitations.

- (1) Maximum building height: Thirty-five feet (35').
- (2) Lot coverage: no more than thirty percent (30%) of the area of lot shall be occupied by a building or structure with its accessory buildings.
- (3) Yard requirements:
 - (a) a front yard not less than thirty feet (30') in depth.
 - (b) a side yard on each side of lot not less than fifteen feet (15').
 - (c) a rear yard not less than fifty feet (50') in depth.

e. Building Coverage and Construction Specifications.

- (1) All dwellings hereafter constructed or erected shall conform to the following regulations:
 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code-approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.
 - (d) Shall be properly connected to utilities.

TOWN OF SHEBOYGAN

Chapter 7

Section 5

5.3.2 R-1 Rural Suburban District (R-1/RSUB)

No building or use shall hereafter be established or enlarged within the R-1 Rural Suburban District unless it conforms to the following regulations:

- a. Permitted Uses.
 - (1) Single-family detached dwellings.
 - (2) Parks and playgrounds
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) Minimum lot area: One (1) acre
 - (2) Minimum lot width: 125 feet
- d. Building Bulk Limitations.

-
- (1) Maximum building height: Thirty-five feet (35')
 - (2) Lot coverage: No more than thirty percent (30%) of the area of lot shall be occupied by a building or structure with its accessory buildings.
 - (3) Yard Requirements:
 - (a) A front yard of not less than seventy-five feet (75') in depth.
 - (b) A side yard on each side of lot not less than twenty-five feet (25').
 - (c) A rear yard not less than fifty feet (50') in depth.
- e. Building Coverage and Construction Specifications.
- (1) All dwellings hereafter constructed or erected shall conform to the following regulations:
 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code-approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.
 - (d) Shall be properly connected to utilities.

5.3.3 R-1 Rural Estate District (R-1/RE)

No building or use shall hereafter be established or enlarged within the R-1 Rural Estate District unless it conforms to the following regulations:

- a. Permitted Uses. Single-family detached dwellings.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) Minimum lot area: Three (3) acres
 - (2) Minimum lot width: 150 feet
- d. Building Bulk Limitations.
 - (1) Maximum building height: Thirty-five feet (35')
 - (2) Lot coverage: No more than thirty percent (30%) of the area of lot shall be occupied by a building or structure with its accessory buildings.
 - (3) Yard Requirements:
 - (a) A front yard of not less than seventy-five feet (75') in depth.
 - (b) A side yard on each side of lot not less than forty feet (40').
 - (c) A rear yard not less than seventy-five feet (75') in depth.
- e. Building Coverage and Construction Specifications.

All dwellings hereafter constructed or erected shall conform to the following regulations:

 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code-approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.
 - (d) Shall be properly connected to utilities.

5.3.4 RURAL RESIDENTIAL CLUSTER (RRC) DEVELOPMENT DISTRICT

RURAL RESIDENTIAL CLUSTER (RRC) DEVELOPMENT ORDINANCE
TABLE OF CONTENTS

RURAL RESIDENTIAL CLUSTER (RRC) DEVELOPMENT DISTRICT

Intent	5-8
Principal Permitted Uses	5-9
Accessory Uses	5-9
Conditional Uses	5-9
Prohibited Uses	5-10
Inventory and Site Analysis	5-10
Density and Dimensional Standards	5-11
Calculation of Site Capacity	5-12
Design Standards for Cluster Groups	5-12
Design Standards for Common Open Space	5-13
Landscaping	5-15
Ownership and Maintenance of Common Facilities and Open Space	5-15
Sewage and Water Supply Facilities	5-18
Technical Modifications Allowed	5-19
DEFINITIONS RELATING TO CLUSTER DEVELOPMENT	5-20

5.3.4 Rural Residential Cluster (RRC) Development District

- a. Intent. The purpose of the Rural Residential Cluster (RRC) Development District is to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:
- (1) To provide a large proportion of land area within RRC developments for common use as natural appearing open space with environmental value.
 - (2) To maintain and enhance what remains of the Town's rural and natural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, habitat, and natural areas by protecting them from removal or adverse impact from development. This includes, but is not limited to, areas contained in primary environmental corridors, as identified by the Sheboygan County Planning and Resources Department, that are of particular significance for conservation.
 - (3) To preserve scenic views and to minimize views of new development from existing streets.
 - (4) To provide for the unified and planned development of clustered, single-family, low density residential uses, incorporating areas of permanently protected common open space.
 - (5) To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of other subdivision regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
 - (6) To increase flexibility and efficiency in the siting of services and infrastructure, by reducing street length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.
 - (7) To create groups of dwellings with direct visual and physical access to common open space.
 - (8) To permit active and passive recreational use of common open space by residents of a cluster development or by the public.
 - (9) To reduce erosion by retaining or improving existing vegetation.
 - (10) To allow for the continuation of agricultural uses in those areas best suited for such activities by creating protective buffers.
 - (11) To permit various means for owning common open space and for protecting it from development in perpetuity.
 - (12) To support an attitude of stewardship, or caring, for the land within common open space by requiring a land management or stewardship.
 - (13) To implement applicable objectives of the adopted Town Comprehensive Plan, or elements thereof.
- b. Principal Permitted Uses. Permitted uses within the Rural Residential Cluster (RRC) District are as follows:
- (1) Single-family residential uses as follows:
 - (a) Clustered single-family attached or detached dwellings, including condominiums, with at least fifty percent (50%) of the gross acreage in common open space.
 - (b) Single-family farmstead dwellings with or without associated agricultural

structures such as barns, silos, storage sheds, and stables.

- (2) Community living arrangements, and community-based residential facilities (CBRF), which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Open space uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, trails, picnic areas, and similar uses.
- (4) Conservation of natural features in their existing state or restoration to an improved condition.
- (5) Stormwater management facilities for the proposed development, including detention and retention basins.
- (6) Essential services.
- (7) The following uses are permitted in common open space in cluster development:
 - (a) Uses listed above in numbers 3, 4, 5, and 6.
 - (b) Water supply and sewerage facilities for individual lots, groups of lots, or the entire development.
 - (c) Utility and street rights-of-way except that street right-of-way land areas shall not count toward the fifty percent (50%) minimum open space requirement.
 - (d) Parking areas where necessary to serve active recreation facilities.

c. Accessory Uses.

- (1) Attached and detached private garages and storage structures, provided that:
 - (a) One detached garage, not exceeding 1,200 square feet, shall be permitted.
 - (b) One detached storage structure, not exceeding 200 square feet, shall be permitted per single family residence, in addition to any attached or detached garage.
- (2) Home occupations which are clearly incidental to the principal residential use, provided that the requirements of Section 2.65 of the Zoning Code are met.

d. Conditional Uses. The following conditional uses may be permitted by the Plan Commission and Town Board pursuant to the procedure set forth in Section 6 of this Zoning Code, provided the proposed use shall not adversely impact the rural character of the district and shall be consistent with the overall intent and objectives of the district as listed in Subsection a. above.

- (1) Agricultural uses requiring the installation of new buildings or other structures in the common open space of a cluster development. The total building coverage of such new agricultural buildings or structures shall not exceed 10,000 square feet.
- (2) Commercial storage or other adaptive reuse of barns in order to provide for an adaptive and compatible reuse and promote the preservation of such structures, provided such barns have existed for at least twenty (20) years prior to the effective date of this Ordinance.
- (3) Recreational uses such as tennis courts, putting greens, children's play area, or recreational buildings or other structures in the common open space of a cluster development. The total building coverage of such new buildings or structures shall not exceed 10,000 square feet.
- (4) Agricultural activities including:
 - (a) The cultivation, harvesting, and sale of crops and related products produced on the farm.
 - (b) The raising and sale of livestock or fowl, with associated pasture and

barnyards.

- (c) Orchards, nurseries, greenhouses, and related horticultural uses.
- (d) Growing and sale of Christmas trees.
- (e) Agricultural structures such as barns, silos, storage sheds, and stables.

e. Prohibited Uses.

- (1) The use of motor vehicles except on public streets and parking areas. Maintenance, law enforcement, emergency, and farm vehicles are exempt from this limitation.
- (2) Cutting of healthy trees, re-grading, topsoil removal, altering, diverting, or modifying water courses or bodies, except in compliance with an approved landscape plan and master side grading plan approved for any subdivision or condominium plat, as described in Subsection K.
- (3) Animal husbandry operations, except as permitted or conditional uses in Rural Estate Developments.

f. Inventory and Site Analysis. To aid the Town in determining if a proposed development plan meets the intent and objectives as described in Subsection a. and the design standards for cluster groups and common open space as described in Subsections i. and j., the initial application for any development shall include an inventory and site analysis of the parcel. The specific requirements for such inventory and site analysis are described herein, or as required by the Plan Commission or Town Board.

g. Density and Dimensional Standards.

- (1) The following density and dimensional standards shall apply to residential cluster development:

Factors	Single Family Residences on Lots or Parcels Served by Private Onsite Waste Treatment Systems	Single Family Residences Lots or Parcels Served by Common or Municipal Sanitary Sewer Systems
Minimum Gross acres per dwelling ^a	5	1.5
Minimum Common Open Space (% of Gross Acres)	60	50
Minimum Lot Area ^b	20,000 sq. feet	10,000 sq. feet
Minimum Lot Width: Measured at Building Setback Line	100 feet	80 feet
Measured at Front Lot Line	50 feet	50 feet
Minimum Front Yard Depth	30 feet	30 feet
Minimum Rear Yard Depth	50 feet	25 feet
Minimum Side Yard	10 feet	10 feet

TOWN OF SHEBOYGAN
Section 5

Chapter 7

Accessory Building Minimum Setback ^c From Side Lot Lines From Rear Lot Line	5 feet 5 feet	5 feet 5 feet
Maximum Height Principal Structure Non-agricultural Accessory Structures Agricultural Accessory Structures	35 feet 20 feet 2 times the distance from the nearest lot line with a maximum set back of 60'.	35 feet 20 feet 2 times the distance from the nearest lot line with a maximum setback of 60'.
Maximum Building Coverage Per Lot	30 percent	30 percent

- a. Existing dwellings that will remain on the site shall be included in the calculation of maximum density.
- b. For an existing farmstead on a parcel used for cluster development, the minimum lot area shall be 5 acres or a lot large enough to accommodate all structures within a building envelope created by a 100 foot setback from all sides of the lot, whichever is larger. For farmsteads with livestock, the setback shall be increased to 200 feet.
- c. Accessory buildings shall not be permitted within the front yard.

(2) Separation distances for cluster groups.

- (a) The outer boundaries of all cluster groups shall conform to the following separation distances:
 - (i) From existing or proposed arterial street rights-of-way as defined in the Town Comprehensive Plan or the Regional Transportation System Plan: 100 feet.
 - (ii) From existing scenic highways or rustic roads: Seventy-five (75') feet.
 - (iii) From all perimeter subdivision boundaries: Seventy-five (75') feet.
 - (iv) From crop land or pasture land: 100 feet.
 - (v) From buildings or barnyards housing livestock: 100 feet.
 - (vi) From other cluster groups: 100 feet.
 - (vii) From wetlands, floodplains, or water courses: Twenty-five feet (25'). Refer also to state and county set backs, protective areas and other requirements.
 - (viii) From active recreation areas, such as courts or playing fields: 100 feet.
- (b) All separation areas for cluster groups along existing streets shall be landscaped in accordance with Subsection K, in order to block views of new residential development, preserve scenic views, and protect rural landscape character.
- (c) The dimensional standards specified in Subsection g.(2) may be reduced under the following circumstances:
 - (i) The separation distances from existing arterial streets and the perimeter of the subdivision may be reduced to no less than fifty feet (50') if the applicant can demonstrate that existing vegetation or topography or a combination of these form an effective visual screen.
 All other separation distances may be reduced by fifty percent (50%) if the

applicant can demonstrate to the satisfaction of the Plan Commission that such reduced setbacks improve the plan's compliance with the cluster group design standards in Section I, the intent of this Ordinance, and the objectives of the Town Comprehensive Plan.

h. Calculation of Site Capacity.

(1) For cluster development, the calculation of site capacity, or the number of dwelling units permitted in a development, shall be based on the gross parcel acreage. The applicant shall determine the gross parcel acreage using public records and/or maps, or at the option of the Town, actual surveyed acreage as provided by a licensed Wisconsin land surveyor.

(2) To determine the number of units permitted on a given site, the gross parcel acreage shall be divided by the acres per lot factor set forth in section g. immediately above and rounded to the nearest whole number.

i. Design Standards for Cluster Groups. The following standards shall apply to all cluster groups:

- (1) All dwelling units shall be grouped into cluster groups, each of which shall be surrounded by common open space.
- (2) No cluster group shall contain more than fifteen (15) dwelling units.
- (3) A plat may contain one or more cluster groups.
- (4) Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets, and may contain lots, streets, and cluster group open space. When the development does not include individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is less than twenty-five feet (25') from any unit.
- (5) The outer boundaries of each cluster group shall meet the separation distance requirements specified in Subsection g(2).
- (6) Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Cluster groups may be separated by street right-of-ways.
- (7) All lots in a cluster group shall take access from interior streets.
- (8) All lots in a cluster group shall abut common open space on at least one side. Common open space across a street shall qualify for this requirement.
- (9) In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, where dwellings are located within woodlands, no more than thirty percent (30%) of a single wooded lot may be cleared for the construction of a dwelling, driveway, garage, storage building, well and private onsite waste treatment system. Clearing will be limited to thirty percent (30%) of the lot as set forth in paragraph g. of this Ordinance, but may be waived or modified by the Plan Commission or Town Board if the thirty percent (30%) limitation is not sufficient to allow the construction of a dwelling, driveway and accessory uses.

j. Design Standards for Common Open Space. On all parcels developed under the cluster development regulations, fifty percent (50%) of the gross land area shall be set aside as protected common open space. This open space shall meet the following standards:

- (1) For the purposes of this Subsection, gross land area includes all lands within the parcel, except existing street, railway, and utility rights-of-way.
- (2) Common open space shall comply with the following design standards:
 - (a) The location of common open space shall be consistent with the objectives of the Town Comprehensive Plan, or portions thereof, or existing zoning ordinances and maps, or as

directed by the Town Board.

- (b) All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least fifty percent (50%) of the common open space areas shall be contiguous to another common open space area. For the purposes of this Subsection, areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.
- (c) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this Ordinance.
- (d) Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with an approved land stewardship plan, as described in Subsection L.3. Permitted modifications may include:
 - (i) Woodland management.
 - (ii) Reforestation.
 - (iii) Meadow management.
 - (iv) Wetlands management.
 - (v) Stream bank protection.
 - (vi) Buffer area landscaping.
 - (vii) Storm water management, including infiltration.
- (e) All wetlands, floodplains, wildlife habitat areas, steep slopes over thirty percent (30%), 100 percent of lowland environmental corridor, and a minimum of eighty percent (80%) of upland primary environmental corridors shall be contained in common open space, to the extent practicable.
- (f) The common open space shall maximize common boundaries with existing or future open space on adjacent lands, as shown in the Town or County Comprehensive Plan, or the Comprehensive Plan of an adjacent municipality.
- (g) To preserve scenic views, ridge tops and hilltops should be contained within common open space wherever possible. Trees shall not be removed from ridge tops or hill tops.
- (h) A minimum of eighty percent (80%) of the area of existing woodlands shall be contained within common open space. Up to twenty percent (20%) of the area of existing woodlands may be located within lots or used for residential development. This limitation may be exceeded under the following conditions:
 - (i) The site is primarily wooded and development at the permitted density would not be possible without encroaching further into the woodlands:
 - (ii) Any encroachment on woodlands beyond twenty percent (20%) shall be the minimum needed to achieve the maximum permitted density, as determined by the Town Board.
- (i) No area of common open space shall be less than thirty feet (30') in its smallest dimension or less than 10,000 square feet in area, with the exception of landscape islands as described in Subsection I.8.b. Open spaces not meeting this standard shall not be counted toward the total required fifty percent (50%) common open space.
- (j) The boundaries of common open space shall follow the natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.
- (k) Trails in common open space that are located within fifty feet (50') of homes in cluster

groups shall be identified by plantings, fences, or other landscape features.

- (l) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
 - (m) Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- (3) Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
- (a) At least one access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced by the Town Board if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this Section.
 - (b) Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
- (4) The following areas shall not be included in the calculation of common open space areas:
- (a) Private lot areas or common areas of condominium plats.
 - (b) Street and highway rights-of-way, public or private.
 - (c) Parking areas.
 - (d) Areas not meeting the requirements of Subsection j.(2)(i)

k. Landscaping.

(1) Promoting and Preserving Natural Landscape.

- (a) For the purpose of conserving and promoting the natural landscape, existing vegetation shall be preserved, except that selective cutting and forestry improvements may be conducted under an approved management plan.
- (b) Existing woodlands and hedgerows of native species shall be retained to the maximum extent possible. Where possible, existing woodlands and hedgerows shall be incorporated into the required separation areas between cluster groups and external streets and site boundaries.
- (c) Suitable existing vegetation shall be credited toward the landscaping requirements of this Section, when, in the opinion of the Town Board, it would equal or exceed the visual impact of the new required plant material after ten years of growth.
- (d) All new landscaping to be installed and existing vegetation to be preserved shall be protected in accordance with the methods specified in the Town Land Division Control Ordinance or other applicable Town ordinances.

(2) Street Trees

- (a) Street trees shall be planted along internal streets within cluster groups.
- (b) Street trees may be planted, but are not required, along internal streets passing through common open space.
- (c) Informal arrangements are encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.
- (d) Street trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the street.
- (e) The species of street trees shall be selected from the "List of Recommended

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- Species for Landscaping" adopted by the Town Board.
- (f) Street tree plantings shall comply with all applicable regulations in the Town Land Division Control Ordinance or other applicable ordinances.
- (3) Buffers
- (a) A planted buffer area at least twenty-five feet (25') in width shall be established within all required separation areas between external streets and cluster groups.
- (b) Planted buffers within separation areas between cluster groups are encouraged to enhance privacy and a rural appearance between lots.
- (c) Buffers consisting of an informal arrangement of native plant species combined with infrequent mowing are strongly encouraged, to create a low-maintenance, natural landscape.
- I. Ownership and Maintenance of Common Facilities and Open Space. To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as common facilities), the following regulations shall apply:
- (1) Ownership. The following methods may be used, either alone or in combination, to own common areas or facilities. Common areas or facilities shall not be transferred to another entity except for transfer to another method of common ownership permitted under this Subsection. Ownership methods shall conform to one or more of the following:
- (a) Homeowners Association. Land and improvements shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein:
- (i) The applicant shall provide to the Town a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. Such documents shall be approved as to form by the Town Attorney.
- (ii) The organization shall be established by the owner or applicant and shall be operating, with financial subsidy by the owner/applicant, if necessary, prior to the sale of any dwelling units in the development. Owner/applicant may retain control and may operate said organization until the sale of the last development lot.
- (iii) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
- (iv) The organization shall be responsible for maintenance and insurance of common facilities.
- (v) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
- (vi) The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
- (vii) The applicant for any cluster subdivision or development proposed to contain common facilities shall arrange with the Town Assessor a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
- (viii) Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given to all members of the organization and to the Town at least thirty (30) days prior to such event.

- (b) Condominium Agreements. Common facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved as to form by the Town Attorney and shall comply with the requirements of Chapter 703 of the Wisconsin Statutes. All common open space and other common facilities shall be held as "common elements" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.
- (c) Fee simple dedication to a public entity. The Town, or other public entity acceptable to the Town, may but shall not be required to accept any portion of the common facilities, provided that:
- (i) There shall be no cost of acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
 - (ii) Any facilities so dedicated shall be accessible to the residents of the Town, if the Town so chooses.
 - (iii) The Town or other public agency shall maintain such facilities.
- (d) Dedication of conservation easements to a public entity. The Town or other public entity acceptable to the Town may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
- (i) There is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
 - (ii) A satisfactory maintenance agreement shall be reached between the owner and the Town.
 - (iii) Lands under a Town easement may or may not be accessible to residents of the Town.
- (e) Fee simple dedication to a nonprofit conservation organization. With the approval of the Town Board, an owner may dedicate any portion of the common facilities to a nonprofit conservation organization, provided that:
- (i) The organization is acceptable to the Town.
 - (ii) The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
 - (iii) A maintenance agreement acceptable to the Town is established between the owner and the organization, in accordance with Subsection I. (2).
- (f) Dedication of conservation easements to a nonprofit conservation organization. With the approval of the Town Board, an owner may dedicate conservation easements on any portion of the common facilities to a nonprofit conservation organization, provided that:
- (i) The organization is acceptable to Town.
 - (ii) The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
 - (iii) A maintenance agreement acceptable to the Town is established between the owner and the organization, in accordance with Subsection L., 2.
 - (iv) The residents of the development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from

development in perpetuity.

- (g) Ownership retained by the original landowner. Ownership of common open space and facilities may be retained by the original landowner provided that:
 - (i) The Town or owners of the development shall hold perpetual conservation easements on the land protecting it from any further development.
 - (ii) Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
- (h) Other methods acceptable to the Town Board upon recommendation by the Town Attorney.

(2) Maintenance and operation of common facilities.

(a) A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Board prior to preliminary plat approval. Such plan shall:

- (i) Define ownership.
- (ii) Establish necessary regular and periodic operation and maintenance responsibilities.
- (iii) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- (iv) Include a Land Stewardship Plan specifically focusing on the long-term management of open space lands. A draft Land Stewardship Plan shall be submitted with a preliminary plat, and a final Plan shall be submitted with the final plat. The Land Stewardship Plan shall comply with the requirements of Subsection I (3).
- (v) At the discretion of the Town Board, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one (1) year.

(b) In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor organization, shall be considered in violation of this Ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

(3) The Land Stewardship Plan shall include a narrative, based on the site analysis required by Subsection F, describing:

- (a) Existing conditions, including all natural, cultural, historic, and scenic elements in the landscape;
- (b) Objectives for each common open space area, including:
 - (i) The proposed end state for the area and the measures proposed for achieving the end state.
 - (ii) Proposed restoration measures, including:
 - (aa) Measures for correcting increasingly destructive conditions, such

as erosion.

- (bb) Measures for restoring historic features.
- (cc) Measures for promoting native plant species.
- (dd) A maintenance and operations plan identifying activities needed to maintain the stability of the resources, including mowing schedules, weed control measures, planting schedules, and clearing and cleanup measures and schedules.

- (4) Leasing of common open space lands. Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:
 - (a) The uses comply with this ordinance and the plat or development plan.
 - (b) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
 - (c) The common open space lands to be leased shall be maintained for the purposes set forth in this Section.
 - (d) The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.
 - (e) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Board.
 - (f) Lease agreements shall be recorded in the office of the County Register of Deeds within thirty (30) days of their execution, and a copy of the recorded lease shall be filed with the Town.
- (5) Conservation. Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Board upon recommendation of the Town Attorney and duly recorded in the office of the County Register of Deeds.

m. Sewerage and Water Supply Facilities.

- (1) Sewerage Facilities.
 - (a) Sewerage facilities for cluster development may consist of any system meeting the requirements of the County, the Sanitary District No. 2, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources.
 - (b) If approved by the Commissioners of the Town of Sheboygan Sanitary District No. 2, sewerage facilities or portions thereof may be located within common open space areas.
 - (c) All sewerage facilities shall be consistent with the requirements of the Ordinances, policies, and rules of the Town of Sheboygan Sanitary District No. 2.
 - (d) All public community sewerage facilities shall be owned, operated, and maintained by the Town of Sheboygan Sanitary District No. 2.
- (2) Water Supply Facilities.
 - (a) Water supply facilities may consist of any of following systems, provided they meet the requirements of the County, the Town of Sheboygan Sanitary District No. 3 (Water), the Town, the Wisconsin Department of Natural Resources, and of the Wisconsin Administrative Code:

Private, individual wells.
Private, community wells.
Public water supply system.

- (b) All municipal water supply facilities shall be consistent with the requirements of the Ordinances, policies and rules of the Town of Sheboygan Sanitary District No. 3 (Water).
- (c) All public water supply facilities shall be owned, operated, and maintained by the Town of Sheboygan Sanitary District No. 3 (Water).

n. Technical Modifications Allowed. The Plan Commission or the Town Board shall have the authority to modify or adjust technical or numerical standards applicable to any specific development provided the Plan Commission or Town Board is satisfied that the overall site plan, taking into account all relevant factors, will meet both the general intent and design guidelines of this Ordinance.

DEFINITIONS RELATING TO CLUSTER DEVELOPMENT

This list of definitions includes only those terms or phrases that are particular to cluster zoning ordinances and may not already be included in typical current local zoning ordinances. These terms or phrases should be added to any existing list of definitions contained in zoning ordinances to which these model cluster development provisions might be added. It should be noted that these definitions are particular to this model. If provisions of the ordinance are changed, some definitions will also need to be changed. For example, the maximum number of units in a "cluster group" may be reduced or increased; similarly, the amount of required open space may be reduced or increased.

Italicized words within definitions are further defined in this section.

Cluster Development. A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more *cluster groups* surrounded by common open space.

Cluster Group. A group of single-family detached dwellings within a cluster development, surrounded by common open space as provided by this Ordinance. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

Common Element. The common *facilities* in a *condominium*.

Common Facilities. All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewerage and water supply facilities.

Common Open Space. Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents or utility easements as are shown on the approved development plan.

Community Association. A *condominium* or *homeowners association*.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirement of the Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.

Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Dwelling Unit. One 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 includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

Farmstead. A group of existing buildings with accessory structures used for agricultural purposes, such as barns, silos, storage sheds, cribs, and coops, and which may or may not include a dwelling.

Floodplains. Those lands, including the floodplain, flood fringe, floodway, and channel, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.

Height of Building. The vertical distance measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level roof or, for gable or hip roofs, to the mean height between the eaves and the ridge. Chimneys, spires, towers, mechanical penthouses, tanks, and similar projections not intended for human occupancy shall be excluded.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division or cluster development.

Lot. A parcel or tract of land, or limited common areas of condominium plats.

Nonprofit Conservation Organization. A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the "acquisition of property or rights in property for conservation purposes" as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

Restrictive Covenant. See *Deed Restriction*.

Separation Distance. The required dimensional distance between the outer boundary of a cluster group and another specified feature of the development.

Transfer of Development Rights. The conveyance by deed, easement, or other legal arrangement of the right to develop or build from one parcel to another, expressed in number of dwelling units, where such transfer is permitted by the zoning ordinance.

5.4 R-2 Two-family Residence District

No building or use shall hereafter be established or enlarged within the R-2 Family Residence District unless it conforms to the following regulations:

a. Permitted Uses.

- (1) Any use permitted in R-1 District.
- (2) Two-family dwellings.

b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

c. Lot Size Requirements.

- (1) On-site sewage disposal systems.
 - (a) Minimum lot area: 20,000 square feet for single family homes; 30,000 square feet for two-family homes, except that where a part of either dwelling unit consists of a second floor, the minimum lot area may be 25,000 square feet, except where State Department of Natural Resources regulations require more.
 - (b) Minimum lot width: 100 feet.
- (2) With municipal sewers.
 - (a) Minimum lot area: 12,000 square feet for single family homes; 15,000 square feet for two-family homes.
 - (b) Minimum lot width: Eighty feet (80').

d. Building Bulk Limitations.

- (1) Maximum building height: Thirty-five feet (35').
- (2) Lot coverage: No more than forty percent (40%) of the area of the lot shall be occupied by a principal building and its accessory buildings.
- (3) Yard requirements:
 - (a) A front yard not less than thirty feet (30').
 - (b) A side yard on each side of the lot not less than ten feet (10').
 - (c) A rear yard not less than fifty feet (50').

e. Building Coverage and Construction Specifications. All dwellings hereafter constructed or erected shall conform to the following regulations:

- (1) The minimum building width shall not be less than twenty-two feet (22').
- (2) All dwellings shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
- (3) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

5.5 R-3 General Residence District

No building or use shall hereafter be established or enlarged within the R-3 General Residence District unless it conforms to the following regulations:

a. Permitted Uses. Any use permitted in the R-2 Residence District.

b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

c. Lot Size Requirements.

5.5 R-3 General Residence District

No building or use shall hereafter be established or enlarged within the R-3 General Residence District unless it conforms to the following regulations:

- a. Permitted Uses. Any use permitted in the R-2 Residence District.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.

(1) On-site sewage disposal systems:

- (a) Minimum lot area:
 - (i) multiple family dwellings: 30,000 square feet for two family dwellings and 5,000 square feet of unoccupied land for each additional dwelling unit, except where the Department of Natural Resources regulations require more.
 - (ii) all other permitted uses: 20,000 square feet except where the Department of Natural Resources regulations require more.
- (b) Minimum lot width: 100 feet.

(2) With municipal sewers:

Minimum lot area:

- (i) Multiple family dwellings: 15,000 square feet for two-family dwellings and 3,000 square feet of unoccupied land for each additional dwelling unit, except where the Department of Natural Resources regulations require more.
- (ii) Minimum lot width: Eighty feet (80').

d. Building Bulk Limitations.

- (1) Maximum building height: Thirty-five feet (35').
- (2) Lot coverage:
 - (a) No more than fifty percent (50%) of the area of an interior lot nor more than sixty percent (60%) of the area of a corner lot shall be occupied by a residential building or structure with its accessory buildings.
 - (b) No more than thirty-five percent (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.
- (3) Yard requirements:
 - (a) A front yard not less than thirty feet (30').
 - (b) A side yard on each side of the lot not less than ten feet (10').
 - (c) A rear yard not less than fifty feet (50').

e. Building Coverage and Constructions Specifications. All dwellings hereafter constructed or erected shall conform to the following regulations:

- (1) The minimum building width shall not be less than twenty-two feet (22').
- (2) All dwellings shall be constructed or erected on a Uniform Dwelling Code-approved foundation.
- (3) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

5.6 R-4 Multiple Family and Office District

No building or use shall hereafter be established or enlarged within the R-4 Multiple Family and Office District unless it conforms to the following regulations:

- a. Permitted Uses. Any use permitted in R-3 General Residence District (except single family dwellings). *(See attached)*
- b. Conditional Uses.
 - (1) On-site sewage disposal systems:
 - (a) Minimum lot area:
 - (i) Multiple family dwellings: 30,000 square feet for two-family dwellings and 5,000 square feet of unoccupied land for each additional dwelling unit, except where the Department of Natural Resources regulations require more.
 - (ii) All other permitted uses: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (b) Minimum lot width: two-family dwellings - 100 feet.
 - (2) With municipal sewers:
 - (a) Minimum lot area - multiple family:
Multiple family dwellings: 15,000 square feet for two-family dwellings and 3,000 square feet of unoccupied land for each additional dwelling unit.
 - (b) Minimum lot width: Eighty feet (80').
- c. Building Bulk Limitations.
 - (1) A front yard not less than twenty-five feet (25').
 - (2) A side yard on each side of the lot not less than ten feet (10').
 - (3) A rear yard not less than fifty feet (50').
 - (4) Maximum building height: sixty feet (60').
- d. Standards.
 - (1) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residence building or residential property.
 - (2) All office, hotel, and motel buildings and structures shall be located on sites that are planted and landscaped, except for parking areas and hard-surface walks, and shall be screened from contiguous property in any other residential district by decorative planting or fencing.
 - (3) Off-street parking spaces shall be designed so that no parking, loading, or unloading of motor vehicles will take place adjacent to or within twenty-five feet (25') of any residential building or any other residential district.

5.7 R-5 Residential Condominium District

No building or use shall hereafter be established or enlarged within an R-5 Residential Condominium District unless it conforms with the following regulations:

- a. Permitted Uses. Residential condominium of one to five-family dwellings.
- b. Conditional Uses. None, except as referenced in paragraph 3 of this Section.
- c. Lot Size Requirements. The minimum lot area shall be governed by R-1 requirements as modified by the Planned Residential Development (Section 6.12).
- d. Building Bulk Limitations. R-1 restrictions as modified in Planned Residential Development, Section 6.12.
- e. Design Requirements. A special conditional use permit shall be obtained by applying to the Park Commission for such permit under Section 6 of this ordinance. Such permit shall be governed by the provisions of Section 6.12, i, Planned Residential Developments, except as modified under this section and the minimum development area shall not be required.
- f. Platting Requirements. Any structure built under this zoning classification shall conform to the following sections under Chapter 7.02 of the Municipal Code of the Town of Sheboygan (Regulation of Subdivisions and Plats):
 - (1) Section 5, except that the minimum street width pursuant to Section 5.1, a., and the length of the cul de sac and minimum diameter of same under Section 5.1, e., shall not apply.
 - (2) Section 7, except Section 7.1 and 7.6.
- g. Building Coverage and Construction Specifications.
 - (1) All dwellings hereafter constructed or erected shall conform to the following regulations:
 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be construction and installed pursuant to the manufacturer's specifications.

**SECTION 10 NONCONFORMING USES, STRUCTURES AND LOTS
ACCESSORY USES**

10.1 Existing Nonconforming Uses

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

- a. Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- b. Total Lifetime Structural Repairs or alterations shall not exceed fifty percent (50%) of the market value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.
- c. Substitution of New Equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

10.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty percent (50%) of its current market value, it shall not be restored, except so as to comply with the use provisions of this Ordinance.

A Current File of all nonconforming uses shall be maintained by the Town Clerk listing the following: Owner's name and address; use of the structure, land, or water; and assessed value at the time of its becoming a nonconforming use.

10.3 Existing Nonconforming Structures.

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

10.4 Changes and Substitutions

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

10.5 Substandard Lots

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance.

Such Lot or Parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical, but shall not be less than the following, except where the Department of Natural Resources require more:

<u>Lot</u>	Width	Minimum sixty feet (60')
	Area	Minimum 12,000 square feet
<u>Build i ng</u>	Area	Minimum 1,000 square feet
	Height	Maximum thirty-five feet (35')
<u>Yards</u>	Street	See Section 8.5, Special Setbacks
	Rear Side	Minimum twenty-five feet (25')
		Minimum not less than eight feet (8')

If a substandard lot was created by a transfer of any kind from abutting lands, this section shall not apply.

10.6 Moving Buildings

No buildings or other structure that is devoted in whole or in part to a nonconforming use shall be moved, in whole or in part for any distance whatever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved, in whole or in part for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

10.7 Nonconforming Accessory Uses

No nonconforming accessory use shall continue after the principal use to which it is accessory has been abolished.

10.8 Accessory Uses

- a. Purpose. The uses of land, buildings, and other structures permitted in each district are determined by the list of permitted uses for such district. In addition to such 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 are permitted in any district in connection with any use, which is permitted within such district. An accessory use is a building or use which:
- (1) Is subordinate to and serves a principal building or a principal use;
 - (2) Is subordinate in area, extent, or purpose to the principal building or principal use served;
 - (3) Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served;
 - (4) Is located on the same premises as the principal building or principal use served.
- c. Specific Regulations. An accessory building or use includes, but is not limited to, the following; provided, however, that all of the specific uses must also fit the general definition of "general permitted uses" in this section.
- (1) Private one story garage, carport or accessory use structures shall not exceed the following limitations:
 - (a) For a single-family residence: A garage or accessory use structure shall not exceed fifteen hundred (1500) square feet.**
 - (b) For parcels or lots five (5) acres or greater in area, private garages, carports or accessory use structures shall not exceed three thousand (3000) square feet.**
 - (c) The Town Board may approve accessory use structures that exceed the limitations provided above by conditional use permit pursuant to the procedure and standards set forth in section 6 of this code.
 - (d) A conditional use permit, as governed by Chapter 6 of the Zoning Code, and authorizing greater private garage, carport or accessory use structure square footage shall be granted, granted with conditions, or denied based upon the consideration of the following factors: Proximity to adjacent lots, impact on storm water drainage, potential impacts on other utilities, impact to surrounding land uses, and physical characteristics of the proposed private garage, carport or accessory use structure, including size and compatibility with the principal dwelling.

** Square footage is determined by adding all accessory use structures in their entirety. This includes all sheds, garages, gazebos, etc.

- (f) For a multi-family residence: Two cars per dwelling unit that shall not exceed six hundred (600) square feet per 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 height of twelve (12) feet. The shed shall be constructed on a four (4) inch concrete slab and the walls shall be bolted down with at least 3/8" bolts imbedded in said concrete. Structures which have less than fifty cubic feet (50') of interior space are exempt from the requirements of this subsection.
- (3) A child's playhouse.
- (4) Private swimming pool and bath house.
- (5) Statuary arbors, trellises, barbecue stoves, flag poles, fences, walls, and hedges.
- (6) Outdoor storage, except as specifically permitted by the district regulation, is prohibited.
Outdoor Furnaces. Outdoor furnaces means a furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals, and that burns wood, wood pellets, corn, or similar material.
- (7)

(a) Exclusions. This section does not apply to: Grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances; burning in a stove, furnace, fireplace, or other heating device within a building used primarily for human or animal habitation; the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.

- (b) Regulation. An outdoor furnace may be installed and used in the Town only in accordance with the following provisions:
- 1. Building Permit. The owner of the outdoor furnace shall obtain a building permit pursuant to Chapter 8 of this Municipal Code. Any violation of this subsection shall void the permit.
 - 2. Emission Standards. The outdoor furnace shall meet all emission standards required by the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing. This documentation must be provided at the time the building permit is applied for.
 - 3. Location. The outdoor furnace shall be located at least two hundred feet (200') from the nearest building, which is not on the same property as the outdoor furnace; at least one hundred feet (100') from the side or rear lot line; and not in a front or street yard.

4. Chimney. The outdoor furnace shall have a chimney that extends at least fifteen feet (15') above the ground surface. If there are any residences within two hundred fifty feet (250'), the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Building Inspector may approve a lesser height on a case-by-case basis, if necessary, to comply with manufacturer's recommendations and, if the smoke from the lower chimney height does not create a nuisance for neighbors.
 5. Prohibited Time. The outdoor furnace may not be in operation from May 1 through October 31.
 6. Other Restrictions. The Building Inspector may impose additional restrictions deemed necessary to protect public health and safety.
- (c) Materials That May Not Be Burned. An outdoor furnace shall not be used to burn any of the following materials:
1. Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
 2. Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
 3. Asphalt and products containing asphalt.
 4. Treated or painted wood including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
 5. Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics.
 6. Rubber, including tires and synthetic rubber-like products.
 7. Newspaper, corrugated cardboard, container board, office paper, and similar materials.
- (d) Right of Entry and Inspection. The Building Inspector, or any authorized Town officer, agent, employee, or representative who presents credentials, may inspect any property for the purpose of ascertaining compliance with the provisions of this subsection. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § 66.0119."
- 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: open terraces not covered four feet (4') above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch, awnings and canopies; steps four feet (4') or less

above grade, which are necessary for access to a permitted building or for access to a lot from a street or alley; one (1) story bay windows and overhanging eaves and gutters projecting thirty inches (30") or less into the yard; chimney projections thirty inches (30") or less into the yard; arbors and trellises; flag poles, signs, recreation and laundry drying equipment; lights, pillars, planters, posts, fountains and other water features, provided they are set back at least two feet (2') from the property line.

- e. Standards. All accessory uses shall comply with all standards applicable to the district in which they are located, and with 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 five feet (5') from any side or rear property line, nor closer than ten feet (10') to any main building, unless it is attached to or forms a part of such main building.
 - (3) No accessory use shall be permitted in any required front yard unless it is a permitted obstruction within the meaning of Section 10.8, d., above.
 - (4) Garage or car port shall not exceed twenty (20) feet in height.

- f. Conditional Use Permit. A conditional use permit may be issued pursuant to Section 6 of this Ordinance allowing a two-story garage or carport.
 - (1) Said permit may be issued upon compliance with all the requirements of this Ordinance, including the particular district said lands are located in and of this section and Section 6.
 - (2) Said permit may, among other things, restrict the use of construction material of the requested accessory structure (see 6.5).
 - (3) Failure to comply with the restrictions of any conditional use permit issued under this Ordinance may result in the termination of the permit and removal of the structure and other improvements associated therewith, in addition to any penalties provided by law.
 - (4) All other provisions of this Ordinance shall be observed with the granting of a conditional use permit, including height limitations of each district.

10.9 Swimming Pools

- a. Definitions:
 - (1) Aboveground pool-type O: A removable pool of any shape that has a minimum water depth of thirty-six inches (36") and maximum water depth of forty-eight inches (48"). The wall is located on the surrounding earth and may be readily disassembled or stored and reassembled to its original integrity.

- (2) Hot tub: A spa constructed of wood with sides and bottoms formed separately, joined together by pressure from surrounding hoops, bands or rods, as distinct from spa units formed of plastic, concrete, metal or other materials.
- (3) In ground pool: A permanently installed swimming pool that is constructed in the ground, out of doors or in a building in such a manner that it cannot be readily disassembled for storage.
- (4) On ground residential swimming pool-type O: A removable pool package whose walls rest fully on the surrounding earth and has an excavated area below the ground level where diving, diving equipment and use of a water slide are prohibited. The floor slope adjacent to the shallow area shall have a maximum floor slope of 1:3, and the slope adjacent to the sidewalk shall have a maximum slope of 1:1.
- (5) Spa, permanent residential: A spa in which the water heating and water-circulating equipment is not an integral part of the product. The spa shall be intended as a permanent plumbing fixture.
- (6) Spa, residential portable, either self-contained or not self-contained:
 - (a) Self-contained spa: A spa in which all control, water heating and water circulating equipment is an integral part of the product.
 - (b) Non self-contained spa: A spa in which the water heating and water circulating equipment is not an integral part of the product. Non self-contained spas may contain separate components such as an individual filter, pump, heater and controls or they may employ assembled combinations of various components.
- (7) Swimming pool, in ground residential: A constructed pool, permanent or non-portable, that is intended for non-commercial use as a swimming pool by not more than three (3) owner families and their guests, over twenty-four inches (24") in depth, has a surface area exceeding 250 square feet and/or a volume over 3,250 gallons.
- (8) Type O: Any residential pool where the installation of diving equipment is prohibited.
- b. Permit Required: No in ground pool, nor on ground residential swimming pool, as defined above, shall be constructed, altered, remodeled or improved unless a permit therefore shall first be obtained from the building inspector.
- c. Submission of Plans: Plans and specifications for swimming pools which require a permit shall be submitted with the application for the swimming pool permit and shall include:
 - (1) plans, including a profile, drawn to scale showing all dimensions;
 - (2) equipment, layout of filters, pumps, strainers, sumps, gutters, skimmers, inlets, outlets, waste discharge lines, circulations and other piping;
 - (3) type, care and description of chlorination;
 - (4) capacity of pool;

- (5) proposed location on tract of land.

d. Design and Construction:

- (1) The material used for lining aboveground pools, in ground pools and on ground residential swimming pools shall be light in color and provide a tight tank with smooth and easily cleaned surfaces.
- (2) The walls of aboveground pools, Inground pools and on ground residential swimming pools shall be vertical. Conspicuous markings shall show the depth of the shallow and deep portions, and the location and depth of the points where the slope of the bottom of the pool changes.
- (3) Overflow gutters for swimming pools whose construction provides for said gutters shall completely surround the pool, provided that if such pool is less than thirty (30) feet in width, it may be provided with a skimmer built in to the sides and corners of the pool to take the place of gutters if approved by the building inspector.
- (4) Pools under thirty feet (30') in width shall have at least one (1) outlet at the deepest point of sufficient size to permit the pool to be completely emptied in eight (8) hours. Inlets shall be located to make possible a uniform circulation of water throughout the pool.
- (5) Inground pools shall be completely surrounded by a walkway.
- (6) Aboveground pools, Inground and on ground residential swimming pools shall provide for a complete recirculation of water through all parts of the pool.
- (7) Disinfecting equipment shall be adequate to conform to sanitary requirements.

e. Barrier Protection Requirements:

- (1) Walls, fences and structures as barrier protection. Barrier walls and fences may be stand alone walls and fences or may be in combination with a structural pool, spa or hot tub walls, or a building/dwelling wall to form the barrier around the swimming pool, spa or hot tub.
 - (a) Dimensions: The top of the wall/fence shall be at least forty-eight inches (48") above grade measured on the side of the wall/fence which faces away from the swimming pool, spa or hot tub. The maximum vertical clearance between grade and the bottom of the wall/fence shall be four inches (4").
 - (b) Chain link fence: Where a chain link fence is provided as the barrier, the perpendicular distance between parallel sides of the link shall not exceed two and one-quarter inches (2-1/4") which corresponds to a two and one-quarter inches (2-1/4") mesh size or chain link fencing as contained in specification for residential fencing of the Chain Link Fence Manufacturer's Institute.
 - (c) Picket/ornamental fence: Where a picket/ornamental fence is provided as the barrier, the horizontal open air spacing between pickets shall be a maximum of four inches (4") between all vertical pickets and support posts. Where a picket/ornamental type fence is provided, the maximum vertical

opening between the grade and the lowest part of the horizontal bottom rail or pickets of the fence shall not exceed four inches (4"). Decorative detail shall not provide climbability. Minimum openings between decorative detail shall be one and three-quarter inches (1-3/4") or greater.

- (d) Spacing, less than forty-five inches (45"): Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches (45"), the horizontal member shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarters inches (1-3/4") in width. Decorative cutouts shall not exceed one and three-quarters inches (1-3/4") in width.
- (e) Spacing, more than forty-five inches (45"): Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Decorative cutouts shall not exceed one and three-quarters inches (1-3/4") in width.

Pedestrian access gates: Access gates in the barrier shall comply with the requirements of Section 10.9(e), and be self-closing, self-latching, accommodate a locking device, and open outward away from the pool, spa or hot tub except where natural topography or other conditions dictate that it open inward.

- (a) Latch Release. Release of the latch on the self-latching device for the gate shall be activated as follows: a height no less than fifty-four inches (54") above grade for chain link access gates and at a height no less than fifty-four inches (54") above the horizontal bottom rail of a picket/ornamental access gate, or; on the pool, spa or hot tub side of the gate at a distance no less than three inches (3") below the top of the gate.
- (b) Self-latching devices. Where a self-latching device is also self-locking and is opened by means of a key, electronic opener, or integral combination lock, it may be located at any height on the gate, so long as it does not negate the function of the gate. Said gate need not comply with Section (d) below:
- (c) Chain link access gate: Where the gate is a chain linked gate, and where the release of the self-latching device is activated in accordance with (c), there shall be no opening greater than one-half inch (1/2") in diameter within eighteen inches (18") where the latch release is activated when the gate is closed.
- (d) Picket/ornamental access gate: Where the gate is a picket/ornamental type, such that the distance between the vertical members is greater than one and three-quarter inches (1 -3/4"), and where the release of the self-latching device is activated in accordance with section 2(b) above, there shall be no opening the gate/fence greater than one-half inch in diameter within eighteen inches (18") of where the latch release is activated when the gate is closed.

Other access gates: Gates other than pedestrian access gates need not have a self-closing, self-latching feature, but shall be provided with the means to secure the gate when it is not in use.

- f. Pool Wall as Barrier for Aboveground/On ground Pools:
- (1) Pool Wall. An aboveground, on ground pool wall itself may be the barrier if the pool structure is on grade and the wall is at least forty-eight inches (48") in height. Other types of barriers can be mounted on the pool structure or can be a barrier that surrounds the pool at ground level. Where the barrier is mounted on the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (4").
 - (2) Ladders or Steps. Where an aboveground/on ground pool structure is used as a barrier, or where the barrier is mounted on the pool structure, and the means of access to the pool is a ladder or steps, then
 - (a) the ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - (b) the ladder or steps shall be surrounded by a barrier which meets the requirements of section e., or
 - (c) a lockable and self-closing and self-latching gate at deck level shall be provided.
 - (3) Fence Rail Mounted on Top of Forty-eight Inch Aboveground/On ground Pool Wall Structure. Where provided, the top rail of a pool fence, deck fence, patio fence, walkaround fence and gate, mounted on top of a pool structure or deck of an aboveground/on ground pool which is in conformance with section f(1) shall be a minimum of thirty-six inches (36") above the deck surface.
 - (a) Picket/ornamental type fence. Where a picket/ornamental type fence is provided, maximum open air spacing between all vertical pickets and support posts (vertical) and between the top rail of the pool and the lower horizontal bottom rail of the fence shall not exceed four inches (4"). A sphere greater than four inches (4") shall not pass through openings in the fence.
 - (b) Visibility. Where fencing is required and/or provided with the pool or deck, the fencing shall have at least sixty-five percent (65%) open area to allow visibility from outside to inside the pool area.
 - (4) Deck. Where an aboveground/on ground pool has a deck which abuts or is adjacent to a dwelling and direct access to the deck is through the exterior wall of the dwelling, such access shall be in accord with section g.
- g. Wall of Building with Three-sided Fencing as Barrier. The wall of a building/dwelling may be used to form the barrier or part of the barrier as provided herein. Section e. shall apply to all residences with a swimming pool, spa or hot tub when a wall of a building/dwelling serves as a barrier to said swimming pool, spa or hot tub.
- (1) Doors. Doors in the wall of a building/dwelling which allow direct access through the wall to the pool, spa or hot tub area must be provided with one of the following - an alarm capable of detecting unauthorized entry through a door into the pool, spa or hot tub area and which when activated, emits a sound of sufficient volume to be

heard in the building/dwelling. The audible warning, at no less than 85 dB, shall commence not more than seven (7) seconds after the door and/or its screen, if present, are open and shall sound continuously for a minimum of thirty (30) seconds, or - as a self-latching device on a self-closing door which is either fifty-four inches (54") above floor level or at any convenient height if the device uses a key, electronic opener or integral combination lock so long as it does not negate the function of the door.

- h. Windows. Windows in the wall of the building/dwelling which allow direct access to the wall to the pool, spa or hot tub area, and are located four feet (4') or higher above the floor level, and where there is no foothold in the building/dwelling wall, shall be exempt and considered equivalent protection to the barrier set out in section e. Windows in the wall of the building/dwelling which allow direct access through the wall to the pool, spa or hot tub area and where the lowest opening is at a height of less than four feet (4') above floor level shall comply with one of the following requirements:
 - (1) Window guards, screens or other means of equal protection, shall limit access such that there are no openings large enough to allow a four inch (4") sphere to pass through, or
 - (2) Windows shall be fixed in such a way that they will not open sufficiently far to create a gap which will allow a four inch (4") sphere to pass through or
 - (3) The lowest opening panel of a window shall be located not less than four feet (4') above the floor and there shall be no footholds wider than 4/10th's of an inch on the internal wall down to approximately three and one-half feet (3-1/2') below the lowest opening panel.
- i. Safety Cover for Spa/Hot Tubs as a Barrier. A safety cover for a hot tub or spa which complies with ASTM F 13.46 (1991) is acceptable.
- j. Automatic Power Safety Cover for Swimming Pools as a Barrier. An automatic power safety cover for a swimming pool which complies with ASTM F 13.46 (1991) is acceptable.
- k. Natural Topography as a Barrier. Natural topography which prevents direct access to swimming pool, spa or hot tub areas shall include, but not be limited to, mountains and natural rock formations. A natural barrier shall be approved by the building inspector so long as the degree of protection is not less than the protection afforded by manufactured or constructed means.
- l. Screen Enclosure as Barrier. Screen enclosures that meet or exceed the door, wall, fence and gate requirements of this code are acceptable.
- m. Other Layers of Protection as a Barrier: Other means of protection shall not be used unless demonstrated to provide an equivalent level of protection as approved by the building inspector.
- n. Clear Zone. There shall be a clear zone of at least four feet (4') between the barrier for or on a pool, spa or hot tub and any permanent structures or pool equipment, such as pumps, filters, heaters and similar equipment which can be used to climb the barrier.
- o. Supplemental Layers of Protection-Indoor Swimming Pools, Spas and Hot Tubs. A residential indoor swimming pool, spa or hot tub shall be provided with the means or combination of means to exclude children from the pool, spa or hot tub area and which shall comply with sections i., j. and k.

10.10 Garage Sales

- a. Definitions. "Garage sale", also known as yard sale, tag sale, alley sale, means a sale of miscellaneous household or personal articles, such as furniture, tools, or clothing, held on the seller's own premises. A sale conducted on any three (3) consecutive days, or portions thereof, shall be considered one (1) garage sale. [For example, a sale conducted on a consecutive Thursday, Friday, and Saturday shall be considered one (1) garage sale, while a sale conducted on a consecutive Thursday, Friday, Saturday and Sunday shall be considered two (2) garage sales.]

- b. Number Restricted. No person or group of persons may conduct, carry on, operate or run more than six (6) garage sales as defined in Sec. a. above upon the person or groups' premises in any calendar year. In addition, no person or group of persons may conduct, carry on, operate or run more than one (1) garage sale on any premise in any thirty (30) day period of time.

- c. Penalty. The penalty for violation of this section shall be a penalty as provided in Section 11.04(1) of this Code.

SECTION 9 SIGNS

9.1 Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered within in the Town of Sheboygan except those signs excepted or permitted in this Section 9 and without being in conformity with the provisions of this Ordinance. The sign shall also meet all the structural requirements of the Building Code.

9.2 Signs Excepted

All signs are prohibited in all Residential, Conservancy, and Flood Districts, except the following:

- a. Signs Over Show Windows or Doors of a non-conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor.
- b. Real Estate Signs not to exceed 150 square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
- c. Name, Occupation, and Warning Signs not to exceed eight (8) square feet located on the premises.
- d. Bulletin Boards for public, charitable or religious institutions.
- e. Memorial Signs, tablets, names of buildings and date of erection.
- f. Official Signs such as traffic control, parking restrictions, information and notices.
- g. Temporary Signs not to exceed 150 square feet of gross surface area carrying the name of the contractors, engineers and/or architects during the construction period located on the premises.
- h. Temporary Signs advertising the sales of Christmas trees within the Town of Sheboygan.

9.3 Signs Permitted

Signs are permitted in all Agricultural, Business and Industrial Districts subject to the following restrictions:

- a. Wall Signs placed against the exterior walls of buildings shall not extend more than twelve inches (12") outside of a building's wall surface, shall not exceed 500 square feet in area for any one (1) premises, and shall not exceed twenty feet (20') in height above the mean centerline street grade.
- b. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 200 square feet in area for any one (1) premises; nor shall it extend more than six feet (6') into any required side yard; and shall not be less than ten feet (10') from all side lot lines. In addition, said sign shall not exceed a height of twenty-five feet (25') above the mean centerline street grade; and shall not be less than ten feet (10') above the sidewalk or fifteen feet (15') above a driveway or an alley.

- c. Ground Signs shall not exceed thirty feet (30') in height above the road, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 500 square feet on all sides for any one (1) premises.
- d. Roof Signs shall not exceed thirty feet (30') in height above the road, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 500 square feet on all sides for any one (1) premises.
- e. Window Signs shall be placed only on the inside of commercial buildings.
- f. Combinations of any of the above signs shall meet all requirements for the individual sign.
- g. All Signs, excepted or permitted by this Ordinance shall be exempt from all setback restrictions of each district and the Special Setback provisions of Section 8.5 of the Town Zoning Code.
- h. Signs Advertising Off-Premise Products or Activities Prohibited. No sign shall be permitted that does not exclusively advertise products sold or activities conducted on the property on which it is located, except that off-premise advertising signs which do not comply with the provisions of this section, but were legally in place as of the effective date of this ordinance (8-31-1995), shall be regulated as legal conforming structures and may be maintained or rebuilt to the same or smaller size upon their present sites. A building permit shall be required before any structural alterations or modifications exceeding \$400.00 shall be allowed to any permitted off-premise advertising sign. This subsection does not apply to temporary signs allowed pursuant to Section 9.2 (h) above.

9.4 Location of Signs Limited

No sign, except those permitted in Section 9.2, shall be permitted within 100 feet of any residential, conservancy district, park, waterway, or other desirable natural feature so as to obstruct the visual enjoyment of such features from any vantage point such as bridges, highways, streets or other pedestrian or vehicular ways.

9.5 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroads, traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any doors, 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.

9.6 Existing Signs

Signs lawfully existing on August 1, 1968, 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 10 shall apply.

9.7 General Restrictions

- a. Illumination. Where reflecting, radiating or other illumination of signs is permitted:

- (1) Light shall not be projected toward or onto property located in residence districts or onto public highways.
 - (2) Such illumination shall be indirect and the source of light shall not be exposed when located in a residence district.
 - (3) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those specified in subsection (4).
 - (4) Signs may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays, that may be changed by any electronic process, subject to all of the following restrictions:
 - (i) Each change of message shall be accomplished in one second or less.
 - (ii) Each message shall remain in a fixed position for 6 seconds.
 - (iii) The use of traveling messages, scrolling or segmented messages is prohibited.
- b. Conditions. Landscaping, architectural design, type of construction, sureties, continued maintenance, lighting, fencing, planting screens, operational control, hours of operation, traffic safety restrictions, increased yards and other factors may be reviewed and required by the Plan Commission and Building Inspector before issuance of the building permit upon finding that they are necessary to fulfill the purpose and intent of this Ordinance.
- c. Mobile and portable signs are prohibited in all districts within the Town of Sheboygan.

9.8 Conditional Use

No other sign shall be erected, moved, reconstructed, extended, enlarged, converted or structurally altered without applying for and receiving a conditional use permit for said sign and confirming to the condition that may be set forth by the Town Park Commission.

- a. Conditional use permit shall be issued only in A-1 Agricultural District, B-1 Neighborhood Business District, B-2 General Business District, B-3 Highway Service District, I-2 Heavy Industrial.
- b. Conditions. Landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, traffic safety restriction, and increased yard may be required by the Plan Commission before issuance of said permit upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

**AN ORDINANCE CREATING CHAPTER 17 OF THE
MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN,
SHEBOYGAN COUNTY, WISCONSIN, ENTITLED
"ILLICIT DISCHARGE DETECTION AND ELIMINATION
ORDINANCE" REGULATING DISCHARGES INTO THE
TOWN'S STORMWATER DRAINAGE SYSTEM**

WHEREAS, the Town Board of the Town of Sheboygan has determined that it will promote the public health, safety, protection and general welfare of the community and that it is in the public's best interests to detect and eliminate non-stormwater discharges into the Town of Sheboygan's stormwater drainage system; and

WHEREAS, the Town of Sheboygan desires to establish methods for controlling the introduction of pollutants into the Town's municipal storm sewer system and to establish requirements for the compliance with the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process and the Wisconsin Administrative Code NR 216.

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

Section 1. **Creating Code.** Chapter 17 of the Municipal Code of the Town of Sheboygan is hereby created as follows:

"Chapter 17

**ILLICIT DISCHARGE DETECTION
AND ELIMINATION ORDINANCE**

Authority
Findings and Purpose
Applicability of Ordinance
Title
Definitions
Prohibition of Illegal Discharges
Prohibition of Illicit Connections
Suspension Because of Illicit Discharges In
Emergency Situations
Suspension Because of the Detection of Illicit Discharge

Watercourse Protection
Monitoring Discharges
**Requirement to Prevent, Control and Reduce
Stormwater Pollutant By the Use of BMPs**
Notification of Spills
Enforcement
Appeal of Notice of Violation
Injunctive Relief
Violations Deemed a Public Nuisance
Criminal Prosecution
Cost Recovery
Severability

17.01 Authority.

(1) This ordinance is adopted by the Town Board of the Town of Sheboygan under the authority granted by Wis. Stat. § 60.627. This ordinance supersedes all conflicting and contradictory Illicit Discharge Detection and Elimination regulations previously enacted under Wis. Stat. § 60.62. Except as specifically provided for in Wis. Stat. § 60.627, Wis. Stat. § 60.62 applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Town Board of the Town of Sheboygan hereby designates the Superintendent of Public Works to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent Illicit Discharge Detection and Elimination requirements that may be imposed by Wisconsin Department of Natural Resources (WDNR) administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.

17.02 Findings and purpose.

(1) The Town of Sheboygan's Municipal Separate Storm Sewer System (MS4) are municipally owned facilities where stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.

(2) The Town Board of the Town of Sheboygan finds illicit discharges can carry pollutants to the Waters of the State in the Town of Sheboygan through its MS4.

(3) The purposes of this ordinance are:

(a) To regulate the contribution of pollutants to the MS4.

(b) To prohibit illicit connections and discharges to the MS4.

(c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

17.03 Applicability of Ordinance.

(1) This ordinance applies to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by the Town of Sheboygan.

(2) This ordinance is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1). This includes:

(a) The office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2).

(b) The Wisconsin Department of Transportation (WisDOT) that entered into a memorandum of understanding with the WDNR that satisfies Wis. Stats. § 281.33(2), such that activities directed and supervised by WisDOT are exempt from this ordinance.

(3) The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(4) Any person subject to an industrial or contraction activity WPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town of Sheboygan prior to the allowing of discharges to the MS4.

17.04 Title.

This ordinance shall be known as the Illicit Discharge Detection and Elimination Ordinance for the Town of Sheboygan.

17.05 Definitions.

(1) "Administering authority" means a governmental employee empowered under Wis. Stats. § 60.627, that is designated by the Town of Sheboygan to administer this ordinance.

(2) "Agricultural land use" means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock and has the same meaning as in Wis. Stats. § 281.16(1).

(3) "Best management practice" or BMPs" means structural or non-structural measures, practices, techniques, or devices employed to avoid or to minimize soil, sediment, or pollutants discharged directly or indirectly to waters of the State.

(4) "Business day" means a day the office of the Town of Sheboygan is routinely and customarily open for business.

(5) "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251, et seq.), and any subsequent amendments thereto.

(6) "Commercial land use" means use of land for the retail or wholesale sale of goods or services.

(7) "Construction Activity" means activities subject to erosion control and post construction stormwater permits.

(8) "Cease and desist order" means a court issued order to halt land disturbing construction activity that is being conducted without the required permit.

(9) "Construction site" means an area where one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

(10) "Control plan" means a written description of the number, locations, sizes, and other pertinent information of BMPs designed to meet the requirements of this ordinance submitted by the applicant for review and approval by the Town of Sheboygan.

(11) "Governing body" means the Town Board of the Town of Sheboygan.

(12) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present

or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(13) "Illegal discharge" means any illegal direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 17.06 of this ordinance.

(14) "Illicit connection" is defined as either of the following:

(a) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the MS4. This includes, but is not limited to, any conveyances that allow any non-stormwater discharge, including sewage, process wastewater, and wash water, to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

(b) Any drain or conveyance connected from a commercial or industrial land use to the MS4 that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(15) "Industrial activity" means activities subject to WPDES Industrial Permits as defined in 40 CFR, § 122.26(b)(14), or subject to Wisconsin Administrative Code NR 216.20.

(16) "Landowner" means any person holding title to or having an interest in land.

(17) "Land user" means any person operating, leasing, renting, or having made other arrangements with the landowner where the landowner authorizes use of his or her land.

(18) "MEP" or "maximum extent practicable" means a level of implementing BMPs to achieve a performance standard specified in this ordinance that takes into account the best available technology, cost effectiveness, and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features. MEP allows flexibility to meet the performance standards and may vary based on the performance standard and site conditions.

(19) "MS4" or "Municipal Separate Storm Sewer System" means municipally owned facilities where stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(20) "Non-stormwater discharge" means discharge to the MS4 that is not composed entirely of stormwater.

(21) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(22) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(23) "Pollutant" has the meaning given in Wis. Stats. § 283.01(13), and means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(24) "Pollution" has the meaning given in Wis. Stats. § 281.01(10).

(25) "Responsible party" means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.

(26) "Runoff" means the rainfall, snowmelt, or irrigation water flowing over the ground surface via sheet or channelized flow.

(27) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.

(28) "Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(29) "Stormwater Pollution Prevention Plan" or "SWPPP" means a document that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(30) "Technical standard" means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

(31) "Wastewater" means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(32) "Waters of the State" means those portions of Lake Michigan and Lake Superior within boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction and has the same meaning given in Wis. Stats. § 281.01(8).

(33) "Wisconsin Pollutant Discharge Elimination System (WPDES) Stormwater Discharge Permit" means a permit issued by the WDNR [as authorized by the EPA under authority delegated pursuant to 33 USC § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

17.06 Prohibition of Illegal Discharges.

(1) No person shall discharge or cause to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards; other than stormwater.

(2) The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited, except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if declorinated less than one ppm chlorine), fire fighting activities, and any other water source not containing pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(d) The prohibition shall not apply to any non-stormwater discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the

discharger and administered under the authority of the WDNR, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

17.07 Prohibiting of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

17.08 Suspension Because of Illicit Discharges in Emergency Situations.

The Town of Sheboygan may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the MS4, or to waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Town of Sheboygan may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons.

17.09 Suspension Because of the Detection of Illicit Discharge.

(1) Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Town of Sheboygan will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town of Sheboygan for a reconsideration and hearing.

(2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Town of Sheboygan.

17.10 Watercourse Protection.

Every person owning property that a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall

maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

17.11 Monitoring Discharges.

(1) This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(2) Access to facilities:

(a) The Town of Sheboygan shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force that requires proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow the Town of Sheboygan ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a WPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(c) The Town of Sheboygan shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Town of Sheboygan to conduct monitoring and/or sampling of the facility's stormwater discharge.

(d) The Town of Sheboygan has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Town of Sheboygan and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing the Town of Sheboygan access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a WPDES permit to

discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(g) If the Town of Sheboygan has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

17.12 Requirement to Prevent, Control and Reduce Stormwater Pollutant by the Use of BMPs.

(1) The Town of Sheboygan will adopt requirements identifying BMPs for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the State.

(2) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Any person responsible for a property or premise, that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

(3) Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be a part of a SWPPP as necessary for compliance with requirements of the WPDES permit.

17.13 Notification of Spills.

(1) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4, or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person

shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by telephone or facsimile no later than the next business day.

(2) Notification in person or by telephone shall be confirmed by written notice addressed and mailed to the Town of Sheboygan within three (3) business days of the telephone notice.

(3) If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

17.14 Enforcement.

(1) Whenever the Town of Sheboygan finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Town of Sheboygan may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

(2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

17.15 Appeal of Notice of Violation.

(1) Any person receiving a Notice of Violation may appeal to the Town Board the determination of the Town of Sheboygan. The notice of appeal must be received within ten (10) working days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within thirty (30) working days from the date of receipt of the notice of appeal. The decision of the Town Board or their designee shall be final.

(2) If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal within ten (10) working days of the decision of the Town Board upholding the decision, the representatives of the Town of Sheboygan shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Town of Sheboygan or designated contractor to enter upon the premises for the purposes set forth above.

(3) Within sixty (60) working days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) working days. If the amount due is not paid within a timely manner as determined by the decision of the Town Board or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(4) In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Town of Sheboygan may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watercourse cleanup, etc.

17.16 Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Town of Sheboygan may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.

17.17 Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to

public health , safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

17.18 Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law.

17.19 Cost Recovery.

(1) The Town of Sheboygan may recover all attorneys' fees, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

(2) The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

17.20 Severability.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of 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 not affect the validity of all other provisions, sections or portion thereof of the ordinance which shall remain in full force and effect. Any other ordinance whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict."

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

Enacted this 21 day of February, 2005.

TOWN OF SHEBOYGAN

By


DANIEL W. HEIN, Chairperson

By


CAROL J. HOLFELTZ, Town Clerk

POST-CONSTRUCTION STORM WATER MANAGEMENT ORDINANCE

TABLE OF CONTENTS

16.01 Authority

16.02 Findings of Fact

16.03 Purpose and Intent

- (1) Purpose
- (2) Intent

16.04 Applicability and Jurisdiction

- (1) Applicability
- (2) Jurisdiction
- (3) Exclusions

16.05 Definitions

16.055 Applicability of Maximum Extent Practicable

16.06 Technical Standards

16.07 Performance Standards

- (1) Responsible Party
- (2) Storm Water Management Plan
- (3) Maintenance of Effort
- (4) Requirements
 - (a) Total Suspended Solids
 - (b) Peak Discharge
 - (c) Infiltration
 - (d) Protective Areas
 - (e) Fueling and Maintenance Areas
 - (f)* Swale Treatment for Transportation Facilities
- (5) General Consideration for Storm Water Management Measures
- (6) BMP Location
- (7) Additional Requirements

16.08 Permitting Requirements, Procedures and Fees

- (1) Permit Required
- (2) Permit Application and Fees
- (3) Permit Application Review and Approval
- (4) Permit Requirements
- (5) Permit Conditions
- (6) Permit Duration

16.09 Storm Water Management Plan

- (1) Storm Water Management Plan Requirements
- (2) Alternate Requirements

16.10 Maintenance Agreement

- (1) Maintenance Agreement Required
- (2) Agreement Provisions

16.11 Financial Guarantee

- (1) Establishment of the Guarantee
- (2) Conditions for Release

16.12 Fee Schedule

16.13 Enforcement

16.14 Appeals

- (1) Board of Appeals or Adjustment
- (2) Who May Appeal

16.15 Severability

16.16 Effective Date

**CHAPTER 16
POST-CONSTRUCTION STORM WATER MANAGEMENT**

16.01 Authority.

- (1) This ordinance is adopted by the Town Board of the Town of Sheboygan under the authority granted by Wis. Stats. § 60.627. This ordinance supersedes all provisions of an ordinance previously enacted under Wis. Stats. § 60.62, that relate to storm water management regulations. Except as otherwise specified in Wis. Stats. §§ 60.627 and 60.62, applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Town Board of the Town of Sheboygan hereby designates the Director of Public Works or his designee to administer and enforce the provisions of this ordinance.

- (4) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33,
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wis. Admin. Code § NR 151.004.

16.02 Findings of Fact.

The Town Board of the Town of Sheboygan acknowledges that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (6) Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- (7) Diminish the public enjoyment of natural resources.

16.03 Purpose and Intent.

- (1) Purpose. The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - (a) Further the maintenance of safe and healthful conditions.
 - (b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

- (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter, and prevent conditions that endanger downstream property.
 - (d) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.
- (2) Intent. It is the intent of the Town Board of the Town of Sheboygan that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Town of Sheboygan recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Wis. Stats. § 281.16 for regional storm water management measures and have been approved by the Town of Sheboygan, it is the intent of this ordinance that the approved storm water management plan be used to identify post-construction management measures acceptable for the community.

16.04 Applicability and Jurisdiction.

- (1) Applicability.
- (a) Except as provided under par. (b), this ordinance applies to a post-construction site whereupon one acre or more of land disturbing construction activity occurs during construction.
 - (b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance:
 - 1. A post-construction site with less than ten percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.
 - 2. Agricultural facilities and practices.
 - 3. Underground utility construction, but not including the construction of any above ground structures associated with utility construction.

4. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (c) Notwithstanding the applicability requirements in par. (a), this ordinance applies to post-construction sites of any size that, as determined by the Town of Sheboygan, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, or increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) Jurisdiction.

This ordinance applies to post construction sites within the boundaries and jurisdiction of the Town of Sheboygan;

(3) Exclusions.

This ordinance is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1),

16.05 Definitions.

- (1) "Adequate sod, or self-sustaining vegetative cover" means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.
- (2) "Administering Authority" means the Director of Public Works/Zoning Administration
- (3) "Agricultural facilities and practices" has the meaning given in Wis. Stats. § 281.16(1).
- (4) "Agricultural Use" means bee keeping; commercial feed-lots, dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plat greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the mile production termination program under 7 USC 1446 (d); and vegetable raising [Wis. Stat. § 91.01(1)].
- (5) "Atlas 14" means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

- (6) "Average annual rainfall" means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.
- (7) "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
- (8) "Business day" means a day the office of the Town of Sheboygan is routinely and customarily open for business.
- (9) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Town of Sheboygan.
- (10) "Common plan of development or sale" means all lands included within the boundary of a certified survey or subdivision plat created for the purpose of development or sale of property where multiple separate and distinct land developing activity may take place at different times and on different schedules.
- (11) "Concentrated flow channel" means a channel produced by erosion from runoff, or by construction, that would not be removed by tillage operations typically needed to prepare a field for crop production.
- (12) "Connected imperviousness" means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.
- (13) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different time on different schedules but under one plan.
- (14) "Design storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- (15) "Development" means residential, commercial, industrial or institutional land uses and associated roads.
- (16) "Discharge volume" means the quantity of runoff discharged from the land surface as the result of a rainfall event.
- (17) "Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
- (14)* "Division of land" means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5-year period.

- (15) "Effective infiltration area" means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (16) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (17) "Exceptional resource waters" means waters listed in Wis. Admin. Code § NR 102.11,
- (18) "Existing land use condition" means the condition of the proposed development site and the adjacent properties that are present at the time of the storm water permit application. This term applies only for properly sizing the storm water conveyance system in accordance with the requirement of this ordinance in Section 16.xx.
- (19) "Extraterritorial" means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within one and a half miles of a fourth class city or village.
- (20) "Fee in lieu" means a payment of money to the Town of Sheboygan in place of meeting all or part of the storm water performance standards required by this ordinance.
- (21) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
- (22) "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Administering Authority by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (23) "Governing body" means the Town of Sheboygan Town Board.
- (24) "Illicit discharge" means any release to a municipal separate storm sewer that is not composed entirely of runoff, except discharges authorized by a WPDES permit or any other discharge not requiring a WPDES permit such as water line flushing, landscape irrigation, individual residential car washing, firefighting, and similar discharges.
- (25) "Impervious surface" means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.
- (26) "In-fill" means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.
- (27) "Infiltration" means the entry of precipitation or runoff into or through the soil.
- (28) "Infiltration system" means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from

practices, such as swales or road side channels designed for conveyance and pollutant removal only.

- (29) "Land development (and land redevelopment) activity" means any activity that changes the volume or peak flow discharge rate of rainfall runoff or changes the amount of soil erosion, sediment and pollutant loadings from the land surface. This applies to any change of land use except this term does not include agricultural activities.
- (30) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (31) "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.
- (32) "Land user" means any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
- (33) "Maintenance agreement" means a legal document that provides for long-term maintenance of storm water management practices.
- (34) "Maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with 15.055 of this ordinance.
- (35) "Natural wetlands" means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions. These wetlands include existing, mitigation and restored wetlands.
- (36) "New development" means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (37) "Non-residential land development" means all development excluding residential development and agricultural use.
- (38) "Non-storm water discharge" means a discharge to the storm water system created by some process other than the runoff from precipitation.
- (39) "Non-structural measure" means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants, in storm water that does not require the design or installation of fixed storm water management facilities.
- (40) "NRCS MSE3 or MSE4 distribution" means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.
- (41) "Off-site" means located outside the property boundary described in the permit application.

- (42) "On-site" means located within the property boundary described in the permit application.
- (43) "Ordinary high-water mark" has the meaning given in Wis. Admin. Code § NR 115.03 (6).
- (44) "Outstanding resource waters" means waters listed in Wis. Admin. Code § NR 102.10.
- (45) "Percent fines" means the percentage of a given sample of soil, which passes through a # 200 sieve.
- (46) "Performance security" means cash, or an irrevocable letter of credit submitted to the Town of Sheboygan by the permit holder to assure that requirements of the ordinance are carried out in compliance with the storm water management plan and to recover and costs incurred by the Town for design, engineering, preparation, checking and review of plans and specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance.
- (47) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (48) "Permit" means a written authorization made by the Administering Authority to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (49) "Permit administration fee" means a sum of money paid to the Administering Authority by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (50) "Pervious surface" means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- (51) "Pollutant" has the meaning given in Wis. Stats. § 283.01(13).
- (52) "Pollution" has the meaning given in Wis. Stats. § 281.01(10).
- (53) "Post-construction site" means a construction site following the completion of land disturbing construction activity and final site stabilization.
- (54) "Pre-development condition" means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (55) "Preventive action limit" has the meaning given in Wis. Admin. Code § NR 140.05(17).
- (56) "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.
- (57) "Redevelopment" means areas where development is replacing older development.
- (58) "Responsible party" means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement. "Runoff" means storm

water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

- (59) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
 - (d) Discharges directly or indirectly to waters of the state.
- (51) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (52) "Stop work order" means an order issued by the Administering Authority which requires that all construction activity on the site be stopped.
- (53) "Storm water conveyance system" means any method employed to carry storm water runoff within and from a land development or redevelopment activity to the Waters of the State. Examples of methods include: swales, channels, and storm sewers.
- (54) "Storm water management plan" means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has undergone final stabilization, following completion of the construction activity.
- (55) "Storm water management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (56) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (57) "Top of the channel" means an edge, or point on the landscape landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- (58) "TR-55" means the United States department of agriculture, natural resources conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.
- (59) "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b).

- (60) "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to Wis. Stats. § 281.33.
- (61) "TSS" means total suspended solids.
- (62) "Type II distribution" means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973".
- (63) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

16.055 Applicability of Maximum Extent Practicable.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Town of Sheboygan's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

16.06 Technical Standards.

The following methods shall be used in designing the water quality, peak discharge, and infiltration components of storm water practices needed to meet the water quality standards of this ordinance:

- (1) Consistent with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Wis. Admin. Code subchapter V of Chapter NR 151.
- (2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Town of Sheboygan.

16.07 Performance Standards.

- (1) Responsible Party. *The responsible party shall comply with this section.*

- (2) Storm Water Management Plan. A written storm water management plan in accordance with 15.09 shall be developed and implemented for each post-construction site.
- (3) Maintenance of Effort. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.
- (4) Requirements. The storm water management plan required under sub. (2) shall include the following:
 - (a) Total Suspended Solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

- 1. BMPs shall be designed in accordance with Table 1. or to the maximum extent practicable as provided in subd. 2. The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards	
Development Type	TSS Reduction
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

- 2. Maximum Extent Practicable. If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.
- 3. Off-Site Drainage. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.
- (b) Peak Discharge.
 - 1. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour; the 2-year, 24-hour; the 10-year, 24-hour and the 100-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour; and the 2-year,

24-hour, the 10-year, 24-hour and the 100-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2. shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 or MSE4 precipitation distribution. On a case-by-case basis, the Town of Sheboygan may allow the use of TP-40 precipitation depths and the Type II distribution.

2. All storm water conveyance systems within the proposed development shall be designed to completely contain the peak storm flows as described herein.
 - i. For open channel conveyance systems the peak flow from the 25-year, 24-hour storm shall be completely contained within the channel bottom and banks.
 - ii. For storm sewer conveyance systems the peak flow from the 10-year, 24-hour storm shall be completely contained within the pipe with no surcharging.
 - iii. For storms greater than the 10-year, 24-hour event and up to the 100-year, 24-hour event, ponding shall be within existing or proposed street right-of-way. In no case shall the depth of water exceed 12 inches at the outer edge of pavement or 6 inches at the road crown, whichever is less.
 - iv. The 100-year storm runoff flow path outside of the conveyance system much not impact structural improvements on property.

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

2. This subsection of the ordinance does not apply to any of the following:
 - a. Redevelopment post-construction site less than 5 acres in size
 - b. Except as provided under S. 07 (3), a redevelopment post-construction site.
 - c. An in-fill development area less than 5 acres.

- d. Sites that directly discharge to the Sheboygan River, Onion River, or Mullet River without flowing over or through a municipally owned separate sewer or storm water conveyance system.

(c) Infiltration.

1. Best Management Practices. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:
 - a. Low imperviousness. For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
 - b. Moderate imperviousness. For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
 - c. High imperviousness. For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
2. Pre-development. The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
3. Source Areas.

- a. Prohibitions. Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in § 16.07(4)(c)6.:
 - i. Areas associated with a tier 1 industrial facility identified in Wis. Admin. Code § NR 216.21(2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
 - ii. Storage and loading areas of a tier 2 industrial facility identified in Wis. Admin. Code § NR 216.21(2)(b).
 - iii. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
 - b. Exemptions. Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
 - i. Parking areas and access roads less than 5,000 square feet for commercial development.
 - ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a.
 - iii. Except as provided under § 16.07(3), redevelopment post-construction sites.
 - iv. In-fill development areas less than 5 acres.
 - v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
4. Location of Practices.
- a. Prohibitions. Infiltration practices may not be located in the following areas:
 - i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
 - ii. Areas within 400 feet of a community water system well as specified in Wis. Admin. Code § NR 811.16(4) or within the separation distances listed in Wis. Admin. Code § NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.

- iii. Areas where contaminants of concern, as defined in Wis. Admin. Code § NR 720.03(2), are present in the soil through which infiltration will occur.
- b. Separation distances.
 - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

Table 3. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under Wis. Admin. Code Ch. NR 815 shall be followed.
- c. Infiltration rate exemptions. Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
 - i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
 - ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- 5. Alternate Use. Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such

alternate use shall be given equal credit toward the infiltration volume required by this section.

6. Groundwater Standards.

- a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Wis. Admin. Code Ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
- b. Notwithstanding par. a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

7. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subd. 6. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

8. Maximum Extent Practicable. Where the conditions of subd. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of 16.07(4)(c) shall be met to the maximum extent practicable.

(d) Protective Areas.

1. Definition. In this section, "protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.
 - a. For outstanding resource waters and exceptional resource waters, 75 feet.
 - b. For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - c. For lakes, 50 feet.

- d. For wetlands not subject to par. e. or f., 50 feet.
 - e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
 - f. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 - g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wis. Admin. Code § NR 103.03.
 - h. Wetland boundary delineation shall be made in accordance with Wis. Admin. Code § NR 103.08(1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
 - i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
 - j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.
2. Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. 4.
3. Requirements. The following requirements shall be met:
- a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.

- b. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.
 - c. BMPs such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.
4. Exemptions. This section does not apply to any of the following:
- a. Except as provided under § 16.07(3), redevelopment post-construction sites.
 - b. In-fill development areas less than 5 acres.
 - c. Structures that cross or access surface water such as boat landings, bridges, and culverts.
 - d. Structures constructed in accordance with Wis. Stat. § 59.692(1v).
 - e. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.
- (e) Fueling and Maintenance Areas. Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.

A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

- (f) Swale Treatment for Transportation Facilities.

1. Requirement. Except as provided in subd. 2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:
 - a. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
 - b. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Slope Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales", dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.
2. Other requirements.
 - a. Notwithstanding subd. 1., the Town of Sheboygan may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is one of the following:
 - i. An outstanding resource water.
 - ii. An exceptional resource water.
 - iii. Waters listed in section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.
 - iv. Water where targeted performance standards are developed pursuant to Wis. Admin. Code § NR 151.004.
 - b. The transportation facility authority shall contact the Town of Sheboygan to determine if additional BMPs beyond a water quality swale are needed under this subsection.

(5) General Considerations for Storm Water Management Measures. The following considerations shall be observed in on-site and off-site runoff management:

- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

- (b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (c) Overland flow paths from adjoining properties to an offsite facility must be maintained.

(6) BMP Location.

- (a) To comply with the performance standards required under § 16.07 of this ordinance, BMPs may be located on-site or off-site as part of a regional storm water device, practice or system, but shall be installed in accordance with Wis. Admin. Code § NR 151.003.
- (b) The Town of Sheboygan may approve off-site management measures provided that all of the following conditions are met:
 - 1. The Town of Sheboygan determines that the post-construction runoff is covered by a storm water management system plan that is approved by the Town of Sheboygan and that contains management requirements consistent with the purpose and intent of this ordinance.
 - 2. The off-site facility meets all of the following conditions:
 - a. The facility is in place.
 - b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
 - c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (c) Where a regional treatment option exists such that the Town of Sheboygan exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Town of Sheboygan. In determining the fee for post-construction runoff, the Town of Sheboygan shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

- (7) Additional Requirements. The Town of Sheboygan may establish storm water management requirements more stringent than those set forth in this ordinance if the Administering Authority determines that the requirements are needed to control storm water quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

16.08 Permitting Requirements, Procedures and Fees.

- (1) Permit Required. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Town of Sheboygan prior to commencing the proposed activity.
- (2) Permit Application and Fees. Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Town of Sheboygan a permit application on a form provided by the Town of Sheboygan for that purpose.
 - (a) Unless otherwise excluded by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.

Table I

Land Development Activity	Permit ^a	Stormwater Management Plan	Grading Plan ^b	Maintenance Agreement ^c	Fee
Agricultural Use	--	--	--	--	--
Non-Residential	X	X	X	X	X
1 & 2 Family Residential	X	--	X	--	X
Multi Family Residential	X	X	X	X	X
Subdivision Development	X	X	X	X	X

^a Combined grading and drainage plan to be reviewed by Town staff.

^b Unless previously provided by CSM, subdivision design, or other.

^c If stormwater management plan requires maintainable structures.

- (b) The storm water management plan shall be prepared to meet the requirements of 16.07 and 16.09, the maintenance agreement shall be prepared to meet the requirements of 16.10, the financial guarantee shall meet the requirements of 16.11, and fees shall be those established by the Town of Sheboygan as set forth in 16.12.
- (3) Permit Application Review And Approval. The Town of Sheboygan shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
 - (a) Within 30 business days of the receipt of a complete permit application, including all items as required by sub. (2), the Town of Sheboygan shall inform the applicant whether the application, storm water management plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 - (b) If the storm water permit application, storm water management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Town of Sheboygan shall issue the permit.

- (c) If the storm water permit application, storm water management plan or maintenance agreement is disapproved, the Town of Sheboygan shall detail in writing the reasons for disapproval.
 - (d) The Town of Sheboygan may request additional information from the applicant. If additional information is submitted, the Town of Sheboygan shall have 30 business days from the date the additional information is received to inform the applicant that the storm water management plan and maintenance agreement are either approved or disapproved.
 - (e) Failure by the Town of Sheboygan to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) Permit Requirements. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Town of Sheboygan may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Town of Sheboygan to suspend or revoke this permit may be appealed in accordance with 15.14.
- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.
 - (c) The responsible party shall notify the Town of Sheboygan at least 3 business days before commencing any work in conjunction with the storm water management plan, and within 5 business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Town of Sheboygan so that practice installations can be inspected during construction.
 - (d) Practice installations required as part of this ordinance shall be certified "as built" or "record" drawings by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Town of Sheboygan or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Town of Sheboygan or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (e) The responsible party shall notify the Town of Sheboygan of any significant modifications it intends to make to an approved storm water management plan. The Town of

Sheboygan may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.

- (f) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Town of Sheboygan, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (g) The responsible party authorizes the Town of Sheboygan to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under Wis. Stats. Ch. 66, subch. VII, or to charging such costs against the financial guarantee posted under 15.11.
 - (h) If so directed by the Town of Sheboygan, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
 - (i) The responsible party shall permit property access to the Town of Sheboygan or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
 - (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Town of Sheboygan may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (k) The responsible party is subject to the enforcement actions and penalties detailed in 16.13, if the responsible party fails to comply with the terms of this permit.
- (5) Permit Conditions. Permits issued under this subsection may include conditions established by Town of Sheboygan in addition to the requirements needed to meet the performance standards in 16.07 or a financial guarantee as provided for in 16.11.
- (6) Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date the Town of Sheboygan notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d).

16.09 Storm Water Management Plan.

- (1) Storm Water Management Plan Requirements. The storm water management plan required under 16.07(2) shall contain at a minimum the following information:
- (a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - (c) Pre-development site conditions, including:
 - 1. One or more site maps at a scale of not less than 1 inch equals 100 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 1 foot; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to Wis. Admin. Code § NR 811.16,
 - 2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - (d) Post-development site conditions, including:
 - 1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - 2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
 - 3. One or more site maps at a scale of not less than 1 inch equals 100 feet showing the following: post-construction pervious areas including vegetative cover type

and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed [number] feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 5. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.
- (e) A description and installation schedule for the storm water management practices needed to meet the performance standards in 16.07.
 - (f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
 - (g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.
 - (h) Other information requested in writing by the Town of Sheboygan to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
 - (i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

- (2) Alternate Requirements. The Town of Sheboygan may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under 16.07(5).

16.10 Maintenance Agreement.

- (1) Maintenance Agreement Required. The maintenance agreement required under 16.08(2) for storm water management practices shall be an agreement between the Town of Sheboygan and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.
- (2) Agreement Provisions. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by 16.09(1)(f):
- (a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under 16.08(2).
 - (c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under 16.08(2).
 - (d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the schedule included in par. (b).
 - (e) Authorization for the Town of Sheboygan to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A requirement on the Town of Sheboygan to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.
 - (g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Town of Sheboygan of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Town of Sheboygan.

- (h) Authorization of the Town of Sheboygan to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The Town of Sheboygan shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. Ch. 66, subch. VII.

16.11 Financial Guarantee.

- (1) Establishment of the Guarantee. The Town of Sheboygan may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Town of Sheboygan. The financial guarantee shall be in an amount determined by the Town of Sheboygan to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Town of Sheboygan the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the Town of Sheboygan that the requirements of this ordinance have not been met.
- (2) Conditions for Release. Conditions for the release of the financial guarantee are as follows:
 - (a) The Administering Authority shall release the portion of the financial guarantee established under this section, less any costs incurred by the Administering Authority to complete installation of practices, upon submission of "as built plans" or "record" drawings by a licensed professional engineer. The Town of Sheboygan may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (b) The Administering Authority shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the Town of Sheboygan, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

16.12 Fee Schedule.

The fees referred to in other sections of this ordinance shall be established by the Town of Sheboygan and may from time to time be modified by resolution. A schedule of the fees established by the Town Board of the Town of Sheboygan

16.13 Enforcement.

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (2) The Town of Sheboygan shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Town of Sheboygan under sub. (2), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Town of Sheboygan in the notice.
- (4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Town of Sheboygan may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Town of Sheboygan plus interest and legal costs shall be billed to the responsible party.
- (5) The Town of Sheboygan is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the municipal attorney, to obtain a cease and desist order in any court with jurisdiction.
- (6) The Town of Sheboygan may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Town of Sheboygan or by a court with jurisdiction.
- (8) The Town of Sheboygan is authorized to refer any violation of this ordinance, or a stop work order or cease and desist order issued pursuant to this ordinance, to the municipal attorney for the commencement of further legal proceedings in any court with jurisdiction.

- (9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than \$500.00 dollars or more than \$1,000.00 dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (11) When the Town of Sheboygan determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Administering Authority or a party designated by the Administering Authority may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved storm water management plan. The Administering Authority shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to § 16.11 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

16.14 Appeals.

- (1) Board of Zoning Appeals. The board of zoning appeals, created pursuant to Chapter 7 of the Town of Sheboygan ordinances pursuant to Wis. Stats. § 60.65 shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Town of Sheboygan in administering this ordinance. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.
- (2) Who May Appeal. Appeals to the board of zoning appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the Town of Sheboygan affected by any decision of the Town of Sheboygan.

10.9 Swimming Pools

a. Definitions:

- (1) Aboveground pool-type O: A removable pool of any shape that has a minimum water depth of thirty-six inches (36") and maximum water depth of forty-eight inches (48"). The wall is located on the surrounding earth and may be readily disassembled or stored and reassembled to its original integrity.
- (2) Hot tub: A spa constructed of wood with sides and bottoms formed separately, joined together by pressure from surrounding hoops, bands or rods, as distinct from spa units formed of plastic, concrete, metal or other materials.
- (3) In ground pool: A permanently installed swimming pool that is constructed in the ground, out of doors or in a building in such a manner that it cannot be readily disassembled for storage.
- (4) On ground residential swimming pool-type O: A removable pool package whose walls rest fully on the surrounding earth and has an excavated area below the ground level where diving, diving equipment and use of a water slide are prohibited. The floor slope adjacent to the shallow area shall have a maximum floor slope of 1:3, and the slope adjacent to the sidewalk shall have a maximum slope of 1:1.
- (5) Spa, permanent residential: A spa in which the water heating and water-circulating equipment is not an integral part of the product. The spa shall be intended as a permanent plumbing fixture.
- (6) Spa, residential portable, either self-contained or not self-contained:
 - (a) Self-contained spa: A spa in which all control, water heating and water circulating equipment is an integral part of the product.
 - (b) Non self-contained spa: A spa in which the water heating and water circulating equipment is not an integral part of the product. Non self-contained spas may contain separate components such as an individual filter, pump, heater and controls or they may employ assembled combinations of various components.
- (7) Swimming pool, in ground residential: A constructed pool, permanent or non-portable, that is intended for non-commercial use as a swimming pool by not more than three (3) owner families and their guests, over twenty-four inches (24") in depth, has a surface area exceeding 250 square feet and/or a volume over 3,250 gallons.
- (8) Type O: Any residential pool where the installation of diving equipment is prohibited.

- b. Permit Required: No in ground pool, nor on ground residential swimming pool, as defined above, shall be constructed, altered, remodeled or improved unless a permit therefore shall first be obtained from the building inspector.

- c. Submission of Plans: Plans and specifications for swimming pools which require a permit shall be submitted with the application for the swimming pool permit and shall include:

- (1) plans, including a profile, drawn to scale showing all dimensions;
- (2) equipment, layout of filters, pumps, strainers, sumps, gutters, skimmers, inlets, outlets, waste discharge lines, circulations and other piping;
- (3) type, care and description of chlorination;
- (4) capacity of pool;

- (5) proposed location on tract of land.

d. Design and Construction:

- (1) The material used for lining aboveground pools, in ground pools and on ground residential swimming pools shall be light in color and provide a tight tank with smooth and easily cleaned surfaces.
- (2) The walls of aboveground pools, in ground pools and on ground residential swimming pools shall be vertical. Conspicuous markings shall show the depth of the shallow and deep portions, and the location and depth of the points where the slope of the bottom of the pool changes.
- (3) Overflow gutters for swimming pools whose construction provides for said gutters shall completely surround the pool, provided that if such pool is less than thirty (30) feet in width, it may be provided with a skimmer built in to the sides and corners of the pool to take the place of gutters if approved by the building inspector.
- (4) Pools under thirty feet (30') in width shall have at least one (1) outlet at the deepest point of sufficient size to permit the pool to be completely emptied in eight (8) hours. Inlets shall be located to make possible a uniform circulation of water throughout the pool.
- (5) In ground pools shall be completely surrounded by a walkway.
- (6) Aboveground pools, in ground and on ground residential swimming pools shall provide for a complete recirculation of water through all parts of the pool.
- (7) Disinfecting equipment shall be adequate to conform to sanitary requirements.

e. Barrier Protection Required: All aboveground pools, in ground pools and on ground residential swimming pools shall be surrounded by a barrier, unless otherwise specified in Section 10.9. Barrier protection shall be approved by the building inspector at final inspection.

(1) Walls, fences and structures as barrier protection. Barrier walls and fences may be alone walls and fences or may be in combination with a structural pool, spa or hot tub walls, or a building /dwelling wall to form the barrier around the swimming pool, spa or hot tub.

- (a) Dimensions: The top of the wall/fence shall be at least forty-eight inches (48") above grade measured on the side of the wall/fence which faces away from the swimming pool, spa or hot tub. The maximum vertical clearance between grade and the bottom of the wall/fence shall be four inches (4").
- (b) Chain link fence: Where a chain link fence is provided as the barrier, the perpendicular distance between parallel sides of the link shall not exceed two and one-quarter inches (2-1/4") which corresponds to a two and one-quarter inches (2-1/4") mesh size or chain link fencing as contained in specification for residential fencing of the Chain Link Fence Manufacturer's Institute.
- (c) Picket/Ornamentation fence: Where a picket/ornamental fence is provided as the barrier, the horizontal open air spacing between pickets shall be a maximum of four inches (4") between all vertical pickets and support posts. Where a picket/ornamental type fence is provided, the maximum vertical opening between the grade and the lowest part of the horizontal bottom rail or pickets of the fence shall not exceed four inches (4"). Decorative detail shall not provide climb-ability. Minimum openings between decorative detail shall be one and three-quarter inches (1-3/4") greater.

- (d) Spacing, less than forty-five inches (45"): Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches (45"), the horizontal member shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarters inches (1-3/4") in width. Decorative cutouts shall not exceed one and three-quarters inches (1-3/4") in width.
 - (e) Spacing, more than forty-five inches (45"). Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Decorative cutouts shall not exceed one and three-quarters inches (1-3/4") in width.
- (2) Pedestrian access gates: Access gates in the barrier shall comply with the requirements of Section 10.9(e), and be self-closing, self-latching, accommodate a locking device, and open outward away from the pool, spa or hot tub except where natural topography or other conditions dictate that it open inward.
- (a) Latch Release. Release of the latch on the self-latching device for the gate shall be activated as follows: a height no less than fifty-four inches (54") above grade for chain link access gates and at a height no less than fifty-four inches (54") above the horizontal bottom rail of a picket/ornamental access gate, or; on the pool, spa or hot tub side of the gate at a distance no less than three inches (3") below the top of the gate.
 - (b) Self-latching devices. Where a self-latching device is also self-locking and is opened by means of a key, electronic opener, or integral combination lock, it may be located at any height on the gate, so long as it does not negate the function of the gate. Said gate need not comply with Section (d) below:
 - (c) Chain link access gate: Where the gate is a chain linked gate, and where the release of the self-latching device is activated in accordance with (c), there shall be no opening greater than one-half inch (1/2") in diameter within eighteen inches (18") where the latch release is activated when the gate is closed.
 - (d) Picket/ornamental access gate: Where the gate is a picket/ornamental type, such that the distance between the vertical members is greater than one and three-quarter inches (1-3/4"), and where the release of the self-latching device is activated in accordance with section 2(b) above, there shall be no opening the gate/fence greater than one-half inch in diameter within eighteen inches (18") of where the latch release is activated when the gate is closed.
- (3) Other access gates: Gates other than pedestrian access gates need not have a self-closing, self-latching feature, but shall be provided with the means to secure the gate when it is not in use.
- (4) Automatic Power Safety Cover: An in ground pool that does not have a barrier as required in Section 10.9e, shall have an automatic power safety cover as defined by Section 10.9, below. The automatic power safety cover shall be installed and approved by the building inspector at final inspection.

Section 2. Amending Code. The Zoning Code, Chapter 7 of the Ordinances of the Town of Sheboygan, more particularly Section 10.9 thereof, Swimming Pools, is hereby amended to add the following:

"p. Electrical Installation. Electric service to all pools shall be installed by and electrician licensed pursuant the the requirements of the Wisconsin Department of Safety and Professional Services Chapter 305, Sub chapter IV-Electrical and installed pursuant the the standards set forth in Article 680, Swimming Pools, Fountains, and Similar Installation, of the National Electric Code, as amended.

q. Penalty. Any person, firm or corporation who fails to comply with the provisions of this Ordinance, shall upon conviction thereof, forfeit not less that \$10.00 nor more than \$500.00, and cost of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense."

Amended and Enacted March 21st, 2023



WELLHEAD PROTECION REGULATION
for the TOWN OF SHEBOYGAN

“5.15 WELLHEAD PROTECTION ORDINANCE

- a. **Purpose and Authority.** The residents of the Town of Sheboygan depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the Wellhead Protection Ordinance is to institute land use regulations and restrictions to protect the Town’s municipal water supply and well fields, and to promote the public health, safety, and general welfare of the residents of the Town.

Statutory authority of the Town to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning to protect public health, safety, and welfare.

- b. **Application of Regulations.**

- (1) The regulations specified in this Wellhead Protection Ordinance shall apply to all lands that lie within Overlay District A and Overlay District B, as defined below, and are within the Town corporate limits.
- (2) No new use or change in use of any structure, land, or water shall be located, extended, converted, or structurally altered and no development shall commence without full compliance with the terms of this Ordinance and other applicable regulations.

- c. **Definitions.**

Five Year Time of Travel (TOT). The Five Year TOT is the recharge area up gradient from a well, with the outer boundary determined by an estimation of where groundwater and potential contaminants will take five (5) years to reach that pumping well. The Five Year TOT for the three Town of Sheboygan wells are established based on flow path modeling and depicted in the attached Figures A, B, and C.

Wellhead Protection Area. The Wellhead Protection Area shall constitute the lands immediately surrounding Well 1, Well 2, and Well 3 in the Town of Sheboygan, including all lands in Overlay District A and Overlay District B, as collectively shown on the Figures attached hereto and made a part of this Ordinance, and more fully described below.

Nonconforming Use. An existing lawful use of land, structure, building, or accessory use which is not in conformity with the provisions of this Ordinance.

Stagnation Point Radius. The radius equal to the distance from the well to the down gradient stagnation point. The stagnation point is the extent of the well capture zone in the down gradient flow direction.

d. Groundwater Protection Overlay District A

- (1) **Intent.** The primary portion of the well recharge areas to be protected is the land within the points designated below. These lands are subject to the most stringent land use and development restrictions because of their close proximity to the well field and the corresponding threat of contamination.
- (2) **Overlay District A Boundaries.** Overlay District A shall include all land within the following distances from each of the specified wells:
 - (a). Well 1: The Stagnation Point Radius, or a radius of 1,450 feet from the well;
 - (b). Well 2: A radius of 1,000 feet from the well;
 - (c). Well 3: A radius of 1,960 feet from the well.
- (3) **Permitted Uses for Overlay District A.** The following uses are permitted uses within Overlay District A. Uses not listed in this subsection are to be considered Prohibited Uses.
 - (a). Parks and playgrounds, provided there are no onsite waste disposal of fuel storage tank facilities;
 - (b). Wildlife areas;
 - (c). Nonmotorized trails, such as biking, skiing, nature and fitness trails;
 - (d). Sewered residential developments.
- (4) **Prohibited Uses for Overlay District A.** The following uses are prohibited uses within Overlay District A. These uses are prohibited based on the high probability that activities routinely associated with these uses will cause groundwater contamination. Uses not listed are not automatically considered Permitted Uses.
 - (a) Septage and/or sludge spreading;
 - (b) Gasoline stations;
 - (c) Landfills or waste disposal facilities;
 - (d) Spray wastewater facilities;
 - (e) Bulk fertilizer and/or pesticide facilities;
 - (f) Asphalt products manufacturing;

- (g) Salt storage;
- (h) Electroplating facilities;
- (i) Paint and coating manufacturing;
- (j) Hazardous and/or toxic materials storage;
- (k) Hazardous and/or toxic waste facilities;
- (l) Radioactive waste facilities;
- (m) Underground storage tanks of any size;
- (n) Animal waste land spreading;
- (o) Animal waste facilities;
- (p) Vehicle repair establishments, including auto body repair;
- (q) Printing and duplicating businesses;
- (r) Any manufacturing or industrial businesses;
- (s) Bus or truck terminals;
- (t) Wastewater treatment facilities;
- (u) Junk yards or auto salvage yards;
- (v) Dry cleaning businesses;
- (w) Exterminating businesses;
- (x) Recycling facilities;
- (y) Other similar uses that pose a threat to groundwater quality.

e. Groundwater Protection Overlay District B (Five Year TOT).

- (1) **Intent.** A secondary portion of the Town of Sheboygan well recharge areas to be protected is the Zone of Contribution which includes the Five Year TOT. Land use restrictions are less restrictive than in District A because of longer groundwater flow times and a greater potential for remediation, dilution, and attenuation.
- (2) **Overlay District B Boundaries.** Overlay District B includes the land which lies within the shaded areas depicted on the attached Figures A, B, and C and includes land area defined by the Five Year TOT and other portions of the Zone of Contribution to the wells.
- (3) **Permitted Uses.** The following uses are permitted uses within Overlay District B:
 - (a) All uses listed as permitted uses in Overlay District A;
 - (b) Commercial and/or industrial uses served by municipal sanitary sewer, except those listed as prohibited Uses in Subsection (3) below; and
 - (c) Unsewered residential uses.
- (4) **Prohibited Uses.** The following uses are prohibited uses within Overlay District B. These uses are prohibited based on the high probability that activities routinely associated with these uses will cause groundwater contamination. Uses not listed are not automatically considered Permitted Uses.
 - (a) Septage and/or sludge spreading:

- (b) Gasoline stations;
- (c) Landfills;
- (d) Spray wastewater facilities;
- (e) Bulk fertilizer and/or pesticide facilities;
- (f) Asphalt products manufacturing;
- (g) Electroplating facilities;
- (h) Paint and coating manufacturing;
- (i) Hazardous and/or toxic materials storage;
- (j) Hazardous and/or toxic waste facilities;
- (k) Radioactive waste facilities;
- (l) Underground storage tanks of any size;
- (m) Animal waste facilities;
- (n) Animal confinement facilities, except veterinary clinics;
- (o) Vehicle repair establishments, including auto body repair;
- (p) Printing and duplicating businesses which use hazardous chemicals (as defined by the EPA) in their printing process;
- (q) Bus or truck terminals;
- (r) Wastewater treatment facilities;
- (s) Auto salvage yards;
- (t) Dry cleaning businesses;
- (u) Exterminating businesses;

f. **Minimum Separation Distance from All Wells.** Well No. 1, Well No. 2, and Well No. 3 shall be adequately separated from potential sources of contamination. To the extent that the following uses have not already been addressed in this ordinance in subsections e or f, the minimum separation distance shall be as follows.

- (1) Fifty feet (50') between a well and a storm sewer main.
- (2) Two Hundred Feet (200') between a well and any sanitary sewer main, lift station, or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of watermain materials with joints pressured tested in place to meet current regulatory specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50'.
- (3) Four Hundred Feet (400') between a well and a septic tank receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
- (4) Six Hundred Feet (600') between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce.
- (5) One Thousand Feet (1,000') between a well and land application of municipal, commercial, or industrial waste; industrial, commercial, or municipal wastewater lagoons or storage structures; and septic tanks or soil absorption

units receiving 8,000 gallons per day or more.

- (6) One Thousand Two Hundred Feet (1,200') between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one time disposal, or small demolition facility; sanitary landfill; salt or de-icing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Commerce; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

g. Other Uses.

- (1) Individuals and/or entities may request the Town to permit land uses in the District not specifically covered in this Ordinance.
- (2) All requests shall be in writing to the Town and shall include an environmental assessment report.
- (3) A copy of the environmental assessment report shall be forwarded to the Town Administrator as designee for recommendation to the Town Plan Commission.
- (4) Any uses permitted under this section shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and/or bonds and/or sureties satisfactory to the Town.

h. Nonconforming Uses. Insofar as the standards in this section are not inconsistent with the provisions of s. 62.23(7)(h), Wis. Stats., they shall apply to all nonconforming uses. The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

- (1) No modifications or additions to a nonconforming use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section, the words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, rebuilding, or replacement of any such existing structure or accessory use. Ordinary maintenance and repairs are not considered structural repairs, modification, or additions. Ordinary maintenance and repairs include internal and external painting, decoration, paneling, and the replacement of doors, windows, and other nonstructural components.
- (2) If a nonconforming use is discontinued for three consecutive months, any future use of the structure, land, or water shall conform with the appropriate provisions of this Ordinance.

i. **Enforcement and Penalties**

- (1) **Violations.** It shall be unlawful to constructor use any structure, land, or water in violation of any of the provisions of this Ordinance, In case of any violation, the Town Board and/or Town of Sheboygan Sanitary District No. 3 (Water) Commissioners may institute appropriate action or proceedings to enjoin a violation of this Ordinance.
- (2) **Penalties.** Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00, nor more than \$500.00, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall have such costs levied against said lands pursuant to sec. 66.60, Stats., as same may be amended, as a lien against the subject property. Each day a violation exists or continues shall constitute a separate offense.”

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

Enacted this 16th day of June 2010.

TOWN OF SHEBOYGAN

DANIEL W. HEIN, Chairperson

CERTIFICATE OF CLERK

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 16th day of June 2010.

CATHERINE CONRAD, Clerk

AN ORDINANCE REPEALING AND RECREATING SECTION 3.12,
LARGE WIND ENERGY SYSTEMS, OF THE ZONING
CODE OF THE TOWN OF SHEBOYGAN,
SHEBOYGAN COUNTY, WISCONSIN

WHEREAS, pursuant to Wis. Stat. § 60.10(2), 60.22(3), 61.34, 62.23 and 66.0401, the Town of Sheboygan Town Board 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 July 10, 2012 the Plan Commission reviewed the herein proposed ordinance and recommended its approval; and

WHEREAS, the Town Board held a public hearing, after publication of a Class 1 notice under Wis. Stat. § ch. 985; and

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

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

Section 1. Repealing Code. Section 3.12 of the Zoning Code of the Town of Sheboygan entitled "Interim Zoning: Wind Turbines" is hereby repealed in its entirety.

Section 2. Recreating Code. Section 3.12 of the Zoning Code of the Town of Sheboygan is hereby recreated as follows:

"Section 3.12 Large Wind Energy Systems

a. Applicability. This Ordinance applies to all wind energy systems, as defined by Wis. Stat. § 66.0403(1)(m), used to convert wind energy to electrical energy, except for small wind energy systems, as defined in Wis. Admin. Code § PSC 128.01(20). This Ordinance applies to the construction of a wind energy system or the expansion of an existing or previously approved wind energy system.

b. Definitions. The definitions set forth in Wis. Admin. Code Chapter PSC 128 are incorporated herein.

c. Permitted Uses. Wind energy systems are permitted uses in all zoning districts, except in areas that are primarily designated for future residential or commercial development, as shown on the Town's comprehensive plan that was in existence as of June 2, 2009, or as shown in such maps after December 31, 2015, as part of a required update to a comprehensive plan. This paragraph shall apply only to wind energy systems having a total nameplate capacity of at least one megawatt (1000 kilowatts).

d. Owner Requirements. The owner requirements specified in Wis. Admin. Code PSC 128.13-128.19 related to the following are hereby incorporated in their entirety:

- (1) siting criteria, including setback and height requirements;
- (2) noise criteria;
- (3) shadow flicker;
- (4) signal interference;
- (5) stray voltage;
- (6) construction and operation, including physical characteristics; and
- (7) decommissioning.

e. Application and Notice Requirements.

- (1) At least 90 days before an owner files an application to construct a wind energy system, an owner shall provide written notice of the planned system to all of the following:
 - (a) landowners within one (1) mile of a planned wind turbine host property;
 - (b) the Town Clerk;
 - (c) emergency first responders and air ambulance providers servicing the Town;
 - (d) the Wisconsin Department of Transportation;
 - (e) the Public Service Commission; and
 - (f) the Wisconsin Department of Natural Resources.
- (2) At least 90 days after filing the notice required under Paragraph 1, above, an owner shall file with the Town Clerk twelve (12) copies of an application to construct a wind energy system. Such application shall include the information specified in Wis. Admin. Code § PSC 128.30(2). The owner shall also provide documentation showing that the real property owners consent to the installation of the proposed wind energy system on their property and copies of any wind energy system easements that have been recorded in the Register of Deeds Office. The owner shall ensure that all information contained in the application is correct.

- (3) On the same day an owner files an application with the Town Clerk, the owner shall provide written notice of the filing to property owners and residents located within one (1) mile of the proposed location of the wind energy system facility. Such notification shall meet the requirements of Wis. Admin. Code § PSC 128.30(5)(a).
- (4) As soon as possible after receiving the application for a wind energy system, the Town Clerk shall publish a Class 1 Notice, under Wis. Stat. Chapter 985, stating that an application for a wind energy system has been filed with the Town. The Notice shall include the following:
 - (a) brief description of the proposed wind energy system and its proposed location;
 - (b) the locations where the application is available for public review;
 - (c) the method and time period for public comments; and
 - (d) the approximate schedule for reviewing the application by the Town.
- (5) Within 45 days of receiving an application, the Plan Commission shall determine whether the application is complete and notify the applicant as to the determination. An application is complete if it meets the requirements of Paragraph 2, above. If the Plan Commission determines that the application is incomplete, it shall provide notice to the owner stating the reason for the determination, and the owner shall provide the information necessary to complete and re-file the application. There is no limit on the number of times an applicant may supplement and refile an application. If the Plan Commission fails to make a determination as to the completeness within 45 days after the application is filed, it shall be deemed complete. Each time an owner supplements an incomplete application, an additional 45-day completeness review period shall begin the day after the owner re-files the application.
- (6) The Town Clerk shall make an application for a wind energy system available for public review at the Town Hall and at the Mead Public Library, 710 North 8th Street, Sheboygan, Wisconsin 53081.
- (7) The Plan Commission shall review and make a recommendation as to the approval of the application. At the Town Board's option, the public meeting may be held by the Town Plan Commission.
- (8) The Town Board or Plan Commission may request additional information necessary to understand the wind energy system after the Plan Commission has determined an application is complete. An owner shall provide additional information in response to all reasonable requests in a timely, complete and accurate manner.

- (9) The Town Board shall hold at least one public meeting prior to making a decision on the application to inform the public about the proposed wind energy system and to obtain public comments thereon. At least one business day prior to the public meeting, the public may submit written comments to the Town Clerk during the Clerk's regular office hours, by mail, or at the drop-box at the Town Hall.
- (10) The Town Board shall approve or disapprove an application no later than 90 days after the day on which the Plan Commission notifies the applicant that the application is complete. If the Town Board fails to act within the 90 days, or within the extended review period, the application is considered approved. The review period may be extended if within the initial 90-day review period, the Town Board authorizes in writing any combination of the following extensions, except that the total amount of time for all extensions granted hereunder may not exceed 90 days:
- (a) up to 45 days if the Town Board needs additional information to determine whether to approve or deny the application;
 - (b) up to 90 days if the owner makes a material change to the application for approval;
 - (c) up to 90 days for other good cause specified in writing by the Town Board.
- (11) If the wind energy system is proposed to be located in more than one political subdivision, the Town may conduct a joint application review process in accordance with Wis. Admin. Code § PSC 128.30(7).

f. Conditions of Approval. The Town Board may place conditions on the approval of a wind energy system application or require any of the provisions as outlined in Wis. Admin. Code § PSC 128.33.

g. Written Decision.

- (1) The Town Board shall issue a written decision to grant or deny an application for a wind energy system. The decision shall include findings of fact supported by evidence in the record. Any denial shall specify the reason for denial.
- (2) The Town Clerk shall provide the written decision to the owner and to the Public Service Commission. If approved, the Town shall provide the owner with a duplicate original of the decision, and the owner shall record such original with the Sheboygan County Register of Deeds Office.

(3) Change in ownership does not affect the approval of a wind energy system. The owner shall provide not less than 90 days prior written notice to the Town Clerk advising of the transfer of ownership.

h. Compliance Monitoring. The Town Board, or their designees, shall act as a monitoring committee to determine compliance with any condition established as a condition of approval or to assess when wind energy system facilities are not maintained in good repair and operating condition. The monitoring committee may establish a compliance monitoring procedure including timelines, provide for payment of reasonable fees, and notice requirements, as it deems appropriate.

i. Post-Construction Filing Requirements. Within 90 days of the date a wind energy system commences operation, the owner shall file with the political subdivision and the Public Service Commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy facilities, geographic information system showing the location of all wind energy systems and current information identifying the owner of the wind energy system. Each wind turbine location shall be labeled with a unique identifier.

j. Modifications. An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Town. The owner shall submit an application for the material change, along with the appropriate fee, to the Town Clerk. The application and notice requirements, except the pre-application notice, the conditions of approval, and the written decision requirements of this Ordinance shall apply to any application for a material change.

k. Complaint Process. The complaint process and notice requirements set forth in Wis. Admin. Code § PSC 128.40 and 128.42 are incorporated herein.

l. Fees.

(1) An owner shall submit a non-refundable application fee as set forth in the Town of Sheboygan Zoning Fee Resolution, which may be amended from time to time by Town Board Resolution.

(2) An owner shall be responsible for all reasonable fees and costs incurred by the Town Board for any services necessary to review an application, which may include the costs of services provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts of the Town's choosing. The owner shall be responsible for third-party inspection fees regarding compliance with approved construction requirements.

(3) An owner shall deposit 1% of the total estimated project cost, or an amount as otherwise determined by the Town Board, with the Town Clerk, which represents 50% of the total estimated amount of reimbursement for the Town's review of the application. Such amount shall be paid before the Town issues a written decision on the application. The Town shall hold the estimated fees in a non-interest bearing account, and shall refund any overpayment of estimated fees to the owner one year after the wind energy system commences operation. Any fees or costs that remain unpaid for more than 30 days after written demand by the Town shall result in the application being denied. The owner shall be responsible for the difference between the deposited amount and the Town's actual fees. Any fees that remain unpaid after 30 days shall accrue interest at a rate of 12% per annum and may be assessed against the property as a special charge.

m. Administrative Code References. All references to the Wis. Admin. Code Chapter 128 are to the 2011 version. Any amendments to Chapter 128 shall be incorporated herein."

Section 3. 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 4. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted this 17 day of July, 2012.


TOWN OF SHEBOYGAN

By:


DANIEL W. HEIN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 17th day of July, 2012.


CATHERINE A. CONRAD, Clerk

Published/Posted this 21st day of July, 2012.

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AN ORDINANCE CREATING SECTION 3.13,
SMALL WIND ENERGY SYSTEMS, OF THE ZONING
CODE OF THE TOWN OF SHEBOYGAN,
SHEBOYGAN COUNTY, WISCONSIN

WHEREAS, pursuant to Wis. Stat. § 60.10(2), 60.22(3), 61.34, 62.23 and 66.0401, the Town of Sheboygan Town Board has authority to enact regulations in 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 July 10 2012 the Plan Commission reviewed the herein proposed ordinance and recommended its approval; and

WHEREAS, the Town Board held a public hearing, after publication of a Class 1 notice under Wis. Stat. § ch. 985; and

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

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

Section 1. Creating Code. Section 3.13 of the Town of Sheboygan Zoning Code shall be created to read as follows:

"3.13 Small Wind Energy Systems

- a. Applicability. This Ordinance applies to small wind energy systems, as defined by Wis. Admin. Code 128.01(20), to be a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts. This Ordinance applies to the construction of a wind energy system or the expansion of an existing or previously approved wind energy system.
- b. Definitions. The definitions set forth in Wis. Admin. Code Chapter PSC 128 are incorporated herein.
- c. Permitted Uses. Small Wind Energy Systems are permitted uses in all zoning districts provided all requirements of this Ordinance are met.

SMALL WIND

d. Owner Requirements. The owner requirements specified in Wis. Admin. Code PSC 128.13-128.19 related to the following are hereby incorporated in their entirety:

- (1) siting criteria, including setback and height requirements;
- (2) noise criteria;
- (3) shadow flicker;
- (4) signal interference;
- (5) stray voltage;
- (6) construction and operation, including physical characteristics; and
- (7) decommissioning.

Small wind energy systems shall be subject to the exemptions and modifications required by Wis. Admin. Code §§ PSC 128.60 and 128.61.

e. Application and Notice Requirements.

- (1) At least 60 days before an owner files an application to construct a small wind energy system, the owner shall file a notice of the proposed construction to adjacent landowners and the Town Clerk.
- (2) An owner shall file with the Town Clerk twelve (12) copies of an application to construct a small wind energy system. Such application shall include the information specified in Wis. Admin. Code § PSC 128.30(2), except the emergency plan and decommissioning and site restoration plan, and shall include all worksheets, maps, and other attachments included in the application. The owner shall ensure that all information contained in the application is correct. The owner shall also provide the following:
 - (a) documentation showing that the real property owners consent to the installation of the proposed small wind energy system on their property;
 - (b) copies of any wind energy system easements that have been executed and/or recorded in the Register of Deeds Office;
 - (c) copies of all necessary state and federal permits and approvals.
- (3) On the same day an owner files an application with the Town Clerk, the owner shall provide written notice of the filing to property owners and residents located within one (1) mile of the proposed location of the wind energy system facility. Such notification shall meet the requirements of Wis. Admin. Code § PSC 128.30(5)(a). An application is considered "filed" the day the owner notifies the Town in writing that all application materials have been filed.

- (4) Within 45 days of the filing of an application, the Plan Commission shall determine whether the application is complete and notify the applicant as to the determination. An application is complete if it meets the requirements of Paragraph 2, above. If the Plan Commission determines that the application is incomplete, it shall provide notice to the owner stating the reason for the determination, and the owner shall provide the information necessary to complete and re-file the application. There is no limit on the number of times an applicant may supplement and re-file an application. If the Town fails to make a determination as to the completeness within 45 days after the application is filed, it shall be deemed complete. Each time an owner supplements an incomplete application, an additional 45-day completeness review period shall begin the day after the Town receives responses to the items identified in the notice.
- (5) As soon as possible after receiving the application for approval of a small wind energy system, the Town Clerk shall publish a Class 1 Notice, under Wis. Stat. Chapter 985, stating that an application for a wind energy system has been filed with the Town. The notice shall include the following:
 - (a) brief description of the proposed wind energy system and its proposed location;
 - (b) the locations where the application is available for public review;
 - (c) the method and time period for public comments; and
 - (d) the approximate schedule for review of the application by the Town.
- (6) The Town Clerk shall make an application for a wind energy system available for public inspection at the Town Hall and at the Mead Public Library, 710 North 8th Street, Sheboygan, Wisconsin 53081.
- (7) The Plan Commission shall review and make a recommendation as to the approval of the application. At the Town Board's option, the public meeting may be held by the Town Plan Commission.
- (8) The Town Board or Plan Commission shall hold at least one public meeting prior to making a decision on the application to inform the public about the proposed small wind energy system and to obtain public comments thereon. At least one business day prior to the public meeting, the public may submit written comments to the Town Clerk during the Clerk's regular office hours, by mail, or at the drop-box at the Town Hall.

- (9) The Town Board or Plan Commission may request additional information necessary to understand the small wind energy system after the Plan Commission has determined the application is complete. An owner shall provide additional information in response to all reasonable requests in a timely, complete and accurate manner.
- (10) The Town Board shall approve or disapprove an application no later than 90 days after the day on which the Plan Commission notifies the applicant that the application is complete. If the Town Board fails to act within the 90 days, or within the extended review period, the application is considered approved. The review period may be extended if within the initial 90-day review period, the Town Board authorizes in writing any combination of the following extensions, except that the total amount of time for all extensions granted hereunder may not exceed 90 days:
- (a) up to 45 days if the Town Board needs additional information to determine whether to approve or deny the application;
 - (b) up to 90 days if the owner makes a material change to the application for approval;
 - (c) up to 90 days for other good cause specified in writing by the Town Board.
- (11) If the wind energy system is proposed to be located in more than one political subdivision, the Town may conduct a joint application review process in accordance with Wis. Admin. Code § PSC 128.30(7).

f. Written Decision.

- (1) The Town Board shall issue a written decision to grant or deny an application for a small wind energy system. The decision shall include findings of fact supported by evidence in the record. Any denial shall specify the reason for denial.
- (2) The Town Clerk shall provide a copy of the written decision to the owner and to the Public Service Commission. If approved, the Town shall provide the owner with a duplicate original of the decision, and the owner shall record such original with the Sheboygan County Register of Deeds Office.
- (3) Change in ownership does not affect the approval of a small wind energy system. The owner shall provide not less than 90 days prior written notice to the Town Clerk advising of the transfer of ownership.

g. Modifications. An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Town. The owner shall submit an application for the material change, along with the appropriate fee, to the Town Clerk. The application and notice requirements, except the pre-application notice, and written decision requirements of this Ordinance shall apply to any application for a material change.

h. Complaint Process. The complaint process and notice requirements set forth in Wis. Admin. Code § PSC 128.40 are incorporated herein, except as exempted under Wis. Admin. Code § PSC 128.60.

i. Fees.

(1) An owner shall submit a non-refundable application fee as set forth in the Town of Sheboygan Zoning Fee Resolution, which may be amended from time to time by Town Board Resolution.

(2) An owner shall be responsible for all reasonable fees and costs incurred by the Town Board for any services necessary to review an application, which may include the costs of services provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts of the Town's choosing. The owner shall be responsible for third-party inspection fees regarding compliance with approved construction requirements.

(3) An owner shall deposit 2% of the total estimated project cost, or an amount as otherwise determined by the Town Board, with the Town Clerk. Such deposit represents 50% of the total estimated amount of reimbursement for the Town's review of the application. Such amount shall be paid before the Town issues a written decision on the application. The owner shall be responsible for the difference between the deposited amount and the Town's actual fees. The Town shall hold the estimated fees in a non-interest bearing account and shall refund any overpayment of estimated fees to the owner one year after the wind energy system commences operation. Any fees or costs that remain unpaid for more than 30 days after written demand by the Town shall result in the application being denied. Any fees that remain unpaid after 30 days shall accrue interest at a rate of 12% per annum and may be assessed against the property as a special charge.

j. Administrative Code References. All references to the Wis. Admin. Code Chapter 128 are to the 2011 version. Any amendments to Chapter 128 shall be incorporated herein."

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 this 17th day of July, 2012.

TOWN OF SHEBOYGAN

By:


DANIEL W. HEIN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 17th day of July, 2012.


CATHERINE A. CONRAD, Clerk

Published/Posted this 21st day of July, 2012.

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SECTION 8 MODIFICATIONS

8.1 Height

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

- a. Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Ordinance.
- b. Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- c. Essential Services such as utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this Ordinance.
- d. Communication Structures such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- e. Agricultural Structures such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.
- f. Public or Semi-public Facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, and stations, may be erected to a height of sixty feet (60'), provided all required yards are increased not less than one foot (1') from each foot the structure exceeds the district's maximum height requirement.

8.2 Yards

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

- a. Uncovered Stairs, landings, and fire escapes may project into any yard but not to exceed six feet (6') and not closer than three feet (3') to any lot line.
- b. Architectural Projections such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two feet (2').
- c. Residential Fences are permitted on the property lines in residential districts, but shall not in any case exceed a height of six feet (6'), and shall not be closer than two feet (2') to any public right-of-way.
- d. Security Fences are permitted on the property lines in all districts, except residential districts, but shall not exceed ten feet (10') in height and shall be of an open type similar to woven wire or wrought iron fencing.
- e. Accessory Uses and detached accessory structures are permitted in the rear yard only except for decks and fences which are permitted in the side yard of a property as long as the minimum side yard building bulk limitation setback of the Zoning District in which the deck or fence is being constructed is met. Off-street parking is permitted in all yards of the B-2 and B-3 Business Districts, but shall not be closer than twenty-five feet (25') to any public right-of-way.
- f. Essential Services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance. Landscaping and vegetation are exempt from the yard requirements of this Ordinance.
- g. Sidewalks, Driveway and Retaining Walls are permitted on the property lines in all districts.

SECTION 4 – ZONING DISTRICTS

4.1 Districts

The Town of Sheboygan is hereby divided into 20 districts as follows:

A-1	Agricultural District
C-1	Conservancy District
R-1	One Family Residence District
R-1/RS	Rural Standard District
R-1/RSUB	Rural Suburban District
R-1/RE	Rural Estate District
RRC	Rural Residential Cluster (RCC) Development District
R-2	One and Two Family Residence District
R-3	General Residence District
R-4	Multiple Family Residence and Office District
R-5	Residential Condominium District
R-6	Senior Housing District
B-1	Neighborhood Business District
B-2	General Business District
B-3	Highway Service District
B-4	Planned Business Park District
B-4A	Planned Business Park Office and Light Industrial District
I-1	Light Industrial District
I-2	Heavy Industrial District
M-1	Mineral Extraction District
OL Zone A	Overlay District Zone A
OL Zone B	Overlay District Zone B
CCO	Commercial Corridor Overlay District

4.2 Zoning Maps

The boundaries of the districts are as indicated on the Zoning Map of the Town of Sheboygan, a copy of which is on file in the Office of the Town Clerk. The said Zoning Map, with all notations, references, and other matters shown thereon, is as much a part of this Ordinance as if such notations, references, and other matters shown thereon, were specifically set forth herein. No buildings shall be erected or altered nor shall any building or premises be used for any purpose other than those which are permitted in the district in which the building or premises is located, except as specifically permitted in Section 10, which relates to nonconformities.

4.3 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:

- a. The district boundaries are the center lines of streets unless otherwise indicated, and where the designation of a boundary line on the Zoning Map coincides with the location of a street, then the center line of such street shall be construed to be the boundary of such district.

- b. Where the district boundaries coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- c. Where the district boundaries do not coincide with the location of streets or lot lines, the district boundaries shall be determined by the use of the scale shown on the zoning map.

4.4 Lot Size Requirements

- a. 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.
- b. No building or other structure shall hereafter be erected, altered, or enlarged, nor shall any use of land be established or enlarged on a tract of land 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.
- c. 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 district in which such building or structure is located.

4.5 Building Bulk Limitations

In this Ordinance, building bulk limitations are expressed in terms of lot coverage, maximum building height, and minimum size of front, side and rear yards.

- a. No building or structure shall hereafter be erected, altered, or enlarged so as to exceed the lot coverage percentage for the district in which the building or structure is located.
- b. When a maximum building height is specified in any 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 such maximum building height.
- c. 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 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 building.

4.6 Home Occupations

No home occupation, as defined by Section 2, shall hereafter be established, altered, or enlarged in a residential district unless such home occupation:

- a. complies with conditions and restrictions imposed by Section 2, and
- b. is listed as a permitted home occupation either in Section 2 or in the list of permitted uses for the district in which it is, or will be, located.

4.7 Signs

No sign shall hereafter be erected, altered, or enlarged, unless it complies with the regulations and restrictions imposed by Section 9 on the use and maintenance of signs in the zoning district in which the sign is, or will be, located.

4.8 Off-street Parking and Loading

No buildings or other structure shall hereafter be erected, altered, or enlarged, nor shall any use of land be established or enlarged unless the minimum off-street parking and loading spaces set out in Section 7 are provided.

**AN ORDINANCE CREATING SECTION 5.19,
PLANNED UNIT DEVELOPMENT DISTRICT OF THE MUNICIPAL
CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN**

WHEREAS, the Town of Sheboygan created Tax Incremental District ("TID") No. 1, a mixed-use TID, pursuant to Wis. Stat. §§ 60.23(32) and 66.1105; and

WHEREAS, the Town wishes to promote orderly development within the Tax Incremental District; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town and its residents to amend the zoning code to create a Planned Unit Development District to promote the health, safety and general welfare of the public.

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

Section 1. Creating Code. Chapter 7, Zoning Code, of the Ordinances of the Town of Sheboygan, more particularly Section 5.19 thereof, is hereby created to read as follows:

"5.19 PUD – Planned Unit Development District

a. The Planned Unit Development (PUD) District is established to provide for greater flexibility in design and to promote improved environmental design and innovative uses of land in the Town. The PUD concept allows diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive cohesive unified projects. It is further intended to encourage more rational and economic development with regard to public services, energy efficiency, and community appearance consistent with the overall intent of this section and the master plan of the Town.

b. Minimum Requirements for PUD District Designation. All projects considered for rezoning to the PUD district shall meet the following minimum requirements:

(1) The project shall involve more than one (1) structure and/or a mix of land uses.

(2) The project area shall be at least five (5) acres and have rational boundaries that are related to natural features, roadways, or other existing development.

c. Permitted Uses. Any land use or mix of land uses, whether allowed as permitted or conditional uses elsewhere in this chapter or not, may be permitted in the PUD district.

d. Lot, Building, Yard, Parking and Street Requirements.

(1) In the PUD district, all density, open space, impervious surface, lot width, yard, height, and parking requirements may be varied provided that the general intent of this section is upheld.

(2) Public street right-of-way shall be determined by the Town Board but shall not be less than forty-nine and one-half (49.5) feet wide. Private streets may be less than forty-nine and one-half (49.5) feet wide if approved by the Town Board.

(3) Such requirements as are made a part of an approved planned unit development plan or conditional use permit shall be construed to be and enforced as a part of this section.

(4) In a planned unit development, lots may front on public or private streets. Each lot in the development, however, must have access to a public street, and in areas of sewer and water service, must have access to sewer and water by a public street or by easement.

e. PUD Procedures. Step 1: General Development Plan Approval. The procedure for rezoning to the planned unit development district shall be the same as for any other zoning district change (as set forth in Section 12 of the Zoning Code) except that in addition, a general development plan shall be submitted to the plan commission. The general development plan of the proposed project shall be presented at a scale of one (1) inch equals one hundred (100) feet or less, and shall show at least the following information:

(1) The pattern of public and private roads, driveways, and parking facilities;

(2) A description of land uses and building types, size, arrangements;

(3) A utility feasibility analysis;

(4) The location of recreational and open space areas reserved or dedicated to the public;

(5) General landscape treatment;

(6) The plan for phasing the development;

(7) Any other data required by the town plan commission or board.

Upon final approval and adoption of the zoning change to the planned unit development district, all plans submitted as well as other commitments, restrictions, and other factors pertinent to assuring that the project will be carried out as presented shall be filed with the Town Clerk and shall be referred to in regard to enforcement or modification of the development plans.

f. Criteria for Approval. As a basis for determining the acceptability of application for rezoning to the planned unit development district, the following criteria shall be applied to the proposed general development plan:

(1) The proposed development shall be an asset to the community aesthetically. The buildings and uses shall blend in with or complement the surrounding neighborhood.

(2) The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location of streets, other paving and lighting should be appropriate to the uses proposed. In no case shall standards be less than those necessary to insure public safety as determined by the town.

(3) The proposed development shall not place avoidable stress on the town's water supply, sanitary sewer, and stormwater drainage systems.

(4) The proposed development shall make adequate provisions for the permanent preservation and maintenance of open space.

Step 2: Conditional Use Permit Plan Approval. A conditional use permit approval shall be required for each phase of the development that coincide with the timing of actual development. Conditional use permit approval shall be granted in compliance with the requirements of Section 6 of the Zoning Code.

Upon final approval of the conditional use permit, the conditional use permit (or meeting minutes) shall be filed with the Town Clerk and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions, or contractual agreements with the Town or notice of such items shall be recorded with the register of deeds before final issuance of building permits.

g. Modifications.

(1) Subsequent major changes to an approved conditional use may be approved in accordance with the conditional use procedure set forth above.

(2) Subsequent changes to an approved conditional use, deemed to be minor by the Town Board, may be approved by the Town Chairperson upon consultation with the Town Director of Public Works/Engineer without referral to the Plan Commission and without public hearing."

Section 2. Amending Code. Chapter 7, Zoning Code, of the Ordinances of the Town of Sheboygan, more particularly Section 4.1 thereof, is hereby amended to read as follows (additions indicated by underline; deletions by ~~strikeout~~):

"4.1 Districts

The Town of Sheboygan contains the following zoning districts:

- 5.1 A-1 Agricultural District
- 5.2 C-1 Conservancy District
- 5.3 R-1 Single Family Residence District
- 5.3.1 R-1/RS Rural Standard District
- 5.3.2 R-1/RSUB Rural Suburban District
- 5.3.3 R-1/RE Rural Estate District
- 5.3.4 RRC Rural Residential Cluster (RRC) Development District
- 5.4 R-2 Two-Family Residence District
- 5.5 R-3 General Residence District
- 5.6 R-4 Multiple Family and Office District
- 5.7 R-5 Residential Condominium District
- 5.8 B-1 Neighborhood Business District
- 5.9 B-2 General Business District
- 5.10 B-3 Highway Service District
- 5.11 B-4 Planned Business Park District
- 5.12 I-1 Light Industrial District
- 5.13 I-2 Heavy industrial District
- 5.14 M-1 Mineral Extraction District
- 5.15 Wellhead Protection Ordinance
- OL District Zone A – Overlay District Zone A
- OL District Zone B – Overlay District Zone B
- 5.16 Adult Oriented Land Uses
- 5.17 Senior Housing District
- 5.18 CCO Commercial Corridor Overlay District
- 5.19 PUD Planned Unit Development (PUD) District"

Section 3. 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 4. Effective Date. This Ordinance shall take effect upon enactment and publication as required by law.

Enacted this 21 day of September, 2021.

TOWN OF SHEBOYGAN

By: _____


Daniel W. Hein, Chairperson

CERTIFICATE OF CLERK

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 21 day of September, 2021.



Peggy Fischer, Town Clerk

ROLL CALL VOTE

	<u>Aye</u>	<u>Nay</u>
Chairperson Daniel W. Hein	<input checked="" type="checkbox"/>	_____
Supervisor Char Gumm	<input checked="" type="checkbox"/>	_____
Supervisor James Schwinn	<input checked="" type="checkbox"/>	_____
Supervisor Brad Lambrecht	<input checked="" type="checkbox"/>	_____
Supervisor Alexandra Nugent Timofeeva	_____	_____

Posted: _____, 2021.

**AN ORDINANCE CREATING SECTION 9.9 OF CHAPTER 7 OF THE
MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY,
WISCONSIN REGARDING POLITICAL MESSAGE SIGNS**

WHEREAS, pursuant to Wis. Stat. §§ 60.62, 61.35, 62.23 and 12.04(4)(a) and (b) the Town of Sheboygan Town Board determines that it is in the best interest of public safety and general welfare to establish Zoning Code regulations for political message signs.

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

Section 1. Creating Code. The Municipal Code Section 9.9 of Chapter 7, Zoning Code, of the Ordinances of the Town of Sheboygan, is hereby created to read as follows:

“9.9 Political Message Signs

- a. Statute Adopted. Wis. Stat. § 12.04 entitled, Communication of Political Messages, including any amendments thereto is hereby adopted and incorporated herein by reference.
- b. Election Campaign Period. In this section, “Election Campaign Period” means:
 1. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.
 2. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
- c. Political Message. In this section, “Political Message” means a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.

- d. Residential Property. In this section, “Residential Property” means property occupied or suitable to be occupied for residential purposes and property abutting that property for which the owner or renter is responsible for the maintenance or care. If property is utilized for both residential and nonresidential purposes, “residential property” means only the portion of the property occupied or suitable to be occupied for residential purposes.
- e. Political Sign Regulation. No individual may place a sign containing a political message upon residential property owned or occupied by that individual at anytime except during an election campaign period.
- f. Penalties. The penalty for violation of this code section shall be not less than \$25.00 but not more than \$150.00, plus costs of prosecution, each day that a violation shall continue shall constitute a separate offense.”

Section 2. Amending Code. The Municipal Code Section 1.07(7) of the Ordinances of the Town of Sheboygan, is hereby amended to read as follows (additions indicated by underline; deletions by ~~strikeout~~):

Code Section	Description	Forfeiture
4.04	Regulation and Licensing of Dogs	\$10.00
5.04	Public/Private Nuisance	\$10.00
5.05	Burning	\$25.00
5.07	Parking	\$10.00
5.08 State Traffic Laws	Traffic Violation	State of Wisconsin Uniform Traffic Deposit Schedule
5.10	Firearm/Bow and Arrow	\$50.00
6.03	Refuse/Garbage	\$10.00
<u>9.9 (Zoning)</u>	<u>Political Message Signs</u>	<u>\$25.00</u>
10.9 (Zoning)	Swimming Pools	\$10.00
10.10 (Zoning)	Garage Sales	\$10.00
18.21	Property Maintenance – First Offense	\$150.00
18.21	Property Maintenance – Second Offense	\$500.00
18.21	Property Maintenance – Third Offense	\$750.00
All others	Miscellaneous	\$10.00

Section 3. 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 4. Effective Date. This Ordinance shall take effect upon enactment and publication as required by law.

Enacted this 21 ^{MARCH} day of February, 2023.

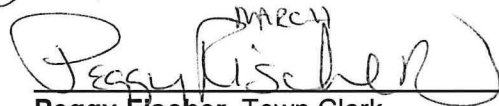
TOWN OF SHEBOYGAN

By: _____


Daniel W. Hein, Chairperson

CERTIFICATE OF CLERK

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 21st day of February, 2023.


Peggy Fischer, Town Clerk

ROLL CALL VOTE

	<u>Aye</u>	<u>Nay</u>
Chairperson Daniel W. Hein	<u>✓</u>	_____
Supervisor Tim Winkel	<u>✓</u>	_____
Supervisor James Schwinn	<u>✓</u>	_____
Supervisor Pat Schmidt	<u>✓</u>	_____
Supervisor Bradley Lambrecht	<u>✓</u>	_____

Publication: April 10th, 2023.

**AN ORDINANCE AMENDING CHAPTER 7 SECTIONS 3.8, 5.9, 5.11, 5.12 AND 5.13
OF THE ZONING CODE OF THE TOWN OF SHEBOYGAN REGARDING
EXTERIOR LIGHTING STANDARDS**

WHEREAS, pursuant to Wis. Stat. § 60.62, 61.35 and 62.23, the Town of Sheboygan Town Board has authority to establish zoning regulations applicable to exterior lighting standards; and

WHEREAS, the Plan Commission of the Town of Sheboygan held a public hearing on ~~January 3, 2023~~, preceded by a Class 2 Notice published on Jan 23, 2023 2023 and FEB 28, 2023, and has reviewed and made a recommendation on the herein proposed ordinance to the Town Board; and

WHEREAS, the Town Board has determined the public health, safety and general welfare of the community will be furthered by clarifying the exterior lighting regulations within the Town.

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

Section 1. Amending Code. The Zoning Code, Chapter 7 of the Ordinances of the Town of Sheboygan, more particularly Section 3.8 d. thereof, Non-residential Development Standards, is hereby amended to read as follows (additions indicated by underline; deletions by ~~strikeout~~):

- "d. Exterior Lighting Standards. Exterior lighting shall be in accord with the following standards:
1. Exterior lighting shall be located, oriented, and shielded and of an intensity so as to illuminate only the building or lot without adversely affecting activity on adjacent buildings, lots, or traffic on streets and highways. Exterior light poles shall not exceed a maximum height of twenty (20) feet.
 2. The emission of exterior light shall be directed away from nearby residential areas.
 3. Exterior lights shall not flash, pulsate, nor impair or hinder vision on public streets rights-of-way or adjacent properties.
 4. Exterior lighting shall meet the standards promulgated by the Illuminating Engineering Society of North America.

5. Exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any property located in a residential district or upon any public street or park.

Section 2. Amending Code. The Zoning Code, Chapter 7 of the Ordinances of the Town of Sheboygan, more particularly Section 5.9 e. thereof, B-2 General Business District, is hereby amended to read as follows (additions indicated by underline; deletions by ~~strikeout~~):

“e. Standards. All buildings, structures, and uses hereafter established, altered, or enlarged in the B-2 General Business District shall comply with the following conditions and restrictions:

- (1) No buildings shall be used for residential purposes, except for the use of the owner or operator of the premises, except that accommodation may be offered to the transient public by motels or hotels, and except that existing dwelling units located above a permitted use on the first or ground floor of a building may be continued.
- (2) 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.
- (3) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
- ~~(4) No business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or foot food for consumption on the premises in parked motor vehicles; however, drive-in banking facilities may be permitted as a conditional use.~~
- (4) 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.

Section 3. Amending Code. The Zoning Code, Chapter 7 of the Ordinances of the Town of Sheboygan, more particularly Section 5.11 thereof, B-4 Planned Business Park District, is hereby amended to include the following:

- “m. Exterior Lighting Standards. 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.”

CERTIFICATE OF CLERK

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 21st day of March, 2023.


Peggy Fischer, Town Clerk

ROLL CALL VOTE

	<u>Aye</u>	<u>Nay</u>
Chairperson Daniel W. Hein	<u>✓</u>	<u> </u>
Supervisor Tim Winkel	<u>✓</u>	<u> </u>
Supervisor James Schwinn	<u>✓</u>	<u> </u>
Supervisor Pat Schmidt	<u>✓</u>	<u> </u>
Supervisor Bradley Lambrecht	<u>✓</u>	<u> </u>

Posted: April 10th, 2023.

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Section 4. Amending Code. The Zoning Code, Chapter 7 of the Ordinances of the Town of Sheboygan, more particularly Section 5.12 thereof, I-1 Light Industrial, is hereby amended to include the following:

“e. Exterior Lighting Standards. 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.”

Section 5. Amending Code. The Zoning Code, Chapter 7 of the Ordinances of the Town of Sheboygan, more particularly Section 5.13 thereof, I-2 Heavy Industrial District, is hereby amended to include the following:

“e. Exterior Lighting Standards. 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.”

Section 6. 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 7. Effective Date. This Ordinance shall take effect upon enactment and publication as required by law.

Enacted this 21 day of ^{MARCH} February, 2023.

TOWN OF SHEBOYGAN

By: _____


Daniel W. Hein, Chairperson



Town of Sheboygan Sanitary District No. 2 Sewer

Sewer Use and Sewer Service Charge Ordinance

Enacted 11.16.2015

Section 6.06(g) Revised 1-18-2021
Section 6.06(g) Revised 11-16-2020
Section 7.02 – 7.05 Revised 2-17-2020
Section 6.06(c) & (g) Revised 12-17-2018
Section 10.14 Revised 8-20-2018
Section 7.06 Revised Annually Based off of the City of Sheboygan's Rate Change

NOTICE

Please take notice that the Commissioners of the Town of Sheboygan Sanitary District No. 2, Sheboygan County, Wisconsin, have adopted a code of ordinances titled Sewer Use and Sewer Service Charge Ordinance, ordinance number 10192015, enacted November 16, 2015. The ordinance contains the following sections:

Section 1	Title
Section 2	Definitions
Section 3	Public Sewers Required
Section 4	Prohibited Practices
Section 5	Industrial Pretreatment Program
Section 6	Categories of Users
Section 7	Sewer Service Charges
Section 8	Billing Practice
Section 9	Right of Entry, Safety, and Identification
Section 10	Sewer Construction and Connections
Section 11	Miscellaneous
Section 12	Violations, Abatement Procedures and Penalties
Section 13	Validity
Section 14	Records, Audit and Notification
Section 15	Effective Date

Section 1

Title

1.01 Title; Sewer Use and Sewer Service Charge Ordinance.

An ordinance regulating the use of public and private sewers and drains, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof; and levying and collection of sewer service charges, in the Town of Sheboygan Sanitary District No. 2, County of Sheboygan, State of Wisconsin.

1.02 Preamble.

A. Provision has been made in the design, construction and operation of such facilities to accommodate certain types and quantities of industrial wastes in excess of, and in addition to, normal sewage.

B. It is the obligation of the producers of industrial wastes to defray the cost of extraordinary services rendered by the Town of Sheboygan Sanitary District No. 2 in an equitable manner and, insofar as it is practicable, in proportion to benefits derived.

C. The Town of Sheboygan Sanitary District No. 2 has contracted with the City of Sheboygan to treat its sewage and the Town of Sheboygan Sanitary District No. 2 has agreed to establish and adopt necessary rules and regulations or ordinances at least in conformity with City ordinances.

D. Proper protection and operation of the collection and treatment facilities may require either the exclusion, pre-treatment, or controlled discharge at point of origin of certain types or quantities of industrial wastes.

Section 2

Definitions

2.01 BOD.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with Chapters NR 218 and NR 219, Wisconsin Administrative Code.

2.02 Building Drain.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

2.03 Building Sewer.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal (also called house connection).

2.04 Category A Users (Single Unit Residential, Commercial, Schools).

Category A sewer users are lots, parcels, buildings or premises consisting of single unit residential, commercial, and schools having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater and that have individually metered water service connections to the Town of Sheboygan Sanitary District No. 3 (Water) utility.

2.05 Category B Users (Multiple Unit Residential, Nursing Homes, Assisted Living and Other Uses).

Category B sewer users are multiple unit residential, nursing homes, assisted living or other use buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater that have water service from the Town of Sheboygan Sanitary District No. 3 (Water) utility, but, do not have individually metered water service.

2.06 Category C Users (Residential Units Without Metered Water Service Including Town of Sheboygan Falls and Bains, Inc. Manufactured Home Park).

Category C sewer users are residential units, lots, parcels, buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater that do not have metered water service from the Town of Sheboygan Sanitary District No. 3 (Water) utility.

Category C users include properties located in the Town of Sheboygan Falls that have been annexed to the Town of Sheboygan Sanitary District No. 2 including the Bains, Inc. manufactured home park.

2.07 Category D Users (Industrial).

Category D users are lots, parcels, buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge BOD, suspended solids, or phosphorus concentrations in excess of the limits for normal domestic strength wastewater. "Category D" is defined as wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 165 mg/l, suspended solids no greater than 214 mg/l, and total phosphorous no greater than 4.2 mg/l. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category D.

2.08 Category E Users (Properties Located Within City of Sheboygan).

Category E sewer users are lots, parcels, buildings or premises located within the municipal boundaries of the City of Sheboygan having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater.

2.09 Chlorine Requirement.

Chlorine Requirement shall mean the amount of chlorine, in milligrams per liter (mg/l), which must be added to sewage to produce residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

2.10 City.

City shall mean the City of Sheboygan.

2.11 City Approving Authority.

City approving authority means designated officials of the City.

2.12 City Wastewater Collection Facilities.

City wastewater collection facilities (or City wastewater collection system) shall mean the City sewer systems, structures, and equipment required to collect and carry away wastewater, which are owned, operated, and maintained by the City.

2.13 Combined Sewer.

Combined sewer shall mean a sewer intended to receive both wastewater and stormwater or surface water.

2.14 Compatible Pollutants.

Compatible pollutants shall mean BOD, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the City's wastewater treatment facility receiving the pollutants, if the facility was designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

2.15 District.

District shall mean the Town of Sheboygan Sanitary District No. 2.

2.16 District Approving Authority.

District approving authority shall mean the President, Director of Public Works or other authorized representatives of the District.

2.17 District Commission.

District Commission is the sovereign governing body of the District.

2.18 District Wastewater Collection Facilities.

District wastewater collection facilities (or District wastewater collection system) shall mean the District's sewer system, structures, equipment, and processes required to collect and carry away wastewater, which are owned, operated, and maintained by the District.

2.19 Easement.

Easement shall mean an acquired legal right for the specified use of land owned by others.

2.20 Floatable Oil.

Floatable oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

2.21 Garbage.

Garbage shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

2.22 Ground Garbage.

Ground garbage shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

2.23 Incompatible Pollutants.

Incompatible pollutants shall mean wastewater with pollutants that will adversely affect or disrupt the operation and maintenance of the wastewater collection facilities or the quality of wastewater treatment if discharged to a wastewater treatment facility.

2.24 Industrial Waste.

Industrial waste means the wastewater from industrial process, trade or business as distinct from sanitary sewage.

2.25 Major contributing industry means an industry that:

A. Has a process flow of 25,000 gallons (3,342 cubic feet) or more per average workday;

B. Has a process flow greater than five percent of the flow carried by the wastewater collection and treatment facilities receiving the waste;

C. Has a material in its discharge included on a list of toxic pollutants issued under W.S.A., State Statute 147.07(1); or

D. Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.

2.26 Municipal Approving Authority.

Municipal Approving Authority shall mean the duly authorized representatives of the municipality.

2.27 Municipal Wastewater Collection Facilities or Municipal Wastewater Collection System.

Municipal wastewater collection facilities or municipal wastewater collection system shall mean the municipal sewer systems, structures, equipment and processes required to collect and carry away wastewater. These municipal wastewater collection facilities are owned, operated and maintained by the municipalities and extend to the effluent point of each of the municipal metering stations.

2.28 Municipality.

Municipality shall mean the communities and sanitary districts that are served by the City interceptor sewers or City wastewater treatment plant.

2.29 Natural Outlet.

Natural outlet shall mean any outlet, including storm sewers and combined sewer overflow, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

2.30 Normal Domestic Strength Wastewater.

Normal domestic strength wastewater shall mean wastewater with concentrations of BOD no greater than 165 mg/l, suspended solids no greater than 214 mg/l, and total phosphorus no greater than 4.2 mg/l.

2.31 Operation and Maintenance Costs.

Operation and maintenance costs include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

2.32 Parts per Million.

Parts per million shall be a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

2.33 Person.

Person shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

2.34 pH.

pH shall mean the logarithm of the reciprocal of the hydrogen-concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

2.35 Phosphorus.

Phosphorus shall mean total phosphorus and is expressed in mg/l of P (phosphorus).

2.36 Public Sewer.

Public sewer shall mean any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

2.37 Replacement Costs.

Replacement costs shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater collection and treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance expenses include replacement costs.

2.38 Sanitary Sewage.

Sanitary sewage shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.

2.39 Sanitary Sewer.

Sanitary sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

2.40 Sewage.

Sewage means the spent water of a community; the preferred term is "wastewater" as defined in this section.

2.41 Sewer.

Sewer shall mean a pipe or conduit that carries wastewater or drainage water.

2.42 Sewer Service Charge.

Sewer service charge means a service charge levied on users of the wastewater collection and treatment facilities for payment of capital-related expenses, as well as operating and maintenance costs of the facilities. (The term "user charge", which covers operation and maintenance and replacement costs, is a part of the sewer service charge.)

2.43 "Shall" is mandatory; "May" is permissible.

2.44 Slug.

Slug shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation, and shall adversely affect the system and performance of the wastewater treatment works.

2.45 Standard Methods.

Standard methods shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

2.46 Storm Sewer or Drain.

Storm sewer or drain shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

2.47 Stormwater Runoff.

Stormwater runoff shall mean that portion of the rainfall that is drained into the sewers.

2.48 Suspended Solids.

Suspended solids means solids that either float on the surface of or are in suspension in water, wastewater or other liquids and that are removable by laboratory filtering, as prescribed in Standard Methods for Examination of Water and Wastewater, and that are referred to as non-filterable residue.

2.49 Unit Charge Equivalent (UCE).

Unit charge equivalent (UCE) shall be the average amount of wastewater discharged by a single-family living unit. One UCE is assumed to equal 210 gallons per day computed at 3 average per capita unit at 70 gallons per capita day with pollutant concentrations of BOD no greater than 165 mg/l, suspended solids no greater than 214 mg/l, and total phosphorus no greater than 4.2 mg/l.

2.50 Unpolluted Water.

Unpolluted water is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

2.51 User Charge.

User charge means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of such facilities.

2.52 Wastewater.

Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

2.53 Wastewater Collection Facilities.

Wastewater collection facilities (or wastewater collection system) shall mean the City and District wastewater collection facilities.

2.54 Wastewater Treatment Facility.

Wastewater treatment facility shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.

2.55 Watercourse.

Watercourse shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

2.56 Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.

Wisconsin pollutant discharge elimination system (WPDES) permit is a document issued by the Wisconsin State Department of Natural Resources which established effluent limitations and monitoring requirements for the City's wastewater treatment facility. WPDES Permit No. WI-0025411 and modifications thereof pertain to the City's wastewater treatment facility.

Section 3

Public Sewers Required

3.01 Use of Public Sewer Required.

A. Connection.

The owner of all houses, buildings, or properties used for human occupancy, recreation, or other purposes, situated within the District and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary sewer of the District, or is accessible through an easement to any such sewer is hereby required at the owner's expense to install suitable toilet facilities and to connect any facilities discharging sanitary sewage and/or industrial wastes to the proper public sewer. The connection shall be made directly to the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of the official notice to connect.

B. Health Standard.

This ordinance ordains that the failure to connect or deliver wastewater to the sewer system is contrary to the minimum health standards of said District and fails to assure preservation of public health, comfort, and safety of said District.

3.02 Disposition of Old Septic Tanks.

See Section 10.13 of this Ordinance.

3.03 Failure to Connect – Health Hazard.

This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said District and fails to assure the preservation of public health, comfort and purposes of the District.

3.04 Failure to Connect.

Upon the failure of the owner to connect and in addition to any other penalties demanded by the District, the District, at its option, may impose a penalty for the period that the violation continues after ten (10) days written notice to the owner failing to make connection to the sewer system for an amount equal to one hundred fifty (150%) percent of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment, said charge shall be a lien upon the property, and taxed and collected pursuant to Sections 66.0821 and 66.0809 of the Wisconsin Statutes.

3.05 New Connections.

New connections to the District sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

Section 4

Prohibitive Practices

4.01 Disposal Into Lake or Streams Prohibited.

Every owner of property within the District from which domestic or industrial sewage or waste is being discharged through a sewer or otherwise into any lake or stream shall make such sewer installations and connections with the District sewer system so as to cause the sewage or waste to flow into the District sewer system.

4.02 Disposal Onto Public Ways and Gutters Prohibited.

No person shall permit any drain or sewer from a dwelling house, barn, stable, garage, shop or other building upon the premises owned or occupied by him to discharge into any open sewer or gutter or upon or over any public street, sidewalk or alley.

4.03 Unlawful Connections to Building Sewer; Disconnection Required Upon Notice.

A. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

B. All downspouts or groundwater drains connected directly or indirectly to a sanitary sewer shall be disconnected.

C. Any violation of this section shall subject the violator to a forfeiture of not less than \$10.00 or more than \$100.00, together with the costs of prosecution, and, in default of payment thereof, to imprisonment in the County jail until such costs and forfeiture are paid, but not to exceed 60 days. Each day of violation or noncompliance shall constitute a separate offense.

4.04 Unauthorized Work.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenances thereof without first obtaining a written permit from the District.

4.05 Liability for Cost of Installation and Connection.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the person. Such person shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4.06 Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the District plumbing inspector, to meet all requirements of this ordinance.

4.07 Materials and methods for construction.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

4.08 Grade.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

4.09 Inspection Prior to Connection to Public Sewer.

The applicant for the building sewer permit shall notify the plumbing inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the District plumbing inspector.

4.10 Standards for Connection.

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the District or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the District approving authority before installation.

4.11 Protection of Excavations; Restoration of Property.

A. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

B. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District approving authority.

4.12 Sanitary Sewers.

A. Limitations on discharges. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer. Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the District approving authority.

B. Inspections for illegal connections. District personnel, the plumbing inspector or other designated representatives will make inspections throughout the District of all stormwater and clear water drain connections to sanitary sewers and illegal downspout connections. Violations will be reported to the Director of Public Works.

4.13 Discharges To Storm Sewers Restricted.

Stormwater, other than that exempted under Section 4.12, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the District approving authority and other regulatory bodies. Unpolluted industrial cooling waters or process waters may be discharged, on approval of the District approving authority, to a storm sewer, combined sewer or natural outlet.

4.14 Prohibitions and Limitations on Discharges.

A. Except as provided in subsection B. of this Section, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

3. Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater collection and treatment facilities.

4. Any waters or wastes having a pH in excess of 12.0.

5. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper

operation of the wastewater collection and treatment facilities, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

B. The following described substances, materials, waters or wastes shall be limited in discharges to municipal sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property or constitute a nuisance. The District approving authority may set limitations lower than the limitations established in this subsection if, in his opinion, more severe limitations are necessary to meet the objectives of this section. In forming his opinion as to the acceptability, the District approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity to handle the waste at the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewers which shall not be violated without approval of the District approving authority are as follows:

1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
2. Wastewater containing more than 200 mg/l of total oil and grease, including, but not limited to, petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that any such material received in the composite wastewater in concentrations that exceed levels specified by federal, state or local authorities.
6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the District approving authority.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District approving authority in compliance with applicable state or federal regulations.

8. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

9. Any waters or wastes which, by interaction with other waters or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

10. Materials which exert or cause:

(a) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

(b) Unusual volume of flow or concentration of wastes constituting slugs, as defined in this article.

(c) Unusual concentrations of inert suspended solids, such as, but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium sulfate.

(d) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.

(e) Incompatible pollutants in excess of the allowed limits as determined by city, state and federal rules and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403.

C. The District shall comply with all the appropriate requirements of the City of Sheboygan's WPDES Permit No. WI-0025411 and of all modifications thereof. No discharge shall be allowed into the sanitary sewer that is in violation of the requirements of the WPDES permit and the modifications thereof.

4.15 Submission of Data Relative to Quantity and Characteristics of Industrial Wastes; Extension of Time.

A. Each person who discharges industrial wastes to a public sewer shall prepare and file with the City of Sheboygan and the District approving authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. This data shall be provided at a time specified by the City or District approving authority.

B. Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the City and the District approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

C. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by this section, a request for extension of time may be presented to the City and District approving authority for consideration.

4.16 Conditions for Handling Discharges of Above Normal Strength.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in section 4.14, and which, in the judgment of the City or District approving authority, have a deleterious effect upon the sewer works, processes, equipment or receiving waters or which otherwise create a hazard to life or health or constitute a public nuisance, the City or District approving authority may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under section 4.24.

4.17 Control Manholes.

A. Required. Each person discharging industrial wastes into a sanitary sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.

B. Location and construction. Control manholes or access facilities shall be located and built in a manner acceptable to the City and District approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the City and District approving authority.

C. Responsibility for installation and maintenance. Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible

and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the City and the District approving authority prior to the beginning of construction.

4.18 Waste sampling.

A. Collection of samples. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made for the industry every four years, beginning in 1986. Additional sampling and analyses shall be required for significant changes in the industry's operation. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the City and District approving authority. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

B. Responsibility for sampling facilities. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the superintendent of the wastewater treatment plant and the District's DPW. Access to sampling locations shall be granted to the superintendent of the wastewater treatment plant and the District's DPW or their authorized representatives at all times.

C. Analysis of samples. Samples shall be analyzed for BOD, total suspended solids, total phosphorus, and all potential contaminants. Results from all analyses shall be submitted to the wastewater treatment plant superintendent and the District DPW.

4.19 Preliminary Treatment.

Where required, in the opinion of the City or the District approving authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the sanitary sewers.

4.20 Submission of Information Prior to Commencement of Construction of Pretreatment Facilities.

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the City and District approving authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.

4.21 Grease and Sand Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City or District approving authority, that they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection 4.14 B. 3., or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and District approving authority and shall be located so as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the City and District approving authority. Disposal of the collected materials performed by the owner's personnel or licensed waste disposal firms must be in accordance with acceptable Department of Natural Resources (DNR) practice.

4.22 Analyses.

A. Standards for determinations. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with Chapter NR 219, Wisconsin Administrative Code. Sampling methods, location, time, duration and frequencies are to be determined on an individual basis subject to approval by the City approving authority.

B. Basis for charges. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his agent, as designated and required by the City approving authority. The City approving authority may also make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges and industrial cost recovery charges.

4.23 Right of Entry.

A. The City and the District approving authority or other duly authorized employees of the City or the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with this ordinance and Wis. Stat. § 66.0119. The City or District approving authority or other duly authorized employee of the City or District shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or wastewater treatment facilities.

B. While performing the necessary work on private premises referred to in subsection A. of this section, the duly authorized City or District employees shall observe all safety rules applicable to the premises established by the person.

C. The City or District approving authority or other duly authorized employees of the City or the District bearing proper credentials and identification shall be permitted to enter all private properties through which the City or District holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer works lying within such easement, all subject to the terms, if any, of such duly negotiated easement.

4.24 Special Arrangements.

No statement contained in this ordinance shall be construed as prohibiting any special agreement between the City and/or the District approving authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities because of the admission of such wastes and no extra costs are incurred by the City or the District without reimbursement by the person, provided that all rates and provisions set forth in this ordinance are recognized and adhered to.

Section 5

Industrial Pretreatment Program

5.01 City of Sheboygan Industrial Pretreatment Program Ordinances Adopted.

Provisions of the City of Sheboygan, Wisconsin, Municipal Code, Chapter 122 entitled Utilities, defining and describing regulations for the use and discharge of wastewater to the City of Sheboygan publicly owned treatment works (POTW), exclusive of any provisions relating to fees and penalties, are hereby adopted by reference and made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by the City Code incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the City Code incorporated herein, including repeal and re-enactment, are intended to be made a part of this Ordinance in order to secure uniform regulation and operation of the POTW. The following specific City of Sheboygan Municipal Code provisions are hereby adopted and enacted by reference:

- A. Article VI, Division 1., entitled "Generally," Sections 122-226 to 122.255.
- B. Article VII, Division 1., entitled "Generally," Sections 122-466 to 122-510.
- C. Article VII, Division 2., entitled "Administration," Sections 122-511 to 122-550.
- D. Article VII, Division 3., entitled "Fees," Sections 122-551 to 122-580.
- E. Article VII, Division 4., entitled "Reporting," Sections 122-581 to 122-600.

5.02 Control Authority.

The control authority of the POTW as designated by the City of Sheboygan is hereby authorized by the Town of Sheboygan Sanitary District No. 2 to administer, implement, and enforce the provisions of the Industrial Pretreatment Program as adopted and enacted by this Ordinance.

Section 6

Categories of Users

6.01 Category A Users (Single Unit Residential, Commercial, Schools).

Category A sewer users are lots, parcels, buildings or premises consisting of single unit residential, commercial, and schools having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater and that have individually metered water service connections to the Town of Sheboygan Sanitary District No. 3 (Water) utility.

6.02 Category B Users (Multiple Unit Residential, Nursing Homes, Assisted Living and Other Uses).

Category B sewer users are multiple unit residential, nursing homes, assisted living or other use buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater that have water service from the Town of Sheboygan Sanitary District No. 3 (Water) utility, but, do not have individually metered water service.

6.03 Category C Users (Residential Units Without Metered Water Service Including Town of Sheboygan Falls and Bains, Inc. Manufactured Home Park).

Category C sewer users are residential units, lots, parcels, buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater that do not have metered water service from the Town of Sheboygan Sanitary District No. 3 (Water) utility. Category C users include properties located in the Town of Sheboygan Falls that have been annexed to the Town of Sheboygan Sanitary District No. 2 including the Bains, Inc. manufactured home park.

6.04 Category D Users (Industrial).

Category D users are lots, parcels, buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge BOD, suspended solids, or phosphorus concentrations in excess of the limits for normal domestic strength wastewater. "Category D" is defined as wastewater having concentrations of biochemical oxygen demand greater than 147 mg/l, suspended solids greater than 201 mg/l, and phosphorous greater than 4.2 mg/l. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category D.

6.05 Category E Users (Properties Located Within City of Sheboygan).

Category E sewer users are lots, parcels, buildings or premises located within the municipal boundaries of the City of Sheboygan having a connection to the Town of

Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater.

6.06 UCE Formulas

The following formulas shall be used by the District to determine the UCE rating of sewer users. The formulas can be amended by the District Commission. Every sewer user shall be assigned at least one unit. A sewer user's UCE rating, as calculated by the formulas, shall be rounded up to the nearest half unit.

<u>Classification</u>	<u>Formula</u>
(a) Single Resident	One unit
(b) Duplex	Two units
(c) Multi-dwelling Apartments and condominiums	One unit for the first dwelling unit in a building, plus one-half (1/2) unit for each additional dwelling unit within a single building with a maximum of not more than five (5) additional units per building.
(d) General Business	One unit per 25 employees
(e) Shopping Center	One unit per 4,000 sq. ft. of floor space
(f) Super Market	One unit per 4,000 sq. ft. of floor space
(g) Motel	$\text{Units} = \frac{\text{bed space} \times \% \text{ of occupancy}}{8}$
1. With Laundry	$\text{Units} = \frac{\text{bed space} \times \% \text{ of occupancy}}{6}$
(h) Bowling Alley with Bar	0.50 units per alley
(i) Service Station or Garage	One unit
(j) Country Club	One unit per 25 members
(k) School	
1. With Meals Served	One unit per 15 students
2. With Meals & Showers	One unit per 12 students
(l) Churches	One unit
(m) Tavern	$\text{Units} = \frac{\text{Capacity}}{40}$
(n) Restaurants	
1. Standard Restaurant	$\text{Units} = \frac{\text{Seating Capacity}}{13}$
2. Drive-in or Short Order	$\text{Units} = \frac{\text{Seating Capacity}}{45}$
3. Restaurant with One Bar	$\text{Units} = \frac{\text{Seating Capacity}}{10}$
4. Restaurant with Two Bars	$\text{Units} = \frac{\text{Seating Capacity}}{8}$
5. Restaurant with Three Bars	$\text{Units} = \frac{\text{Seating Capacity}}{7}$

- (o) Other Cases To be determined by District Commissioners
- (p) Additions and Land Use Changes to Existing Connected Properties.

In the event the land use of an existing residence or structure which has previously been assigned a UCE rating by the Commission is changed without expanding or enlarging the footprint of the existing residence or structure and the new land use does not in the discretion of the Commission or its engineers materially change the quantity or quality of the wastewater to be discharged from the property then no additional UCE will be assigned. In the event a land use change is likely to result in a material change in the quantity or quality of wastewater to be discharged or is accompanied by the construction of an additional structure or a material expansion of an existing structure, then an additional UCE rating will be calculated pursuant to the UCE formulas set forth above and an additional connection fee may be assessed.

Section 7 Sewer Service Charges

7.01 Basis of Charges.

A. Service charge for wastewater treatment for metered customers.

There is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system a wastewater treatment service charge based in part on a fixed charge and in part on the quantity (volume) of water used, as measured. The fixed charge is calculated by dividing the District operating budget without estimated revenues from any real property tax levied by the District, connection fees, and without estimated expenses for City of Sheboygan treatment charges, by the number of District sanitary sewer connections. The fixed charge may be adjusted by the Commission as it deems necessary to provide for adequate cash flow to operate the wastewater collection system. The volume charge is calculated by multiplying the measured water usage of each customer by the per gallon wastewater treatment charge assessed to the District by the City of Sheboygan. The per gallon charge is calculated by dividing the annual estimated cost of service allocated to the District by the City of Sheboygan to operate the Sheboygan Regional Wastewater Treatment Plant (WWTP) by the number of gallons of wastewater, as estimated by the City of Sheboygan, to be transmitted to the WWTP by the District.

B. Service charge for wastewater treatment for unmetered customers.

There is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system not metered or served by the Town of Sheboygan Sanitary District No. 3 (Water) utility a wastewater treatment service charge based in part on a fixed charge, as described in paragraph A, and in part a volume charge based on a three year residential average of all homes served by such water utility.

C. Deduct meters.

If a user feels that a significant amount of metered water does not reach the sanitary sewer system due to lawn or garden watering, etc., they may, at their own expense, with the approval of the DPW, install a second meter or an additional metered service that would monitor this flow. Charges for sewer use would be made based on the difference between the two meter readings, if only a second meter is installed, and on actual water metered for sewer use if an additional metered service is installed. Requests for a second meter or metered service must be made in writing to the District.

D. Surcharge Calculations.

The Category D sewer service surcharges for volume, BOD, suspended solids and phosphorus shall be computed in accordance with the formula adopted in City of

Sheboygan municipal code section 122-403(b)(3) which is adopted and incorporated herein by reference.

7.02 Category A Sewer Service Charge (Metered Residential).

The sewer service charge for Category A sewer users is as follows:

- A. Fixed charge of \$27.00 per quarter per connection.
- B. Volume charge of \$0.001300 per gallon.

7.03 Category B Sewer Service Charge (Metered Multi-Family Residential).

The sewer service charge for Category B sewer users is as follows:

- A. Fixed charge of \$27.00 per quarter per connection.
- B. Volume charge of \$0.0025 per gallon of metered water usage divided by the number of dwellings or units contained in each building.

7.04 Category C Sewer Service Charge Non-Metered).

The sewer service charge for Category C sewer users is as follows:

- A. Fixed charge of \$27.00 per quarter per connection.
- B. Volume charge of \$0.0013 per gallon multiplied by the three-year residential average metered water usage of all homes served by the Town of Sheboygan Sanitary District No. 3 (Water) utility.

7.05 Category D Sewer Service Charge (Industrial).

The sewer service charge for Category D sewer users is as follows:

- A. Fixed charge of \$27.00 per quarter.
- B. Volume charge of \$0.0025 per gallon.
- C. Surcharge at rates periodically established by the City of Sheboygan, which are currently as follows, total per pound:
 - 1. BOD greater than 165 mg/l, charge of \$0.2186.
 - 2. Suspended solids greater than 214/mg/l, charge of \$0.1680.
 - 3. Phosphorus greater than 4.2 mg/l, charge of \$4.7384.

7.06 Category E Sewer Service Charge.¹

The sewer service charge for Category E sewer users is as follows:

- A. Fixed charge of \$49.00 per quarter.
- B. Volume charge of $\$1.9500 \times 25$ (100 Cu. Ft.) = \$48.75 per quarter.

Total Cost Per Quarter \$97.75/UCE.

7.07 Connection Charges.

A. A connection charge shall be assessed for each new and substantially separate building that has or will have a connection to the wastewater collection system. The District shall assign each new building a UCE rating pursuant to section 6.06 of this ordinance. The connection charge shall be calculated by multiplying the UCE rating by \$2,000.00. Multi-dwelling apartment and condominium developments containing more than one building per lot or parcel shall be assessed a connection fee at the rate of \$2,000.00 per building. The connection charge shall be due and payable before the issuance of a building permit/plumbing permit for the building.

B. In the event the land use of an existing building or structure which has previously been assessed a connection charge is changed without expanding or enlarging the footprint of the existing building or structure and the new land use does not in the discretion of the Commission or its engineers materially change the quantity or quality of the wastewater to be discharged from the property then no additional connection charge will be assigned. In the event a land use change is likely to result in a material change in the quantity or quality of wastewater to be discharged or is accompanied by the construction of an additional structure or a material expansion of an existing structure, then an additional UCE rating will be calculated and an additional connection fee may be assessed.

7.08 Reassignment of Sewer Users.

The Commission will reassign users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs, UCE formulas, and/or other related information indicate a change of categories is necessary.

7.09 Operation, Maintenance, and Replacement Fund Accounts.

The replacement fund revenues shall be maintained in a separate account by the District to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account, for authorized use, only with the approval of the Commission.

¹ Ordinance is amended yearly based off the City of Sheboygan's sewer charge rate adjustments.

7.10 Disposal of Septic Tank Waste.

No person shall discharge any septic tank sludge, holding tank sewerage, or hauled wastewater into any public or private sewer located within the District. Disposal of septic tank sludge, holding tank sewerage, or hauled wastewater shall only be allowed at the Sheboygan Regional Wastewater Treatment Plant in strict compliance with all City of Sheboygan ordinances, rules, and charges.

7.11 Toxic Pollutants Prohibited.

No person shall discharge any toxic pollutants into any public or private sewer located within the District. All industrial waste discharged to the wastewater collection system shall be in strict compliance with section 5 of this ordinance and the City of Sheboygan industrial pretreatment program as set forth in articles VI and VII of the City of Sheboygan municipal code.

Section 8

Billing Practice

8.01 Calculation of Sewer Service Charges.

Sewer service charges assessed to District sewer users shall be computed by the District according to the rates and formulas presented in Sections 6 and 7 of this ordinance.

8.02 Sewer Service Charge Billing Period.

Sewer service charges shall be billed by the District to the landowner on a quarterly basis.

8.03 Payment of Sewer Service Charges.

All persons billed by the District for sewer service charges shall pay such charges within twenty (20) days after the billing date at the Sanitary District Office.

8.04 Penalty.

A. A late payment charge of three percent (3%), but not less than thirty cents (\$.30) will be added to bills not paid within twenty (20) days of issuance. This one-time three percent (3%) late payment charge will be applied only to any unpaid balance for the current billing period's usage. The utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued and, unless payment or satisfactory arrangement for payment is made within eight (8) days, service may be disconnected.

B. In the event a utility customer fails to pay sewer service charges after they become delinquent, the District shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purpose. The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the District and a lien upon the property which may be recovered by civil action in the name of the District against the property owner, the person, or both. Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration shall have been paid.

C. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

8.05 Lien on Property.

All charges established by this Ordinance shall be a lien upon the property served pursuant to Wisconsin Statute §§ 66.0821 (4) (d) and 66.0809, as amended, and shall be collected in the manner therein provided.

8.06 Obligation for Payment

The property owner shall be liable for the sewer service charge bill and the unpaid bill shall remain a lien against the property serviced until paid in accordance with this Ordinance. Upon failure to make payment within the time specified, all such delinquent charges with interest will be placed on the next succeeding tax roll.

Section 9

Right of Entry, Safety, and Identification

9.01 Right of Entry.

The District Approving Authorities or other duly authorized employees of the City and District, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, or testing, all in accordance with the provisions of this ordinance.

9.02 Safety.

While performing the necessary work on private premises referred to in Section 9.01, the duly authorized District employees shall observe all safety rules applicable to the premises established by the person.

9.03 Identification. Right to Enter Easements.

The District Approving Authorities or other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all private properties through which the District hold easements for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater collection facilities lying within said easement, all subject to the terms, if any, of such easement.

Section 10

Sewer Construction and Connections

10.01 Permission Required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority. Said permit shall be obtained and connection charges paid, if any, at the time of or before receiving a building permit from the Town of Sheboygan.

10.02 Classes of Permits and Fees.

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District Approving Authority. An inspection fee for all permits issued shall be paid to the District at the time the application is filed. Said fees shall be determined by the District Commission.

10.03 Cost of Sewer Connection.

All costs and expenses required for the installation, connection, maintenance and repair of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance and repair of the building sewer.

10.04 Separate Sewers.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

10.05 Use of Old Building Sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the District Approving Authority, to meet all requirements of this Ordinance.

10.06 Materials and Methods of Construction.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling

the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Sheboygan or of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

10.07 Building Sewer Elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

10.08 Storm and Groundwater Drains.

No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer. All existing downspouts, groundwater drains or other sources of surface runoff or groundwater connected directly or indirectly to a sanitary sewer must be disconnected within sixty (60) days of the date of an official written notice from the District Approving Authority. Violations of this section may result in forfeitures and penalties as provided by section 4.03 of this code.

10.09 Connection to Sanitary Sewer.

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Town of Sheboygan or of the District, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the District Approving Authority.

10.10 Inspection of Connection.

The applicant for the building sewer permit shall notify the District Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the District Approving Authority.

10.11 Barricades; Restoration.

All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

10.12 Marker Required.

Upon completion of the installation and connection, the said applicant or his agent shall install or insert into the earth at the property line and flush with the ground surface a valvco tracer wire access box with locating wires attached directly over the building sewer.

10.13 Private Sewage Systems Abandonment.

Upon connection to the District’s system, all private sewage systems shall be abandoned in full compliance with this ordinance and all other applicable local, county and state regulations.

A. Permits. All persons, firms or corporations abandoning private sewage systems shall pay a fee according to Appendix A and shall obtain a private sewage system abandonment permit from the District.

B. Procedure. When any private sewage system is abandoned, it shall have its contents removed and shall be immediately filled with sand, gravel, or similar material. As an alternative to the above filling, the entire system may be removed. A system shall be deemed abandoned if the building which it serviced is razed and no new structure is intended to be constructed to replace such building structure within a period of 60 days, unless expressly extended there from by the Commission.

10.14 Abandonment of Building Sewer (Sewer Service Lateral).¹

A. Disconnection. No person, firm or corporation shall raze a structure or any part of a structure which has been connected to the District’s sewer system without first obtaining a permit from the District; and

1. Engaging a licensed master plumber to properly abandon and disconnect the building sewer (sewer service lateral) at the sewer main.

2. Disconnection shall include capping the building sewer with materials approved by Chapter SPS 384 of the Wis. Admin. Code at the entrance to the District’s system at the sewer main to prevent materials and liquids from entering the system, except if the building sewer will be reconnected to a building within twelve months of the disconnection.

B. Reconnection. Before reconnection, a regular plumbing permit shall be required and if the existing building sewer is to be used, the building sewer (sewer service lateral) from the building to the sewer main shall be thoroughly cleaned and inspected for leaks or necessary repairs or replacement.

¹ Amended by Ordinance 2-2018 on August 20, 2018.

Appendix A
(to Section 10 – Permits)

1. Permit fees

A. Disconnection permits (10.14) \$15.00

B. Private interceptor permit \$30.00

C. Plumbing permit

(1) Minimum permit \$15.00

Assumes one inspection only-
\$15.00 would be charged for
each additional inspection

(2) Regular permit

I. Existing house - \$ 2.50 per fixture plus \$10.00 (water heater or water softener (unless replacing) is not included as a fixture.

II. New house – minimum permit fee - \$45.00 or \$2.50 per fixture plus \$10.00 whichever is higher (water heater and softener included as fixture)
(3 inspections are contemplated. Additional inspections shall be charged at \$15.00 each)

D. Ordinance book \$10.00

E. Septic tank abandonment permit (10.13) \$10.00

2. Failure to obtain a permit before commencing work shall cause the above fees to double.

Section 11

Miscellaneous

11.01 Utility Responsibility.

It is expressly stipulated that no claim shall be made against said District by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any area of the said District, the District shall, if practicable, give notice to each and every consumer within said District, of the time when such service will be so shut off.

Section 12

Violations, Abatement Procedures and Penalties

12.01 Violations.

Any person violating any provision of this Ordinance or any other rule or order lawfully promulgated by the District is declared to be a public nuisance.

12.02 Enforcement.

The District Approving Authority shall enforce the provisions of this Ordinance and make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the District Approving Authority shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does in fact exist.

12.03 Summary Abatement.

If the District Approving Authority determines that a public nuisance exists within the District and that there is great and immediate danger to the public health, safety, peace, morals, or decency or the wastewater collection and treatment facilities, the District Approving Authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

12.04 Operating Upsets, Slugs or Accidental Discharges.

A. All industrial users shall notify the District immediately upon having an upset in operations which places the discharger in a temporary state of noncompliance with this chapter, a slug or accidental discharge of substances or wastewater in violation of this ordinance. Immediate notification will enable countermeasures to be taken by the District to minimize damage to the POTW and the receiving waters. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

B. Within five (5) days following an operating upset, slug, or accidental discharge, the user shall submit to the District Approving Authority a detailed written report describing the cause of the discharge, the period of noncompliance, and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage to the POTW, fish kill, nor other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

12.05 Abatement After Notice.

If the District Approving Authority determines that a public nuisance exists 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, or the wastewater collection and treatment facilities, the District Approving Authority shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the proper officer shall cause the nuisances to be removed as provided in Section 12.03.

12.06 Other Methods Not Excluded.

Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the District or its officials in accordance with the laws of the State of Wisconsin.

12.07 Cost of Abatement.

In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the District shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance and said cost may be assessed against the real estate as a special charge as provided in Section 8.05.

12.08 Emergency Suspension of Service.

A. The District may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the District, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the District to violate any condition of the City of Sheboygan's WPDES Permit.

B. Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the user to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The District and District Approving Authority shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

12.09 Appeals Procedure.

Any user, permit applicant, municipality or permit holder affected by any decision, action or determination, including cease and desist orders, made by the District Approving

Authority or Plumbing Inspector interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the District a written request for reconsideration within ten (10) days of the date of such decision, action or determination, setting forth, in detail, the facts supporting the user's request for reconsideration. The District Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder, in writing, within five (5) days of receipt of request. If the ruling on the request for reconsideration made by the District Approving Authority is unsatisfactory, the person requesting reconsideration may, within five (5) days after notification of the action, file a written appeal with the Office Manager of the District. The written appeal shall be heard by the Commission within fifteen (15) days from the date of filing. The Commission shall make a final ruling on the appeal within ten (10) days from the date of filing.

12.10 Penalties.

Any user who is found to have violated an order of the District or who failed to comply with any provision of this ordinance, order, rule, regulation, resolution or permit issued hereunder, shall subject the violator to a forfeiture of not less than Five hundred (\$500.00) Dollars for each offense, together with the costs of prosecution and in default of payment thereof, to imprisonment in the County Jail until such costs and forfeiture are paid, but not to exceed ninety (90) days. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

12.11 Other Penalties.

In addition to any civil penalties or penalties prescribed by this chapter, any industrial user who violates any provision(s) of this chapter or applicable State and/or Federal regulations or who violates any terms or conditions of a wastewater discharge permit shall subject such permit to suspension or revocation as set forth in Section 12.12.

12.12 Suspension and Revocation of Permit.

A. Any permit issued hereunder may be suspended or revoked by the District for a violation of any provision of this chapter. The permittee shall be given notice of the reasons for the suspension or revocation and an opportunity to be present at an administrative hearing for the purpose of determining whether such suspension shall be imposed or whether the permit shall be revoked. Upon the written complaint of the Plumbing Inspector, District Approving Authority or any Commissioner filed with the Office Manager of the District alleging that a person holding a permit under this chapter has violated this chapter, the District shall issue a Summons signed by the Commission President with a copy of the Complaint and directed to be served on the permittee. The Summons shall command the permittee complained of to appear at such hearing on a day and place named in the Summons, not less than five (5) days and not more than ten (10) days from the date of issuance, and show cause why his or her permit should not be revoked or suspended. Service shall be in the manner provided under Chapter 801 of the Wisconsin Statutes for service in civil actions in Circuit Court.

B. If the permittee does not appear as required by the Summons, the allegations of the Complaint shall be taken as true, and if the hearing examiner finds the allegations sufficient, the permit shall be revoked. The District Approving Authority shall give notice of the revocation to the permittee whose permit is revoked. If the permittee appears as required by the Summons and denies the Complaint, both the Complaint and the permittee may produce witnesses, cross examine witnesses and be represented by counsel. The permittee shall be provided a written transcript or digital recording of the hearing at his or her expense. If, upon the hearing, the hearing examiner finds the Complaint to be true, the permit shall either be suspended or revoked. The District Approving Authority shall give notice of the suspension or revocation to the permittee whose permit is suspended or revoked. If the hearing examiner finds the Complaint untrue, the proceeding shall be dismissed without cost to the permittee. Upon suspension or revocation, the permittee shall surrender the permit to the District Approving Authority.

12.13 Appointment of Hearing Examiners; Hearing Procedure.

A. Three (3) hearing examiners shall preside over the administrative hearing required by Section 12.12 above. Each examiner shall be qualified as a civil engineer with a background in industrial sewerage pretreatment programs. The District and permittee shall each select one such civil engineer within forty-eight (48) hours of the service of the Summons and Complaint and shall also inform the other party of their choice within such time frame. Within seventy-two (72) hours of their selection, the two (2) engineers shall mutually agree upon and appoint a third civil engineer who shall also preside at the hearing. Each examiner shall have equal status in deliberating and arriving at a decision.

B. The failure of either the District or the permittee to timely select, identify and retain a civil engineer within such initial forty-eight (48) hours shall result in the adjudication being made by the engineer timely selected.

C. Notwithstanding Subsection A above, in the event both engineers fail to mutually agree upon the selection of a third engineer, the District shall select an independent civil engineering firm and obtain a list of three (3) persons as candidates for the third hearing examiner; after such list of names is received, the two (2) engineers shall alternately eliminate names from such list until one (1) name remains, with the permittee's engineer making the initial elimination; one of the remaining civil engineers shall then become the third hearing examiner.

D. The three (3) hearing examiners shall conduct the hearing and take evidence and shall:

1. Issue, in the name of the District, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

2. Swear witnesses and take evidence;

3. Transmit a report of the evidence and hearing, including written transcripts or digital recordings, and other evidence, together with recommendations to the District for action thereon.

4. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded steno graphically or by digital recording. The written transcript, or digital recording, will be made available to any member of the public or any party to the hearing upon payment of the charges for the reproduction thereof.

12.14 Non-exclusivity of Penalties.

Adoption of any remedial action under this chapter shall not preclude the District from providing for the enforcement of any other law, regulation, order, or ordinance relating to the same or other matters.

12.15 Liability to District and/or City for Losses.

Any person violating any provisions of this Ordinance shall become liable to the District for any expense, loss, or damage occasioned by reason of such violation which the District may suffer as a result thereof. If any violation impacts the City wastewater collection and treatment facilities as well as the District wastewater collection facilities, the District may penalize the violator independently and concurrently with the City. The District Approving Authority must be notified immediately by any person becoming aware of any violations that occur.

Section 13

Validity

13.01 Superseding Previous Ordinances. This Ordinance governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections and construction shall supersede all previous ordinances of the District.

13.02 Invalidation Clause. Invalidity of any section, clause, sentence, or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.

13.03 Amendment. The District, through its Commission, reserves the right to amend this ordinance in part or in whole whenever it may deem necessary.

Section 14

Records, Audit and Notification

14.01 Biennial Audit.

The District shall review, at least every two years, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities, and the sewer service charge system. The District shall revise the sewer service charge system, if necessary, to accomplish the following:

A. Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the estimated or measured wastewater volume and pollutant loadings discharged by the users;

B. Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities; and

C. Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.

14.02 Annual Notification.

The District shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the total rate is attributable to the District's operation and maintenance expenses, sewer service charges from Sheboygan, and the District's debt service costs. The notification shall occur in conjunction with the District's annual budget public hearing.

14.03 Records Retention.

A. All industrial users subject to this ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of an industrial user in connection with its discharge. All records which pertain to matters which are the subject to any enforcement or litigation activities brought by the District pursuant hereto shall be retained and preserved by the industrial user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

B. The District is also required to maintain all records relating to sampling, monitoring, and chemical analysis under the same conditions as specified in this section.

Falsifying Information.

No person shall knowingly make any false statement (s), representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater discharge permit, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this ordinance.

Section 15**Effective Date**

15.01 Date of Effect.

This Ordinance shall take effect and be in force from and after its enactment and publication as required by law.

15.02 Date of Enactment (Approval).

This ordinance amending and restating the Town of Sheboygan Sanitary District No. 2 Sewer Use and Sewer Service Charge Ordinance was enacted the 16th day of November, 2015.

**SECTION 4.04
OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN,
SHEBOYGAN COUNTY WISCONSIN,
REGULATION AND LICENSING OF DOGS**

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

Section 1. **Creating Code.** Section 4.04 of the Municipal Code of the Town of Sheboygan is hereby created to read as follows:

4.04 Regulation and Licensing of Dogs.

- (1) **LICENSE REQUIRED:** The owner of a dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, obtain a dog license and pay the license fee. The license year commences on January 1 and ends on the following December 31.

- (2) **LICENSE FEE; LATE FEE:**
Dog license fees:
 - (a) Unneutered male dog or unspayed female dog: \$20.00
 - (b) Neutered male dog or spayed female dog: \$10.00
 - (c) Late Fee: The Town Treasurer, or a designated collecting official, shall assess and collect a late fee of Twenty Dollars (\$20.00) from every owner of a dog five months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.

- (3) **ISSUANCE OF LICENSE:** Upon paying the Town Treasurer or designated collecting official the above-named sum, and upon submitting a current rabies immunization certificate, the Town Clerk or designated official shall issue to every owner a license to keep the dog for the license year. Every owner, upon procuring such license, shall place upon the owner's dog a collar, to which is attached the dog tag furnished by the Town Clerk or designated collecting official.

- (4) **DEFINITIONS.**
 - (a) "Owner" includes any person who owns, harbors or keeps a dog.
 - (b) "Dog Running "At Large." A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
 - (c) "Collar" means a band, strip or chain placed around the neck of a dog.
 - (d) "Domestic Animal" includes all animals encompassed under the definition provided in WI. Stats., sec. 95.00 (ad) and 169.01 (7).

- (e) "Livestock" means any horse, bovine, sheep, goat, pig, domestic rabbit or domestic fowl, including game fowl raised in captivity.
- (f) "Officer" means a Sheboygan County Sheriff's Deputy, Town Constable, Wisconsin Department of Natural Resources, warden or other person designated by the Town Board.
- (g) "Untagged dog." A dog is considered to be untagged if a valid license is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area, including electronic fencing device.

- (5) **NUMBER OF DOGS LIMITED.** No person or family shall harbor, keep or possess, nor shall any property owner allow to be harbored, kept or possessed, in any residential area in the Town of Sheboygan, more than four (4) dogs per dwelling unit.

Any person or family owning more than four (4) dogs at the time this ordinance is adopted may continue to keep all such dogs until such dogs are sold, given away or pass away. This exception shall apply only to those dogs owned as of the effective date of this ordinance and shall not be construed to allow the continued keeping, harboring or possession of dogs in excess of four (4) now owned by the person or family residing in the dwelling unit. Nor shall this subsection be construed as allowing replacement of dogs to maintain the number of dogs owned at the time this ordinance was adopted.

- (6) **RESTRICTION ON KEEPING OF DOGS:** It shall be unlawful for any person within the Town to own, harbor or keep a dog which:

- (a) Causes injury to a person or threatens a person with serious bodily harm.
- (b) Causes injury to a domestic animal or threatens a domestic animal with serious bodily harm.
- (c) The owner has reason to believe is infected with rabies or has been in contact with a rabid animal.
- (d) Habitually pursues a motor vehicle or a non-motorized vehicle upon any public street, alley, or highway in the Town.
- (e) Is running at large within the Town limits.
- (f) Habitually barks or howls so as to annoy a person or persons.

- (7) **DUTY OF OWNER IN CASE OF A DOG BITE:** An owner who has reason to believe that his or her dog bit a person shall immediately report such fact to the Town Clerk or designated official. The Town Clerk or designated official shall order the dog quarantined pursuant to WI. Stats sec. 95.21.

(8) **DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT; PENALTY**

(a) An officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(b) Penalty. If the owner negligently or otherwise permits the dog to run at large or untagged, the owner shall forfeit not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor more than \$200.00 for subsequent offenses.

(9) **ANIMAL FECES**

Any person owning or having control of any animal shall clean up the feces of such animal immediately and dispose of it in a sanitary manner. No animal feces shall be permitted to remain exposed on any private or public property.

(10) **PENALTY:** Except for dogs running at large or untagged dogs, the penalty for any other violation of this section shall be a penalty as provided in sec. 11.04(1) of this Code.

Section 2. **Effective Date.** This Ordinance shall take effect upon adoption and publication.

Adopted this 17th day of June 2014.

TOWN OF SHEBOYGAN

By DANIEL W. HEIN, Chairman

I hereby certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Sheboygan on the 17th day of June 2014.

CATHY CONRAD, Clerk

Amended 9-27-2004

Amended 11-21-2006

Amended 6-21-2011

Amended 6-17-2014

**SECTION 5.05
OF THE TOWN OF SHEBOYGAN MUNICIPAL CODE
OPEN BURNING**

Section 1.

The purpose of this Ordinance is to protect and foster the health, safety and well being of persons in the Town of Sheboygan for the protection of property rights and to protect individuals from injury. The Town of Sheboygan has experienced and continues to experience significant residential and commercial development; and the Fire Chief of the Town of Sheboygan Fire Department has recommended that the Town Ordinances related to grass and rubbish burning be updated to include regulations for cooking grills.

(1) 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 4 pm and 9 pm of each day, but at no time shall a fire be built within fifty feet (50') of any structure, building or pile of lumber, nor shall the smoke or heat aided by such combustion be an annoyance or discomfort to the neighborhood or traveling public, except recreational fires shall not be located within twenty-five feet (25') of a structure or combustible material unless contained in an approved manner and are specifically excluded from the time limitations set forth in this Ordinance.

(2) 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.

(3) Fires Must Be Attended

Open fires and cooking fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

(4) Grill Regulations

For other than one and two family dwellings, no hibachi, gas fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any overhang portion or within ten feet (10') of any structure. Electric ranges, grills, or similar electrical apparatus shall be permitted if listed in the National Fire Protection Association Uniform Fire Code.

(5) Penalty

The penalty for violation of this section shall be a penalty as provided in Section 11.04(c) of this Code.

Section 2. Amending Code. Section 2.05(2)(b)3 is hereby amended to rename this section from “Grass & Rubbish burning (Section 5.05)” to “Open Burning Regulations (Section 5.05)”.

Section 3. 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 4. Effective Date. This Ordinance shall take effect upon passage and publication required by law.

Enacted February 22, 2011
By Town Chairman Daniel Hein

Cathy Conrad, Town Clerk certifies the above ordinance was duly enacted by the Town Board on February 22, 2011 and has been published and posted as required.

History

Amended 2-22-2011

Amended 6-19-2005

**AN ORDINANCE REPEALING AND RECREATING
SECTION 5.05 REGULATING OPEN BURNING**

WHEREAS, the Town Board and the Town of Sheboygan Volunteer Fire Department has determined that it is in the best interest of public safety and welfare to update the regulations on open burning in the Town of Sheboygan; and

WHEREAS, to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Sheboygan, Sheboygan County, Wisconsin due to air pollution and fire hazards of open burning, outdoor burning and refuse burning.

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

Section 1. Repealing Code. Section 5.05 of the Ordinances of the Town of Sheboygan, entitled Open Burning Regulations, is hereby repealed.

Section 2. Recreating Code. Section 5.05 entitled Open Burning Regulations is hereby adopted, enacted and recreated to read as follows:

“5.05 Open Burning Regulations

(1) Applicability. This ordinance applies to all outdoor burning and refuse burning with the Town of Sheboygan.

(a) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(b) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section (2) of this ordinance.

(c) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(2) Definitions.

(a) “Campfire” means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

(b) "Clean Wood" means natural wood which has not been painted, varnished or coated with similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

(c) "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

(d) "Fire Chief" means the Chief of the Town of Sheboygan Volunteer Fire Department or other person authorized by the Fire Chief.

(e) "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

(f) "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney.

(g) "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(h) "Refuse" means any waste material except clean wood.

(3) General Prohibition on Open Burning, Outdoor Burning and Refuse Burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Sheboygan unless the burning is specifically permitted by this ordinance.

(4) Materials That May Not Be Burned.

(a) Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town of Sheboygan will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

(b) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(c) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Wis. Admin. Code Chapter NR 590.

(d) Asphalt and products containing asphalt.

(e) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(f) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fibers, films and containers.

(g) Rubber including tires and synthetic rubber-like products.

(h) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section (9) of this ordinance.

(5) Open Burning of Leaves, Brush, Clean Wood and Other Vegetative Debris. Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris is allowed only in accordance with the following provisions:

(a) All allowed open burning shall be conducted in a safe, nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

(b) Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural resources has issued a burning ban applicable to the area.

(c) Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

(d) Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

(e) Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

(f) Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

(g) Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit.

(h) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.

(i) Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.

(j) Except for campfires, open burning under this section shall only be conducted at a location at least 250 feet from the nearest building that is not on the same property.

(k) Except for campfires and permitted bonfires, open burning shall only be conducted from the hours of 4:00 p.m. and 9:00 p.m.

(l) Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(m) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

(n) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

(6) Burn Barrels. A burn barrel may be used in the Town of Sheboygan only in accordance with the following provisions:

(a) The burn barrel shall not be used to burn any of the prohibited materials listed in Section (5) of this ordinance.

(b) The burn barrel shall be located at least 250 feet from the nearest building that is not on the same property as the burn barrel.

(c) The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

(d) The burn barrel shall not serve a business.

(7) Outdoor Wood-Fired Furnaces. An outdoor wood-fired furnace may be used in the Town of Sheboygan only in accordance with the following provisions:

(a) The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section (4) of this ordinance.

(b) The outdoor wood-fired furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor wood furnace.

(c) The outdoor wood-fired furnace shall have a chimney that extends at least fifteen (15) feet above the ground surface. The Town Board may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

(8) Fire Department Practice Burns. Notwithstanding Sections (3) and (4) of this ordinance, the Town of Sheboygan Volunteer Fire Department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

(9) Exemption for Burning Certain Papers.

(a) Notwithstanding Section (4)(h) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

(b) Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

(c) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(d) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Sections (5)(a)-(5)(c), (5)(f) and (5)(k)-(5)(o) of this ordinance.

(10) Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(11) Right of Entry and Inspection. The Fire Chief or any authorized officer, agent, employee or representative of the Town of Sheboygan Volunteer Fire Department or the Town of Sheboygan who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § 66.0119.

(12) Enforcement and Penalties.

(a) The Fire Chief, the Town Chairperson and the Town Ordinance Enforcement Officers are authorized to enforce the provisions of this ordinance.

(b) The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than Twenty-five dollars (\$25.00) or more than Two Hundred Fifty dollars (\$250.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

(c) The bond or forfeiture penalty for the first violation of this section is \$50.00 plus penalty assessments and court costs.

(d) The bond or forfeiture penalty for the second violation of this section is \$100.00 plus penalty assessments and court costs.

(e) The bond or forfeiture penalty for the third and subsequent violations of this section is \$150.00 plus penalty assessments and court costs."

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

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Section 4. Effective Date. This Ordinance shall take effect upon enactment.

Enacted this 20 day of August, 2019.

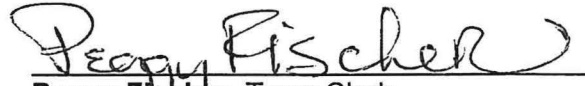
TOWN OF SHEBOYGAN

By: 

Daniel W. Hein, Chairperson

CERTIFICATE OF CLERK

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 20 day of August, 2019.



Peggy Fischer, Town Clerk

ROLL CALL VOTE

	<u>Aye</u>	<u>Nay</u>
Chairperson Daniel W. Hein	<u>✓</u>	_____
Supervisor Char Gumm	<u>✓</u>	_____
Supervisor James Schwinn	<u>✓</u>	_____
Supervisor John Wagner	<u>✓</u>	_____
Supervisor Alexandra Nugent	<u>✓</u>	_____

Posted: 8/22, 2019.

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AN ORDINANCE CREATING SECTION 8.06
OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN
TO REQUIRE COMPLIANCE WITH CLEAR WATER REQUIREMENTS
PRIOR TO CHANGE OF OWNERSHIP OF A BUILDING
SERVICED BY SANITARY SEWER

WHEREAS, clear water infiltration and discharge to the Town's sanitary sewer system results in the Town incurring significant unnecessary sanitary sewer treatment charges; and

WHEREAS, the Town's sanitary sewer system is not designed nor intended to act as a storm water drainage system, and therefore, clear water infiltration and/or discharge could result in the need for costly sanitary sewer system capital improvements; and

WHEREAS, the Town Board does hereby declare and determine clear water infiltration and discharge to the Town's sanitary sewer system to be a significant threat to the public health and welfare and therefore a public nuisance.

NOW, THEREFORE, the Town Board of the Town of Sheboygan ordain as follows:

Section 1. **Amending Code.** Section 8.06 of the Municipal Code of the Town of Sheboygan is hereby created as follows:

"8.06 CERTIFICATION OF COMPLIANCE WITH CLEAR WATER REQUIREMENTS.

(1) No person shall sell, transfer, or convey ownership of a building serviced by a sanitary sewer until such time as a certificate of compliance has been obtained from the building inspection department as provided in this Section. Changing ownership or accepting change of ownership without such certificate of compliance shall constitute a violation of this Code and shall be subject to the enforcement provisions and penalties set forth in Section 11.04.

(2) Upon request to the Town of Sheboygan Sanitary District No. 2, an inspection shall be conducted of the premises to ensure compliance with the provisions of Section 4 of Chapter I, Ordinances of Town of Sheboygan Sanitary District No. 2, Sewer Use and Service Charge Ordinance of the Code relating to illegal surface or ground water connections into the sanitary sewer system. Such inspection shall occur on or before the sale, transfer, or conveyance of title of any such building but may occur thereafter if not requested earlier by the owner.

(3) A certificate of compliance shall be issued by the Town of Sheboygan Sanitary District No. 2 if the building is found to be in compliance with the provisions of the Code relating to surface and ground water connections.

(4) A notice of noncompliance shall be issued by the Town of Sheboygan Sanitary District No. 2 to the owner of record of any building found not to be in compliance with the provisions of Section 4 of Chapter I,

Ordinances of Town of Sheboygan Sanitary District No. 2, Sewer Use and Service Charge Ordinance. The notice shall set forth the areas of noncompliance and shall order the owner to bring the building into compliance.

(a) Orders applicable to buildings where a sump pump installation is illegal shall have a sixty- (60-) day compliance period.

(b) Orders applicable to buildings where clear water is illegally entering the sanitary sewer system via an under-the-basement floor connection shall have a one hundred twenty- (120-) day compliance period.

(5) In the event a request for a certificate of compliance is made within six (6) months of the issuance of a previous certificate of compliance, a reinspection of the premises will not be required.

(6) A certificate of compliance indicates that so far as can be reasonably determined by a visual inspection of the premises and review of Town records, the premises meets the requirements of this Section. Neither the Town nor its inspectors assume any liability in the inspection or issuance of a certificate of compliance, and the issuance of a certificate of compliance does not guarantee or warrant the condition of the premises inspected.

(7) In order not to delay or prevent a pending sale of a property affected by this Section, a buyer or other transferee may file with the Town of Sheboygan Sanitary District No. 2 evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with the provisions of Section 4 of Chapter I, Ordinances of Town of Sheboygan Sanitary District No. 2, Sewer Use and Service Charge Ordinance and this Municipal Code within the time limits set forth in subsection (4) above, along with evidence that adequate funds have been escrowed to complete said work, and a stipulation agreeing to bring the property into compliance with the provisions of Section 4 of Chapter I, Ordinances of Town of Sheboygan Sanitary District No. 2, Sewer Use and Service Charge Ordinance within the applicable time limits. Said evidence and stipulation may only be filed after the inspection provided for in subsection (2) above. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this Code and shall be subject to the penalties set forth in Section 11.04.

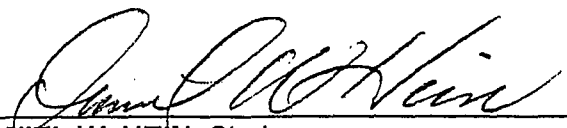
(8) This Section shall apply to all real estate sales, transfers, and conveyances occurring on and after July 1, 2000."

Section 2. Effective Date. This Ordinance shall take effect on July 1, 2000.

Enacted this 23rd day of November, 1999.

TOWN OF SHEBOYGAN

By


DANIEL W. HEIN, Chairman

**AN ORDINANCE AMENDING SECTION 2.05 OF THE MUNICIPAL CODE
OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN ESTABLISHING
TOWN ORDINANCE ENFORCEMENT OFFICERS A/K/A TOWN CONSTABLES**

WHEREAS, the 2012 Annual Town Meeting, pursuant to Wis. Stat. § 60.10(1)(b)4. abolished the existing two elected Town Constable Offices for the Town of Sheboygan in favor of Town Ordinance Enforcement Officers to be employed by the Town Board.

WHEREAS, pursuant to Wis. Stats. §§ 60.23(23) and 60.37(1), the Town Board may enact and enforce ordinances and employ persons necessary to carry out this function of Town government; and,

WHEREAS, pursuant to § 66.0113, Wis. Stats., the Town Board has previously authorized the Town Constables, subject to certain limitations, to issue citations for violations of Town ordinances and hereby intends to authorize its employed Ordinance Enforcement Officers, subject to certain limitations, authorization to issue citations for violations of Town ordinances; and,

WHEREAS, it is in the public interest and welfare to establish the jurisdiction and duties of the Town Ordinance Enforcement Officers of the Town of Sheboygan, and for the issuance of citations to be authorized, as provided herein.

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

Section 1. **Amending Code**. Section 2.05 of the Municipal Code of the Town of Sheboygan entitled "Town Constables," is hereby amended to read as follows:

"2.05 Town Ordinance Enforcement Officers a/k/a Town Constables

- (1) Number of Town Ordinance Enforcement Officers-

The 2012 Annual Town Meeting, pursuant to Wis. Stat. § 60.10(1)(b)4, abolished the two (2) elected Town Constable Offices for the Town of Sheboygan in favor of the employment of two (2) Town Ordinance Enforcement Officers. The Town Board, pursuant to Wis. Stat. §§ 60.23 and 60.37, shall employ up to two (2) Town Ordinance Enforcement Officers. Town Ordinance Enforcement Officers shall also be known as Town Constables. All references in the Municipal Code of the Town of Sheboygan to "Town Constable" or "Constable" shall mean by definition "Town Ordinance Enforcement Officer."

- (2) Limited Jurisdiction and Duties -

The Town Board, pursuant to the authority granted by Wis. Stats. § 60.37, determines the qualifications, terms of employment and the jurisdiction and duties of the Town Constables as follows:

- (a) Geographic Area. Constables shall act within the municipal boundaries of the Town of Sheboygan. A Constable may assist in an emergency situation outside of the Town's municipal boundaries when ordered to respond to a specific incident by a Town Supervisor or by the Chief of the Town of Sheboygan Fire Department.
- (b) Enforcement Authority. The Constable(s) shall maintain peace and order within the Town by enforcing violations of the following sections of the Town Municipal Code:
 - 1. Regulation and Licensing of Dogs (Section 4.04).
 - 2. Public Nuisances (Section 5.04).
 - 3. Grass and Rubbish Burning (Section 5.05).
 - 4. Parking on Town roads (Section 5.07).
 - 5. Collection and disposal of refuse and garbage (Section 6.03).
 - 6. Swimming pool code (Section 8.03).
 - 7. Garage Sales (Section 10.9).
 - 8. Other sections, as specifically directed by the Town Chairperson on a case-by-case basis.
 - 9. Regulation of Firearms and Bows and Arrows (Section 5.10).
- (c) Traffic Control. Constable(s) shall assist law enforcement, fire fighting, ambulance, or safety personnel with traffic and crowd control at the scene of an accident, fire, or similar emergency.
- (d) Permits. See that necessary state and local permits and licenses are in the possession of or properly displayed by any person engaged in an activity or business for which such permit or license is required and that the permit or license holders have complied with the terms of the same.
- (e) Other. Investigate and report to the Town Board concerning all violations of the Town Municipal Code of which the Constable(s) have knowledge.

(3) Reporting -

- (a) Constable(s) shall file with the Town Board at least monthly, and more often as requested by the Board, a report of their activities and possible violations of the Town Code.
- (b) Constable(s) with personal knowledge or information about a violation of any county, state, or federal rule, regulation, ordinance, or statute shall notify appropriate law enforcement personnel, but may not participate in the pursuit or apprehension of a suspect.

(4) Identification Policy -

A Constable is permitted to follow an alleged violator on foot or by motor vehicle in order to identify and question the person only if all of the following circumstances exist:

- (a) the Constable personally observed the commitment of an act that violates a section of the Town Code over which the Constable has enforcement authority;
- (b) the Constable has not positively identified the alleged violator;
- (c) the Constable believes that following and contacting the alleged violator can be accomplished safely; and,
- (d) the Constable fully adheres to all applicable rules and regulations, including traffic and trespassing laws.

(5) Equipment -

- (a) The Town shall provide the Constable(s) with the following to assist in carrying out the duties set forth above:
 - 1. Blank forms to issue citations and notices of violations.
 - 2. Equipment listed on Table 2.05, plus state-certified training or available Sheboygan County Sheriff's Department for firearms and taser training., Satisfactory completion of applicable training must be completed prior to the use of Town equipment.
 - 3. A shared work area in the Town Hall to complete reports, correspondence, citations, and notices.
- (b) Use of vehicles lights. A Constable whose personal vehicle is equipped with flashing, oscillating or similar emergency lights, or a Constable operating a vehicle so equipped, must first receive training in their use, and then use said lights and operate as an emergency

vehicle in conformance with applicable provisions of the Wisconsin Statutes, including s. 346.03, Wis. Stats.

- (6) Training and Education. The Constable(s) shall attend County Constable Association meetings, obtain state-certified training for any equipment prior to its use, and comply with other training as the Town Board may direct from time-to-time.
- (7) Compensation -
 - (a) The Constable(s) shall be paid on an hourly basis for time spent in the performance of official town duties, in an amount as determined by the Town Board from time to time.
 - (b) The Constable(s) shall be reimbursed for mileage (at the Federal rate) and for other expenses necessarily incurred in the performance of official town duties.
 - (c) The Constable(s) are part-time employees of the Town and are not entitled to any vacation, holidays, sick leave, health insurance, retirement plan, or similar benefits to which other Town employees may be entitled.

TABLE 2.05: CONSTABLE EQUIPMENT
Town of Sheboygan Municipal Code

The Town shall furnish each constable with the following equipment:

1. Ordinance Book and Violation Notices
2. Full Uniform
 - a. long sleeve shirt with badge/constable ID
 - b. short sleeve shirt with badge/ID
 - c. reflective winter jacket with badge/ID
 - d. a reflective vest with badge/ID
3. Personal safety
 - a. Baton
 - b. Pepper spray
 - c. Fire extinguisher
4. Traffic safety
 - a. Flashlight
 - b. Flares
 - c. Orange cones for traffic control
5. A portable radio capable of communicating with the Sheboygan County Sheriff's Department
6. Animal restraining device and cage for transport
7. One Patrol car to be used by both Constables
8. A Handgun and state-certified firearms training and Sheboygan County Sheriff's Department training, if available.
9. Bullet proof vest
10. A Taser and state-certified firearms training and Sheboygan County Sheriff's Department training, if available."

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 upon enactment and at the end of current terms (April 16, 2013) of the persons serving in each of the two (2) Offices of Town Constable.

Enacted this _____ day of April, 2013.

TOWN OF SHEBOYGAN

By _____
DANIEL W. HEIN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the _____ day of April, 2013.

CATHERINE CONRAD
Clerk

CHAPTER 18

PUBLIC WORKS

18.01 Driveways and Culverts - Permits Required, Permit Fees and Escrow for Performance

- a. Approvals Required.
 - (1) Driveway Approval. No person shall construct or maintain any driveway across any ditch, sidewalk, or curbing or enter any road without first obtaining a driveway permit from the Town Board or its designated representative.
 - (2) Culvert Approval. No person shall begin excavation for a culvert without first obtaining (a) a culvert permit for the proper size and type of culvert from the Town's engineer and (b) paying the permit fees and the escrows required by this Ordinance. The actual placing and covering of the installed culvert shall be accomplished in accordance with the specifications of the Town Engineer and approval for the completed installation shall be required, in writing, from the Town Engineer.
- b. Permit Fee. A driveway permit fee or culvert permit fee as set forth in section 11.05(37) shall be charged for the issuance of each permit designated for the installation of a driveway or culvert as set forth in Subsection a., above.
- c. Security Deposits.
 - (1) Culvert Deposit. At the time of issuance of any permit for a culvert under this Section, the person receiving the permit shall be required to deposit with the Town a security deposit set forth in section 11.05(43) for the proper performance and installation of the culvert as required under all aspects of this Ordinance. The culvert security deposit shall be returned to the permit holder upon satisfactory completion of the culvert as determined by the Town Building Inspector or Director of Public Works.
 - (2) Ditch Line Deposit. Any person receiving a culvert permit under this Section shall deposit with the Town a security deposit set forth in section 11.05(43) for the proper performance and maintenance of the ditch line during the time of construction. The ditch line security deposit shall be returned to the permit holder upon satisfactory completion of the major construction and landscaping work on the premises as determined by the Town Building Inspector, Town engineer or Director of Public Works.
- d. Procedure for Installation.
 - (1) After the issuance of a permit, the Town shall within five (5) days cause the staking of the grades for the elevation of the culvert. No culvert shall be installed until such staking has been completed.
 - (2) The culvert shall be installed according to the stakes established by the Town, its Building Inspector, or its Town Engineer.
 - (3) A permit holder installing a culvert shall notify the Town within five (5) days of the completion of the installation, at which time the Town shall make an inspection to determine that the culvert was appropriately installed.

- (4) If the Town Engineer, Building Inspector, or Director of Public Works determines the culvert has been improperly installed, the permit holder shall be given thirty (30) days' notice, in writing, to repair, modify, or reinstall the culvert according to the specifications of the Town. At the expiration of the thirty (30) days, the Town shall re-inspect the culvert installation. The cost of the re-inspection shall be borne by the contractor and shall be taken from the security deposit required by Subsection c., above.
- (5) In the event the permit holder continues to fail to follow the specifications and has not repaired the improper installation within the period of thirty (30) days following the written notice, the permit holder forfeits any funds remaining from the security deposit upon the Town Engineer's written determination of the defective installation. The Town shall move to install the culvert in the appropriate manner and the security deposit funds shall be used to cover the costs of additional engineering expenditures and the repair, replacement or installation of the culvert. The balance of funds left in the escrow account, if any, shall be returned to the person taking out the permit. Nothing in this Subsection shall limit the Town's ability to recover reasonable and necessary expenditures exceeding the security deposit.

18.02 Driveways and Culverts - Extensions for Existing Culverts

- a. Permit Required. No existing culvert may be extended by two or more feet without first obtaining a permit for extension from the Town of Sheboygan or its designated agent.
- b. Fees. Permit fees for the extension of existing culverts shall be in the amount set forth in section 11.05(37). Additional engineering charges may be assessed according to the terms and conditions of this Section.
- c. Applicability. This Section shall apply only where an existing culvert has been installed for a driveway or drainage in the ditches in the Town of Sheboygan. The connection of any pipe to either end of an existing culvert installation shall be considered an extension of that culvert installation.
- d. Issuance. Permit issuance shall be upon the following terms and conditions:
 - (1) No extension shall cause the existing culvert and its extension together to exceed a total length of thirty-six (36) feet, excluding endwalls except as provided in section 18.02d(4).
 - (2) The permit applicant shall be responsible for all necessary Town engineering costs related to the culvert inspection. Prior to issuing the permit, the Town Engineer shall inspect the site of the proposed project and issue an estimate as to the projected Town Engineering fees necessary for project inspections. Prior to receiving an extension permit, the applicant shall deposit the estimated costs of engineering services with the Town Clerk. The applicant shall be responsible for reasonably necessary engineering costs in excess of the deposited amount.
 - (3) The Town Engineer or Director of Public Works shall have the right to refuse the extension permit if it is determined that the existing installation already constitutes an impediment to drainage or requires substantial adjustment in order to maintain adequate drainage flows or that an addition or extension to the existing culvert would create an obstruction or impediment to existing drainage flows.

- (4) On property which is zoned for commercial or industrial purposes, an extension of an existing culvert or the installation of a new culvert may be allowed which shall bring the total length of the driveway culvert to a maximum length of sixty (60) feet provided that the sixty- (60-) foot culvert length is necessary for ingress and egress of traffic. The total culvert length for driveways whose main function and/or purpose is for employee or customer parking is hereby limited to thirty-six (36) feet. Any extension of an existing culvert or the installation of a new culvert made under the provisions of this Section shall be subject to the installation of one or more cleanouts as determined by the Town Engineer or Director of Public Works or his or her designee.

18.03 Regulation of Town Culverts

- a. The individual property owner shall pay the total cost of all culverts of twenty-four (24) inches or less in diameter where the installation thereof is on the right-of-way abutting the property owners' land.
- b. Where the Town Engineer or Director of Public Works or his or her designee determines a culvert is needed in excess of twenty-four (24) inches in diameter, the Town shall pay the cost of the additional culvert size and endwalls over twenty-four (24) inches. Payment will be provided directly to the person installing said culvert. This payment is to be made upon the request of the permit holder installing the culvert and shall be made following satisfactory inspection of the installation by the Town Engineer, Director of Public Works or designee, said payments to be authorized by the Town agent issuing the permit and the Town Board.
- c. All culverts on Town roads in the Town of Sheboygan shall be installed according to the grade set by the Town Engineer.
- d. Only galvanized steel, corrugated polyethylene pipe (HDPE) meeting AASHTO M 294 type S specifications, or reinforced concrete culvert pipe and endwalls shall be used for installations in the Town. The minimum length of any installation shall be twenty-four (24) feet of actual culvert pipe and a maximum length of thirty-six (36) feet of actual culvert pipe, except that the sixty- (60-) foot maximum length allowed by Section **18.02d(4)** shall be allowed if all provisions of that section are applicable and all conditions are met. Other installations may be made in excess of thirty-six (36) feet only on the permission of the Town Board and only under the conditions set for the installation by the Board. All installations shall be required to have endwalls on both ends of the culvert pipe. All descriptions of length hereunder do not include the endwalls and the extension of the endwalls beyond the end of the pipe is in addition to those lengths mentioned herein. This Ordinance shall apply to all new installations as of the Ordinance effective date.
- e. The Town Engineer shall designate the size and diameter of the culvert to be installed. In the event of disagreement by the owner with the Engineers, the owner may request the Town Board to review the matter and set the required diameter.
- f. Installation Requirements.
 - (1) To protect the culvert from crushing, breaking, or bending or any other damage, it is required that a minimum of eight (8) inches of crushed rock or gravel be placed on the top of the culvert.
 - (2) In the event eight (8) inches of cover would bring the grade level too high, the installation of an arch (oval) culvert pipe may be required by the Town Board.

- (3) Bedding and filling around the pipe and bedding and filling beneath the pipe shall be done with crushed rock, stone, gravel, or other material approved by the Town Board, but in no event shall dirt, clay, or other loose ground be used.
- g. After the culvert installation is complete, the driveway shall be at least four (4) inches below the grade of the adjacent highway pavement at a point six (6) feet from the edge of the pavement.

18.04 Regulating and Establishing Conditions Related to Occupancy of Town Road Right-of-ways

- a. Policy. It is the policy of the Town of Sheboygan to permit utility facilities to occupy road or street right-of-ways and other Town easements owned by the Town, subject to the regulations and conditions in this Ordinance to assure the Town unwarranted interference or conflicts with the Town's use of its right-of-ways or easements. The regulations contained in this Ordinance are to be implemented and enforced with the goal of eliminating or minimizing costs to the Town of Sheboygan. This policy acknowledges that utilities operate with regulatory constraints, and when resolving conflicts under this Ordinance, the Town shall consider but is not bound to make decisions in accordance with said regulatory constraints.
- b. Purpose. The purpose of this Ordinance is to establish procedures for the implementation of Wis. Stat. § 84.063 and to prevent delays and/or costs from being incurred by the Town or the Town's contractors for the delay and expense of the scheduling of utility relocations and to establish the penalties for interference with a public service structure pursuant to Wis. Stat. § 66.0831.
- c. Notice. Utilities shall be presumed to have notice of this Ordinance through its publication. The Ordinance will be provided to all utilities or any other entity permitted to install utilities within the right-of-way of any public street of the Town. Reference to these regulations shall be made in all permits to occupy any portion of a Town road right-of-way. Regardless of the date the utility began occupancy, compliance with the regulations and conditions of this Ordinance are required as a condition of continued occupancy of the Town's right-of-way or easement.
- d. Definitions.
 - Conflict** shall mean that the utility facility is located in the right-of-way or easement so as to interfere with the Town's project in such a way that proceeding with the Town's project will damage said utility facility or has, in the opinion of the Town Engineer, the potential or possibility to cause damage to the utility facility if the utility is not moved or protected.
 - Days** as used in this Ordinance shall mean calendar days.
 - Final Plan** shall mean engineering diagrams, plans, or specifications that are sufficiently detailed and contain construction plans upon which contractors can calculate and submit bids for the completion of the project and upon which the utility can determine the relocation of utility facilities and eliminate conflict with the Town's project.
 - Preliminary Plan** shall mean engineering diagrams, plans, or specifications that are sufficiently detailed to allow a utility to determine whether the Town's project will be in conflict with the utilities' existing location.
 - Utility** shall mean any public or private entity owning utility facilities located in the Town right-of-way.
 - Utility facilities** include any utility pipe, pipeline, wire, cable, cable service, duct, conduit, fiber optics, radio signal, or electrical transmission equipment

and associated utility plan and equipment, whether underground or above ground in the municipal right-of-way.

e. Project work, accommodation, or relocation procedures.

- (1) When the Town approves a project on a Town right-of-way or easement, the Town will send notice by certified mail to all utilities believed to have utility facilities located in the Town road right-of-way. It shall be the obligation of the owner of the utility facilities to notify the Town in writing within fifteen (15) days of the receipt of notice of the project verifying that the utility facilities are located in the project area of the Town right-of-way. Failure to respond shall mean that the utility represents that it has no utility facilities in the project right-of-way or easement and shall cause the utility to be responsible for said representation and any penalties or damages incurred as a result of said representation.
- (2) Upon completion of the preliminary engineering plans by the Town's engineer said plans shall be sent to all utilities having notified the Town of having utility facilities in the Town's road right-of-way or easement.
- (3) Within thirty (30) days of mailing of the preliminary plan the utility shall notify the Town of any conflict which may result in damage to the utility facility as it relates to the Town's planned construction and shall within forty-five (45) days after receiving the preliminary plan submit a written proposal to eliminate the conflict and potential for damage to the utility facility without cost to the Town or shall negotiate a resolution of the conflict by agreement to pay costs to the Town to resolve that conflict. If the resolution and the agreement cannot be completed within forty-five (45) days, the utility may request in writing an extension of fifteen (15) days to resolve conflicts.
- (4) In the event the resolution of the conflict cannot be completed within sixty (60) days of the mailing of the preliminary plan, the Town Board of the Town of Sheboygan shall review the proposals received and shall direct and order a specific resolution deemed necessary in order to complete the Town's project, which resolution eliminates or minimizes cost to the Town and the Town taxpayer.
- (5) Not less than sixty (60) days after the mailing of the preliminary plan, the Town shall mail a final plan to the utility having given notice that it has utility facilities within the project area. The mailing of the final plan constitutes notice that the conflicts with the Town's project or the work to be done by the Town's contractor shall be eliminated within sixty (60) days in accordance with the resolution of the conflict under Paragraphs **18.04e(3)** and (4), above. In the event unforeseen site conditions or other unforeseen circumstances necessitate a modification to the final plan, the Town may follow the procedures commencing with Sections **18.04e** of this Ordinance or in the alternative shall follow the emergency procedure under Section **18.04f**.

- g. Emergency Procedures. These emergency procedures are applicable to all situations where circumstances create the need to relocate utility facilities or protect utility facilities located in the Town's right-of-way or easement and the nature of the circumstances constitute an emergency and do not allow for following the relocation procedure of Section **18.04e**. In the event the relocation of utility facilities has been made necessary by emergency circumstances beyond the control of the Town and the Town is unable to

comply with notice provisions of Section **18.04e** of this Ordinance, the Town may declare the relocation to be an emergency and so notify the utility in writing by personal delivery. The utility shall respond to the Town's emergency notice within twenty-four (24) hours and representatives of the utility shall meet with the Town representatives within forty-eight (48) hours of the notice and shall agree to a resolution of the utility conflict to the satisfaction of the Town. If the Town and utility fail to agree on a resolution, the Town shall take the action it deems necessary to resolve the emergency and shall notify the utility in writing of the intended actions and the estimated cost and/or expense which will be incurred as a result of such action. The Town and Town's contractor shall keep a record of actual costs incurred and notify the utility in writing of the actual costs. Failure to pay said cost or expense within sixty (60) days of notice thereof shall constitute a violation of this Ordinance and shall be collected by the Town as a forfeiture in circuit court as provided in Section **18.04g**. of this Ordinance. In the event the utility objects to said action or the cost or expense related to said action, the utility may, within sixty (60) days from the date of the notice of said actual cost and/or expense file a declaratory action with the Circuit Court of Sheboygan County. The court shall determine the amount of the forfeiture to be assessed to the utility based upon the expense or cost incurred by the Town or the Town's contractors that resulted from relocation and/or protection from damage of the utility's facility or alteration of the Town's plan or project to avoid damage to the utility facility.

18.05 Excavations, Alterations or Obstructions within Town of Sheboygan Right-of-ways

- a. Permit Required. No individual, partnership, or corporation shall cause any excavation, alteration, or obstruction, excluding trees (see Section **18.13**), within Town of Sheboygan right-of-ways or easements without first obtaining a construction/excavation permit application and subsequent approval by the Town Engineer or Director of Public Works or his or her designee.
- b. Prohibited Obstructions. No rock gardens, boulders, benches, or fences shall be built or maintained in any public right-of-way.
- c. Fees.
 - (1) Utility Service Connections. A non-returnable fee set forth in section 11.05(24) shall accompany the construction/excavation permit application for the installation of utility services to the utility main. A detailed drawing, showing all existing utilities, structures, and improvements in the proposed installation area, including the proposed location of the new work, shall accompany the permit application.
 - (2) Utility Mainline Extensions. A non-returnable fee set forth in section 11.05(24) shall accompany the construction/excavation permit application for the installation of utility mainline extensions. A detailed drawing, showing all existing utilities, structures, and improvements in the proposed installation area, including the proposed location of the new work, shall accompany the permit application. The drawing shall bear a signature from the Director of Public Works or his or her designee verifying mutual design and planning of the proposed mainline extension with regard to existing underground utilities.
- d. Permit Review; Notice. The construction/excavation permit application shall be reviewed by the Town Engineer or designee who shall prepare a written report with a recommendation as to approving or denying the requested

- permit. Upon approval of the permit by the Town Engineer or Director of Public Works, the Town Clerk shall issue a construction/excavation permit to the applicant. The applicant shall notify the Director of Public Works forty-eight (48) hours prior to commencing work.
- e. Town Right-of-Ways or Easements. For the purpose of this Section, Town of Sheboygan right-of-ways and easements are construed to be areas as designated by the Town of Sheboygan and recorded as such in the Sheboygan Register of Deeds' Office.
 - f. Conditions of Permit. The Director of Public Works or the Town Engineer shall prescribe the conditions under which the excavation, alteration, or obstruction shall be made and it shall be the duty of the Director of Public Works or the Town Engineer to ensure that all conditions of the approved permit are complied with strictly and that the work is completed in a timely manner. A final inspection of the completed restoration and clean-up shall be made by the Director of Public Works or Town Engineer.
 - g. Indemnity Bond Required. Before a construction/excavation permit may be issued under this Section, the applicant receiving the permit shall deposit with the Town Clerk a security deposit as set forth in section 11.05(24) for the proper performance, installation, and restoration of the work as defined in the approved permit. An annual security deposit may be given under this Section exclusively covering utility service connections by the principal for one (1) year, beginning January 1, which shall be conditioned as specified below.
 - (1) The construction/excavation security deposit shall be returned to the applicant upon satisfactory completion of the project and restoration work as determined by the Director of Public Works or the Town Engineer.
 - (2) In the event of the failure of the applicant to properly perform the conditions of the approved permit, the Department of Public Works or the Town Engineer shall give the applicant a thirty- (30-) day notice, in writing, to repair, modify, or restore said conditions according to the specifications of the Town of Sheboygan. At the expiration of the thirty (30) days, the Town or its contractor shall perform the necessary repair, modification, or restoration as determined by the Department of Public Works or the Town Engineer and shall deduct the cost of said repair, modification, or restoration from the construction/excavation security deposit. The balance of the funds left in the escrow account, if any, shall be returned to the permit applicant.
 - h. Indemnity Bond Required. Before a construction/excavation permit may be issued, the applicant must execute and deposit with the Town Clerk an indemnity bond approved by the Town Chairperson in an amount equal to the estimated costs to repair or replace any Town improvements located in the right-of-way for which the permit is issued and further conditioned that he or she shall indemnify and save harmless the Town of Sheboygan and its officers and employees from all liability for accidents and damage caused by any of the work covered by his permit and that he shall fill up and place in good and safe condition all excavations and openings made in the road and shall replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Town Board for a period of one (1) year, and that he or she shall pay all fines imposed upon him or her for any violation of any rule, regulation, or ordinance governing road openings or drain laying adopted by

the Town Board and shall repair any damage done to existing improvements during the progress of the excavation in accordance with the Ordinances, rules, and regulations of the Town. Such bond shall also guarantee that if the Town shall elect to make the road repair, the person opening the road shall pay all costs of making such repair and of maintaining the same for one (1) year. Recovery on such bond for any accident, injury, violation of law, ordinance, rule, or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries, or violations during the period of excavation for which it is given. An annual bond may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1 which shall be conditioned as specified above and in the amount determined by the Town Board as necessary to adequately protect the public and the Town.

- i. Liability Insurance Required. Before a construction/excavation permit may be issued, the applicant must furnish the Town Clerk with written evidence that he has in force and shall maintain during the course of the work, general liability insurance with limits of not less than \$500,000.00 per occurrence and \$1,000,000.00 in the aggregate, and property damage insurance of not less than \$1,000,000.00 per occurrence and in the aggregate.
- j. Removal of Signs, Guardrails, and Appurtenances. Signs, guardrails, and appurtenances within the Town right-of-way limits shall be removed and installed by Town personnel only. The applicant must give one (1) week's advance notice to the Director of Public Works or the Town Engineer for the removal of such signs, guardrails, and appurtenances that obstruct or interfere with the applicant's ability to perform the work and conditions of the permit. The cost of such removal and installation shall be borne by the applicant at cost and deducted from the construction/excavation security deposit.

18.06 Ditch Maintenance

- a. Section **18.06** shall apply to all property owners in the Town of Sheboygan owning property which abuts upon any ditch or natural water course which exists upon right-of-way or easements for road or drainage purposes in the Town of Sheboygan. Property owners shall maintain all such ditches or watercourses within fifty (50) feet of the property line of their property. In the event the right-of-way or easement is less than one hundred (100) feet wide and is bordered on two (2) sides by private property owners, each property owner shall be responsible for that one-half (1/2) of the right-of-way or easement adjacent to his property.
- b. Any property owner in the Town of Sheboygan who has property which abuts any ditch or water course as described above shall be responsible to maintain the watercourse and ditch to allow the free, open, and continuous flow of water through said ditch or watercourse.
- c. Where there occurs in any ditch or watercourse an accumulation or deposit of materials or vegetation, other than naturally deposited snow or ice, which obstructs, diverts, or blocks the continuous flow of water, temporary or otherwise, causing the water to back up or stagnate or to flow upon property of another or of the Town of Sheboygan outside of the area of the easement for the ditch or watercourse, the property owner responsible for the ditch or watercourse maintenance shall remove such blockage, obstruction, or materials causing diversion within forty-eight (48) hours of notice in writing from the Town of Sheboygan. If the owner of the property or premises fails to remove such blockage, obstruction, or diversion as required by this Section,

the Town of Sheboygan, under the direction of the Town Board and Director of Public Works, shall do the work, and the expense thereof shall be calculated and made a special tax upon the property adjacent to which the work was done pursuant to the above definition of areas of responsibility of the property owners.

- d. Ditches may be enclosed with the installation of an appropriately-sized pipe or culvert upon the request of the abutting property owners and the approval of the Town of Sheboygan Board of Supervisors. All costs for the installation and restoration of said enclosures, including engineering fees, shall be borne by the property owner(s) requesting the same. Recommendation on the project must be given by the Town's Engineer or the Director of Public Works prior to commencement of the work and must be inspected during the installation along with final inspection. All costs of clearing, ice removal, and other maintenance work shall be borne by the abutting property owners.

18.07 Town Work Excluded-The provisions of this Ordinance shall not apply to excavation work under the direction of the Town Engineer or the Director of Public Works, by Town employees, or contractors performing work under contract with the Town necessitating openings or excavations in Town roads.

18.08 Excavation in New Road Limited: Emergency Excavations-Whenever the Town Board determines to provide for the permanent improvement or repaving of any road, such determination shall be made not less than thirty (30) days before the work or improvement or repaving shall begin. Immediately after such determination by the Town Board, the Town Engineer or Director of Public Works shall notify in writing each person, utility, Town Department (including sanitary districts) owning or controlling any sewer, water main, conduit, or other utility in or under said road or any real property abutting said road of the pending permanent improvement or repaving. Any such owner or controller must undertake any desired excavation work in such road within thirty (30) days. After the Town provides permanent improvement or repaving, no permit shall be issued to open cut or excavate said road for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Town Engineer or Director of Public Works an emergency exists which makes it absolutely essential that the permit be issued. In the event of an emergency, any person or his agents or employees owning or controlling any sewer, water main, conduit, or utility in or under any road may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining a permit hereunder.

18.09 Obstructions and Encroachments

- a. No person shall encroach upon or in any way obstruct or encumber any road, alley, sidewalk, public grounds or land dedicated to public use or any part thereof or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant.
- b. Exceptions. The prohibition of Subsection (a) shall not apply to the following:
 - (1) Signs or clocks attached to a building which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, road, or alley.

- (2) Awnings which do not extend below any point seven (7) feet above the sidewalk, road, or alley.
- (3) Public utility encroachments duly authorized by state law or the Town Board.
- (4) Excavations and openings permitted under Sections **18.01** and **18.02**.
- c. No person shall allow, permit, or cause the accumulation of any materials in or upon the roadways or road ditches of the Town which in any manner obstructs the flow of water causing diversion of water from the ditch or causing the stagnation of water flowing therein.

18.10 Snow Emergency Rules and Depositing of Snow on Public Right-of-ways Prohibited

- a. Definition-
A "town road" shall mean any road, street or alley located in the Town of Sheboygan over which the Town Board has care and supervision under Wisconsin Statutes.
- b. All Night and Snow Emergency Parking Prohibited-
 - (1) When signs have been erected at or reasonably near the corporate limits of the Town as provided in Wis. Stats. Sec. 349.13 no person shall park any motor vehicle on any improved street or road in the Town of Sheboygan between the hours of 12:00 a.m. and 6:00 a.m. except physicians and other emergency vehicles.
 - (2) When a snow emergency has been declared by the Town Chairperson or Vice Chairperson, all motor vehicles must be removed from the Town roads, and must remain off the Town roads until the roads have been cleared of snow.
- c. Parking Near Fire Hydrants Prohibited-
There shall be no parking of motor vehicles within ten feet (10') of any fire hydrant located within the Town.
- d. Parking on Specific Town Roads Prohibited-
When signs have been erected, there shall be no parking at times and locations designated by the Town Board, which include, but are not limited to the following:
 - (1) On the west side of Woodland Road, north of Superior Avenue and south of Mayberry Road and on the east side of Woodland Road, north of Superior Avenue and south of Woodland Meadows Drive.
 - (2) On any street in Windmor Subdivision, including Windmor Drive and Ridgemor Drive.
 - (3) On any street in the Stonefield Creek Subdivision.
- e. Prohibition. A person owning or occupying the whole or any part of a building or land abutting public streets in the Town of Sheboygan is hereby prohibited from moving snow onto such public streets at any time, unless such person has received permission from the Town to do so.
- f. Removal Required. A person owning or occupying the property shall remove such snow from the public streets within 24 hours after receiving notice from the Town. Failure of such person to comply with the notice constitutes a violation of this Section and in such event, the Town shall cause the snow to be removed and the cost thereof shall be charged to the property owner.

18.11 Mailbox Damage

- a. Mailboxes, driveway culverts, driveway surfaces (other than gravel), fences, trees or shrubbery, or any other item or object installed in the road

right-of-way, even if installed with the required Town permits, shall be maintained and replaced if damaged at the discretion and expense of the property owner.

- b. The Town assumes no responsibility for the replacement or repair of any such items where loss, damage, or injury to such items is the result of Town operations including maintenance, snowplowing, construction, or reconstruction of roadways or ditches, which work is being performed by the Town or the Town's contractor on the Town's road right-of-ways, road surfaces, and ditches.

18.12 Street Privilege Permit

- a. Permitted Purpose. Permits for the use of the roads, alleys, sidewalks, or public ways or grounds may be granted to applicants by the Town Board for the purpose of moving any building or structure or of encumbering the road, alley, sidewalk, or way with materials necessary for the construction or demolition of any building or structure, provided that such applicant has complied with the other requirements of the subsection and has obtained a building permit if required by the Code.
- b. Bond Required. No road privilege permit shall be issued until the applicant executes and files with the Town Clerk a bond in an amount determined by the Town Board conditioned that the applicant shall indemnify and save harmless the Town from all liability for accidents or damage caused by reason of operations under said permit and shall leave the vacated premises in a clean and sanitary condition and repair any and all damage to the roads, alleys, sidewalks, or public property of the Town resulting from such building, moving, or demolition operations.
- c. Fee. The fee for a road privilege permit shall be an amount set forth in section 11.05(24).
- d. Conditions of Permit. The permission to occupy or obstruct the roads, alleys, sidewalks, or public ways or grounds is intended only for use in connection with the actual erection, alteration, repair, removal, or relocation of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Town Board for violation thereof:
 - (1) Such temporary obstruction shall cover not more than one-third (1/3) of any road or alley.
 - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Town Board, shall continue during all hours of the day and night.
 - (4) No building or structure shall be allowed to remain overnight on any road crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (5) Buildings shall be moved only in accordance with the route prescribed by the Town Board.
 - (6) Upon termination of the work necessitating such obstruction, all parts of the roads, alleys, sidewalks, or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions, and placed in a safe condition for public travel at the expense of the permittee.
- e. Termination. All road privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Town Board.

- f. Penalty. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed road shall refuse or neglect to remove such obstruction within twenty-four (24) hours after notice from the Town Board to do so, it shall be the duty of the Town Board to direct removal of such obstruction and make return of the cost and expense thereof to the Town Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed road, and such sum shall be levied and collected as other special taxes against real estate.

18.13 Road Reconstruction and Special Assessments

- a. Special Assessments. All special assessment taxes levied by the Town shall be paid by the owner of the property being assessed in the following manner, unless otherwise determined by the Town Board of Supervisors::
- (1) In equal annual installments over a period not to exceed ten (10) years unless extended by Town Board.
 - (2) The Town shall invoice the owner of the property. Interest shall run on all unpaid installments at the percentage rate determined by the Town Board of Supervisors.
 - (3) All property owners shall be responsible for fifty percent (50%) of any special assessments for reconstructing existing Town roads and drainage facilities affecting their property. The Town's standard method of calculating special assessments is the following formula:
Assessable Per Foot Cost X Assessable Frontage = Per Foot Assessment ÷ 2 = Owner Responsibility
The above-determined per-foot assessment shall then be applicable to assessable footage within the Town's jurisdiction for each such public works construction project. Any funding received by the Town for the project(s) shall be spread proportionally over the Town and assessable portions of the project. In the event the outside funding is applicable to only a portion of the project, the funding shall be applied to the particular item whether it is within the Town or assessable portion of the project.
 - (4) The Town Board may utilize the following assessment methods at its discretion based upon the circumstances of each special assessment project including but not limited to the following:
 - i. Front foot basis;
 - ii. Per parcel basis;
 - iii. Area-wide basis;
 - iv. Square foot basis;
 - v. Impervious surface (hydraulic acre) basis.
 - (5) A public hearing shall be held pursuant to Wis. Stat. secs. 66.0701 or 66.0703 as now in force and effect or as hereinafter amended prior to ordering the special assessments permitted by this Chapter and prior to the start of actual construction.
- b. Road Assessments. The Town assessment policy shall be as follows:
- (1) The Town reserves the right to determine the actual road profile.
 - (2) The Town shall resurface a Town road when the surface conditions warrant resurfacing. The Town shall attempt to adhere to a pre-determined schedule for resurfacing existing roads.
 - (3) The Town shall strive to resurface local roads on a scheduled basis assuming the life of an asphalt road is approximately twenty (20)

years. The Town shall utilize the Pacer Ware computer program to assist in determining which roads are scheduled for resurfacing. The Town shall consider resurfacing of a road when the Pacer Ware rating is a five (5) or below.

- (4) The Town shall assess affected property owners for fifty percent (50%) of the full cost associated with the installation of curb and gutter, pedestrian trails, or storm sewer pipe to a twenty-four (24) inches equivalent when these improvements are not currently in place. This assumes that the affected property owners are only paying for those infrastructure improvements that they do not presently enjoy.
 - (5) The Town Board reserves the right to determine when a road is reconstructed based on budgetary constraints.
- c. Stormwater Assessment. The Town shall assess for the installation of stormwater drainage pipes, ditches, swales, retention/detention ponds, and any other stormwater drainage facilities (collectively stormwater drainage facilities) as follows:
- (1) Assessment Area shall be defined as follows:
 - i. Any platted subdivision (development) to be served by the stormwater drainage facilities, or
 - ii. Any other area that is not a platted subdivision as determined by the Town Engineer or Director of Public Works which is to be served by the stormwater drainage facilities.
 - (2) The following items shall be assessed at fifty percent (50%) of the total cost to all property owners in the assessment area:
 - i. Storm sewer mains twenty-four (24) inches in diameter and less.
 - ii. Storm sewer manholes four (4) feet in diameter.
 - iii. All appurtenances including inlets, catch basins, yard drains, and leads.
 - iv. All roadway and lawn restoration costs.
 - v. Engineering, legal, and administrative fees.
 - vi. Storm sewer laterals for sump pumps (one sump pump lateral per parcel).
 - (3) Storm sewer mains greater than twenty-four (24) inches in diameter shall be assessed at fifty percent (50%) of the total cost attributable to the property under the following formula:
$$\frac{\text{Cross-sectional area of 24-inch diameter pipe}}{\text{cross-sectional area of the storm sewer pipe greater than 24-inch diameter pipe}} = \text{percentage of pipe cost to be assessed.}$$
 - (4) Storm manholes greater than forty-eight (48) inches in diameter shall be assessed at fifty percent (50%) of the total cost attributable to the property under the following formula:
$$\frac{\text{Cross-sectional area of 48-inch diameter manhole}}{\text{the cross-sectional area of the manhole greater than 48-inch diameter}} = \text{percentage of manhole cost to be assessed.}$$
 - (5) Storm sewer shall be assessed on a front foot basis unless determined otherwise by the Town Board. Assessment rate is defined as total assessable cost divided by assessment frontage. Property owners shall be responsible for fifty percent (50%) of the total assessable cost. Assessable frontage shall be determined by the

same methodology used for street construction or reconstruction. Multiple fronted lots shall be assessed for frontages where storm sewer is installed in street right-of-way, even if storm sewer is not installed adjacent to the particular property. More than one sump pump lateral per parcel shall be individually charged to the particular parcel.

- d. Ditches. The Town shall assess fifty percent (50%) of the total cost attributable to maintaining its stormwater drainage system, including ditches, swales, retention/detention ponds and related facilities as provided above.
- e. Special Consideration. Applicable to pavement, curb, and gutter projects only is the following:
 - (1) Multi-fronted lots. Assessment shall be adjusted for multi-fronted lots in the following manner:
 - i. Frontage on any constructed side in excess of one hundred (100) feet shall receive a seventy-five percent (75%) forgiveness up to a maximum of one hundred (100) feet.
 - ii. This formula shall apply to each side of the lot.
 - (2) Prohibited access. Any lot with frontage on a road where access to said road is prohibited by a governing body shall have no assessment for the road reconstruction project as to that portion of the project dealing with pavement, curb, and gutter.
 - (3) Irregular lots. Triangular lots and lots on cul-de-sac streets shall be assessed for pavement, curb, and gutter projects only based on the following:
 - i. When special assessments are based upon a front foot basis, the frontage calculation for irregularly shaped lots shall be as follows:

When the actual frontage is more or less than the average width of a lot (measured by dividing the total lot area by the average depth), the frontage calculation for assessment purposes shall be based on average width, but in no event shall the assessment be for less than seventy-five (75) feet of frontage.
 - ii. The frontage calculation for triangular parcels of land shall be established by dividing the total lot area by the average depth of the adjoining parcels along the same frontage, but in no event shall the assessment be for less than seventy-five (75) feet of frontage.
 - (4) Non-Identified Lots. Non-identified-shaped lots shall be determined individually by the Town Board prior to assessment as applicable to pavement, curb, and gutter projects.
 - (5) Lot Splitting. If a multi-fronted lot is split into two (2) or more parcels prior to completion of construction and assessment, the newly-created interior lot(s) shall be subject to full frontage assessment without consideration for any credits under any of the above Section and Subsections.
- f. Special Considerations Not Applicable To New Developments. All of the above Sections and Subsections dealing with credits for multi-fronted lots, in particular Subsections **18.13a.** through e., shall not be applicable to new Town road construction as provided by Section **18.15.**
- g. Special Assessments Payable in the Event of Annexation.

- (1) Under the preceding Code Subsections of Section **18.13**, the Town shall bear a share of construction project costs. All final special assessment resolutions shall provide that as to each abutting property owner involved in a particular assessable construction project within the Town who bear any assessment for public improvements payable installments, the annual installments shall be increased by a proportionate share of construction project costs previously paid by the Town in those circumstances where an abutting property owner's property is annexed to a neighboring municipality and where said annexation takes place at any time during the period commencing from the date of adoption of the final special assessment resolution and when installment special assessments remain due and payable to the Town from abutting property owners. For those abutting property owners who have paid assessments in a lump sum, then the Town's proportionate share of the construction project shall also become then due and payable upon annexation.
 - (2) Any Town construction project costs previously paid by the Town and then assessed to an abutting property owner because of annexation under Subparagraph (1) above shall be computed by the Town and written notice thereof shall be given to the abutting property owner. The amount so computed and assessed shall be payable immediately.
 - (3) The report of the Town Engineer or Director of Public Works, available at the date of public hearing, following adoption of the preliminary special assessment resolution, shall set forth the application and projected additional assessment costs that may be caused by an annexation under the terms of Section **18.13g**.
- h. Nothing in this Ordinance shall be deemed as a waiver of the Town's ability to impose assessments in a manner consistent with Wisconsin law or other applicable law including but not restricted to the Town's ability to exercise its police powers under Wis. Stat. chs. 60 and 66.

18.14 Parking Lot Restrictions-Parking of automobiles or other motorized vehicles on private premises shall be so regulated as to not interfere with the use of any Town road or public right-of-way where parking lots or areas are located immediately adjacent to a public road or right-of-way, a physical divider shall be placed at the end of the parking lot or area adjacent to the public road to prevent invasion of the public right-of-way. Points of ingress or egress to private parking areas shall be plainly marked and no single parking area shall have more than one point of ingress or egress per one hundred (100) feet along such public road. The physical barriers shall not be less than two (2) feet above the parking lot surface. Applications for variations of the number or distance of points of egress or ingress may be granted in writing by the Town Board.

18.15 New Town Road Construction Requirements

- a. All new Town roads shall be constructed according to the standards of Wis. Stat. § 82.50 unless otherwise approved by the Town Board and the Wisconsin Department of Transportation.
- b. The Town shall accept Town roads by dedication or deed. Any person wishing to dedicate or deed a road to the Town must first obtain approval of the points of access to existing Town roads from the Town Board.

- c. The liability for accident or injury occurring upon any proposed roadway shall be the liability of the owner until either dedication or deeding are completed and accepted by the Town Board.
- d. Failure to obtain and comply with Town Board requirements shall constitute the basis for refusal to accept said dedication and/or deed. Roads shall not be maintained by the Town until dedication and the recording of the deed, plat, certified survey map, or other conveyance document are completed and accepted by the Town.
- e. All new Town public roads and streets shall be installed by private construction contract as more fully described below in Section **18.16**, below.

18.16 Private Construction of Town Roads-Private construction of all new roads and streets intended to be dedicated as public shall be as follows:

- a. Development Agreement Required. Prior to the construction of any road or street in the Town intended to be dedicated as a public road or street, the developer or owner (hereinafter collectively referred to as “Developer”) shall enter into a Roadway Development Agreement or Development Agreement (hereinafter collectively referred to as Agreement) with the Town. The content and form of the Agreement may be modified on a case-by-case basis at the sole discretion of the Town Board and may include but is not limited to the construction of the following: storm sewers, drainage facilities, water mains, sanitary sewer, street lights, sidewalks, walking paths, aggregate base course, sub-grade, binder course, and final course of asphalt.
- b. The Agreement shall be approved by the Town prior to the commencement of construction of the street or road. The Agreement shall include but shall not be limited to the following provisions:
 - (1) The Developer shall provide a financial guarantee to the Town to pay for the cost of any and all phases of street construction the Developer intends to complete pursuant to the Agreement. The financial guarantee shall be approved by the Town prior to the commencement of construction of any portion of the street or road. The financial guarantee to the Town shall be provided in any of the following forms:
 - a. Irrevocable letter of credit; or
 - b. Escrowed funds with the Town.
 - (2) The financial guarantee described above shall be in an amount sufficient to pay for the entire construction costs of the road or street and contingencies as determined by the Town Engineer.
 - (3) Prevailing Wage Rate Compliance. The agreement shall require the Developer to comply with all prevailing wage rate laws and regulations applicable to the construction of any public works contemplated by the Agreement.
- c. Written Application Requirements. The Developer shall make written application to the Town for construction of a new road, including storm sewer indicating location use, name, type of surface, desired time schedule, indication of Plan Commission approval, and detailed construction plan. The construction plans must meet the Town requirements contained in Section 18.15, above, and be approved by the Director of Public Works and the Town Engineer. Further provisions concerning the written application to the Town shall be as follows:
 - (1) The plans shall include all drainage plans with roadway and property elevations.
 - (2) The Developer shall pay the Town Engineer’s fees for the plan review as described herein. Specifically, the Developer shall pay the Town

- costs for the plan review and review of the conceptual plan, preliminary plat, final plat, drainage, and street plans.
- (3) The Developer shall pay all applicable Town fees for submittal of the development plans, such as zoning application fees, plat or certified survey map approval fees, as set forth in section 11.05, the Town Fee Schedule, on file with the Town.
 - (4) The Developer shall pay the total project costs. Total project costs shall consist of construction costs up to final paving, engineering and legal fees applicable to the project, costs for street signs, stop signs, speed limit signs, informational signs, and street lights. The developer shall pay the Town's Engineer costs and any other utility company costs related to the construction of the roadway as required, which said payments shall be made directly to the appropriate party (with copies verifying payment provided to the Town). Any and all costs incurred by the Town for the roadway construction, including engineering and legal fees, shall be billed by the Town to the Developer.
- d. Road Compliance. The private construction of all Town roads as described herein shall comply with all Ordinances, Resolutions, and requirements of the Town including applicable conceptual plans, preliminary plat approvals, and final plat approvals.
- e. Final Paving.
- (1) The road shall be constructed as described herein; however, the final paving shall be installed when seventy percent (70%) of available abutting property in the subdivision is developed or three (3) years, whichever comes first, unless otherwise approved by the Town Board.
 - (2) In the event a minimum of twenty percent (20%) of the abutting land is not developed and the three- (3-) year time frame has lapsed as described above, the Town Board at its discretion may require final paving of the road in conformity with this Ordinance.
 - (3) The Agreement may provide for an earlier final paving and curb and gutter than the time frames described above. However, the Agreement shall also include a waiver that the Developer and all owners shall accept full liability for premature failure of the bituminous paving and curb and gutter installation. Premature failure is defined as displacement or break-up of bituminous pavement within three (3) years of acceptance of roadway (through base course) by the Town Board.
- f. Exceeding Financial Guarantee. If the actual construction costs exceed the financial guarantee to the Town as described above, the difference shall be made up in either of the following ways:
- (1) On or before thirty (30) days from the date of notice from the Town to the Developer of a shortfall, the Developer shall provide an increase of financial guarantee to cover the increased cost; or
 - (2) In the event the Developer does not provide the increased financial guarantee described above, then the increased cost amount shall be placed on the tax roll as a special assessment, which said assessment shall be split equally against all unsold lots within the affected subdivisions.
- g. Subdivision Improvement Agreement.
- (1) At the time of the signing of the Agreement, the Developer and all owners of all real estate properties in the development shall sign a

Subdivision Improvement Agreement relating to final paving and waiver of special assessment hearing.

- (2) The Subdivision Improvement Agreement shall include, among other things:
1. that the actual costs of final paving and curb and gutter shall be assessed to abutting property owners by waiver of assessment, and
 2. all subdividers of final plats or persons offering a certified survey map for approval shall be required to enter into a Subdivision Improvement Agreement, relating to final paving and waiver of special assessment.
- h. Recording of Final Plat. At such time as the Developer signs the Roadway Development Agreement, Subdivision Improvement Agreement, and at such time as the Developer provides satisfactory financial guarantees to the Town as described above, then the Town shall execute the final plat for recording.
- i. Town Inspections. The Town Engineer, the Director of Public Works, or their designees shall have the sole discretion to inspect every phase of road and infrastructure construction including but not limited to installation of storm sewers, water mains, sanitary sewer, street lights, aggregate base course, roadway subgrade, binder course, and final course of asphalt.
- j. Notice of Deficient Construction. In the event during the roadway construction process the Town Engineer or his designee determines that there is inadequate construction or construction not in conformity with the submitted plans or not in conformity with the Town's standards and general specifications, then the Town Engineer or his designee shall provide written notice to the Developer. Upon receipt of the written notice, the Developer shall cease all future construction of the road until such time as the deficiencies are satisfied and corrected as determined by the Town Engineer. The Developer shall have fifteen (15) days to correct all deficiencies as described herein. In the event the fifteen- (15-) day timeframe is not met, the Town shall have the authority to make arrangements to have the deficiencies corrected, have the roadway properly constructed, and have the financial guarantees applied to the construction costs.
- k. Letter of Recommendation. Upon completion of all inspections of the Town Engineer as described herein if the road meets the plan specifications of roadway construction standards, the Town Engineer shall write a letter recommending acceptance as a Town road to the Town Board.
- l. Building and Occupancy Permits. Building permits may be issued after execution of all of the above-mentioned agreements and after financial guarantees have been provided to the Town. However, occupancy permits shall only be issued after acceptance of the roadway by the Town Board.

18.17 Drain Water Discharge-Every building and all parts thereof shall be drained so as not to cause dampness on the walls and ceilings. No downspout within six feet of adjoining property shall be pointed toward such property. Discharge from a downspout shall not create a nuisance. The downspout discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on streets, alleys or sidewalks, damaging a city street or sidewalk, creating ponds of standing water, or flowing over adjoining property.

18.18 Sump Pump Discharge-In areas where storm sewers are not available, sump pumps shall discharge onto the surface and shall be directed either to the rear lot line or to the street and shall not be directed as to flow on adjacent property.

Discharge from the sump pump shall not create a nuisance. The sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on streets, alleys and sidewalks, damaging a street or sidewalk, creating ponds of standing water, or flowing over adjoining property.

18.19 Drain Tile Discharge-A written approval from the Town Engineer, Director of Public Works or his/her designee shall be obtained prior to any drain tile water being drained into Town right-of-way. The existing road ditch shall be cleaned and free of debris and brush a sufficient distance to provide adequate grade for water flow. The drain tile connection shall be directly into the ditch and rip-rap placed on each side of the tile two feet by four feet by eight-inch depth. In subdivisions where curbs exist, the property owner shall discharge various residential drain tile water on top of the ground and let the water flow on the ground surface a minimum travel distance of forty (40) feet from the road right-of-way line. Known drainage problem areas shall not be compounded, nor shall any new obvious drainage problems be created.

18.20 Street Trees Within Road Right-of-ways

- a. Purpose. This Ordinance shall regulate the placement of trees within the road right-of-way within the Town.
- b. Definitions. "Street trees" are defined as any and all trees, shrubs, bushes, and all other woody vegetation growing or planted between property lines on either side of the street, avenue, boulevard, alley, or other public right-of-ways within the Town.
- c. Street Trees Placement Prohibited. No street trees shall exist, be planted, or be placed upon any portion of the Town road right-of-way in any development which does not have storm sewer. In addition, no street tree shall exist, be planted, or be placed within any ditch in the Town.
- d. Street Tree Types.
 - (1) The following street trees shall **not** be planted:
Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, Gingkobiloba, or any fruit tree
 - (2) The following street trees shall be allowed to be planted, placed, or exist within the Town right-of-way:
 - LOCUST**
Continental Honey Locust, Skyline Honey Locust, Shademaster Honey Locust, Imperial Honey Locust, Halka Locust
 - MAPLE**
Columnar Norway or Erectum Maple, Emerald Queen Maple, Cleveland Maple, Red Sunset Maple, Bowhall Maple, Sugar Maple, Crimson King Maple, Schwedler Maple, Jade Glen Maple, Summershade Maple, Superform Maple, Royal Red Maple, Green Mountain Maple, Parkway Maple
 - ASH**
Hackberry, Autumn Purple Ash, Summit Ash, Marshall Seedless Ash, Patmore Ash, Rosehill Ash, Bergeson Ash
 - LINDEN**
Redmond Linden, Littleleaf Linden, Greenspire Linden, Sentry Linden, June Bride Linden, Glenleven Linden
 - OAK**

Pin Oak, Red Oak

NUT

All nut trees

- e. Maintenance and Liability. The owners of all street trees within the Town's road right-of-ways as described herein shall be responsible for the trimming and maintenance of the street trees within the right-of-way at the sole cost of the owner. Furthermore, the owners of all street trees within Town right-of-ways shall be liable for any and all damage, personal injury, or injuries resulting to property or person caused in any fashion by the street trees within the Town right-of-way and the property owner of the street trees shall hold harmless and indemnify the Town of Sheboygan from any and all liability whatsoever.
- f. Tree Spacing. Spacing of all street trees within Town right-of-ways shall be as follows:
 - (1) No street trees shall exist, be planted, or be placed closer than four (4) feet from any curb, street pavement edge, or sidewalk of any Town road within the Town in any development which has storm sewer. In storm sewer development only, street trees shall be allowed to be planted, placed, or exist within any other portion of the street right-of-way except for the four- (4-) foot area described above.
 - (2) All trees shall be spaced a minimum of forty (40) feet from one another.
 - (3) No street tree shall be planted closer than thirty-five (35) feet from any street corner measured from the point of the nearest intersecting curbs, curb lines, or pavement edges. No street tree shall be planted closer than ten (10) feet from any fire hydrant. No street tree shall be planted within ten (10) feet of any overhead utility wire or within five (5) lateral feet of any underground water line, sewer line, transmission line, or other utility.
- g. Prohibited Attachments. It shall be unlawful to attach any wire or rope to any street tree within the Town right-of-way without the permission of the Town Engineer or Director of Public Works. Furthermore, it shall be unlawful to attach any sign, advertisement, or notice to any street tree on any Town right-of-way.
- h. Tree Removal. The Town shall have the right to plant, prune, maintain, or remove any street trees located within the Town right-of-way at the Town's sole discretion for the general protection of the Town residents and to maintain the safety, welfare, and best interests of Town residents. The Town may remove or cause or order to be removed any street tree which is in an unsafe condition or which by reason of its nature is potentially dangerous and injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or is infected with any disease or insects and shall order the property owner to remove the unsafe condition. In the event the property owner fails or refuses to remove the unsafe condition within thirty (30) days of notice from the Town, then the Town shall have the right to remove the unsafe condition at the sole cost and expense of the owner, and in the event the owner refuses or fails to pay the cost or expense, the Town may attach as a special assessment the cost or expense to the owner's real estate property as a special assessment.
- i. Stump Removal. All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

18.21 Violations and Penalties-Any person, firm, corporation, partnership, or any other entity violating any provision of this Ordinance shall, upon conviction, forfeit a sum not to exceed \$1,000.00 for each offense committed on each day, each day to be a separate violation, plus the costs of repair to correct any damage caused by said violation, plus the costs of prosecution; and in default of payment of such forfeiture and cost, shall be imprisoned in the County Jail until said forfeiture, cost of repair, and cost of prosecution are paid but not to exceed thirty (30) days.

18.22 Snow and Ice Removal

a. Removal from sidewalks by owner.

- (1) The owner, occupant or person in charge of any building fronting upon or adjoining any street and the owner or person in charge of an unoccupied dwelling or lot fronting any street shall clean the sidewalk in front of or adjoining such building or unoccupied lot or dwelling, as the case may be, of snow and ice from such sidewalk with 48 hours after the precipitation that caused the accumulation of such snow and ice on the sidewalk ceases.
- (2) When ice has formed on any sidewalk that it is difficult or impossible to remove, the person referred to in subsection (a) of this section shall keep the sidewalk sprinkled with salt, sand or any other chemical ice remover.

b. Costs charged to property owners. The costs of clearing and removal of snow and ice from sidewalks shall be paid out of the town's general fund, which fund shall be reimbursed by the charges to be assessed as provided in this article against the owners of the lots and parcels of land abutting those portions of the sidewalks from which snow is removed.

c. Accounting. The director of public works shall keep an accurate account of the hourly equipment rental and labor costs of removing snow and ice from sidewalks in front of each lot or parcel of land abutting that portion of a sidewalk from which snow is removed. Such costs, plus an additional charge of 30 percent thereof for equipment repair, supervision and other general expenses and an additional minimum charge of \$10.00 for hand shoveling and mechanized work for snow removal from sidewalks, shall be charged to the owners of each of such lots or parcels of land. The director shall render statements of such charges to the property owners as soon as practicable.

d. Collection. The director of public works shall file a report with the Town Board on or before the first Monday of each November of the snow and ice removal charges remaining unpaid. Unless otherwise ordered by the Town Board, such unpaid charges shall be entered in the tax roll against the lots or parcels of land involved and collected as other taxes are collected.

e. Water from eaves. The owner of any building shall cause the pipes conducting the water from the eaves of the building to be so constructed as not to spread the water over the sidewalks."

Enacted 8-17-2010

Amended 6-21-2011

CHAPTER 18

PUBLIC WORKS

18.01 Driveways and Culverts - Permits Required, Permit Fees and Escrow for Performance

a. Approvals Required.

(1) Driveway Approval. No person shall construct or maintain any driveway across any ditch, sidewalk, or curbing or enter any road without first obtaining a driveway permit from the Town Board or its designated representative.

(2) Culvert Approval. No person shall begin excavation for a culvert without first obtaining (a) a culvert permit for the proper size and type of culvert from the Town's engineer and (b) paying the permit fees and the escrows required by this Ordinance. The actual placing and covering of the installed culvert shall be accomplished in accordance with the specifications of the Town Engineer and approval for the completed installation shall be required, in writing, from the Town Engineer.

b. Permit Fee. A driveway permit fee or culvert permit fee as set forth in section 11.05(37) shall be charged for the issuance of each permit designated for the installation of a driveway or culvert as set forth in Subsection a., above.

c. Security Deposits.

(1) Culvert Deposit. At the time of issuance of any permit for a culvert under this Section, the person receiving the permit shall be required to deposit with the Town a security deposit set forth in section 11.05(43) for the proper performance and installation of the culvert as required under all aspects of this Ordinance. The culvert security deposit shall be returned to the permit holder upon satisfactory completion of the culvert as determined by the Town Building Inspector or Director of Public Works.

(2) Ditch Line Deposit. Any person receiving a culvert permit under this Section shall deposit with the Town a security deposit set forth in section 11.05(43) for the proper performance and maintenance of the ditch line during the time of construction. The ditch line security deposit shall be returned to the permit holder upon satisfactory completion of the major construction and landscaping work on the premises as determined by the Town Building Inspector, Town engineer or Director of Public Works.

d. Procedure for Installation.

(1) After the issuance of a permit, the Town shall within five (5) days cause the staking of the grades for the elevation of the culvert. No culvert shall be installed until such staking has been completed.

(2) The culvert shall be installed according to the stakes established by the Town, its Building Inspector, or its Town Engineer.

(3) A permit holder installing a culvert shall notify the Town within five (5) days of the completion of the installation, at which time the Town shall make an inspection to determine that the culvert was appropriately installed.

- (4) If the Town Engineer, Building Inspector, or Director of Public Works determines the culvert has been improperly installed, the permit holder shall be given thirty (30) days' notice, in writing, to repair, modify, or reinstall the culvert according to the specifications of the Town. At the expiration of the thirty (30) days, the Town shall re-inspect the culvert installation. The cost of the re-inspection shall be borne by the contractor and shall be taken from the security deposit required by Subsection c., above.
- (5) In the event the permit holder continues to fail to follow the specifications and has not repaired the improper installation within the period of thirty (30) days following the written notice, the permit holder forfeits any funds remaining from the security deposit upon the Town Engineer's written determination of the defective installation. The Town shall move to install the culvert in the appropriate manner and the security deposit funds shall be used to cover the costs of additional engineering expenditures and the repair, replacement or installation of the culvert. The balance of funds left in the escrow account, if any, shall be returned to the person taking out the permit. Nothing in this Subsection shall limit the Town's ability to recover reasonable and necessary expenditures exceeding the security deposit.

18.02 Driveways and Culverts - Extensions for Existing Culverts

- a. Permit Required. No existing culvert may be extended by two or more feet without first obtaining a permit for extension from the Town of Sheboygan or its designated agent.
- b. Fees. Permit fees for the extension of existing culverts shall be in the amount set forth in section 11.05(37). Additional engineering charges may be assessed according to the terms and conditions of this Section.
- c. Applicability. This Section shall apply only where an existing culvert has been installed for a driveway or drainage in the ditches in the Town of Sheboygan. The connection of any pipe to either end of an existing culvert installation shall be considered an extension of that culvert installation.
- d. Issuance. Permit issuance shall be upon the following terms and conditions:
 - (1) No extension shall cause the existing culvert and its extension together to exceed a total length of thirty-six (36) feet, excluding endwalls except as provided in section 18.02d(4).
 - (2) The permit applicant shall be responsible for all necessary Town engineering costs related to the culvert inspection. Prior to issuing the permit, the Town Engineer shall inspect the site of the proposed project and issue an estimate as to the projected Town Engineering fees necessary for project inspections. Prior to receiving an extension permit, the applicant shall deposit the estimated costs of engineering services with the Town Clerk. The applicant shall be responsible for reasonably necessary engineering costs in excess of the deposited amount.
 - (3) The Town Engineer or Director of Public Works shall have the right to refuse the extension permit if it is determined that the existing installation already constitutes an impediment to drainage or requires substantial adjustment in order to maintain adequate drainage flows or that an addition or extension to the existing culvert would create an obstruction or impediment to existing drainage flows.

- (4) On property which is zoned for commercial or industrial purposes, an extension of an existing culvert or the installation of a new culvert may be allowed which shall bring the total length of the driveway culvert to a maximum length of sixty (60) feet provided that the sixty- (60-) foot culvert length is necessary for ingress and egress of traffic. The total culvert length for driveways whose main function and/or purpose is for employee or customer parking is hereby limited to thirty-six (36) feet. Any extension of an existing culvert or the installation of a new culvert made under the provisions of this Section shall be subject to the installation of one or more cleanouts as determined by the Town Engineer or Director of Public Works or his or her designee.

18.03 Regulation of Town Culverts

- a. The individual property owner shall pay the total cost of all culverts of twenty-four (24) inches or less in diameter where the installation thereof is on the right-of-way abutting the property owners' land.
- b. Where the Town Engineer or Director of Public Works or his or her designee determines a culvert is needed in excess of twenty-four (24) inches in diameter, the Town shall pay the cost of the additional culvert size and endwalls over twenty-four (24) inches. Payment will be provided directly to the person installing said culvert. This payment is to be made upon the request of the permit holder installing the culvert and shall be made following satisfactory inspection of the installation by the Town Engineer, Director of Public Works or designee, said payments to be authorized by the Town agent issuing the permit and the Town Board.
- c. All culverts on Town roads in the Town of Sheboygan shall be installed according to the grade set by the Town Engineer.
- d. Only galvanized steel, corrugated polyethylene pipe (HDPE) meeting AASHTO M 294 type S specifications, or reinforced concrete culvert pipe and endwalls shall be used for installations in the Town. The minimum length of any installation shall be twenty-four (24) feet of actual culvert pipe and a maximum length of thirty-six (36) feet of actual culvert pipe, except that the sixty- (60-) foot maximum length allowed by Section **18.02d(4)** shall be allowed if all provisions of that section are applicable and all conditions are met. Other installations may be made in excess of thirty-six (36) feet only on the permission of the Town Board and only under the conditions set for the installation by the Board. All installations shall be required to have endwalls on both ends of the culvert pipe. All descriptions of length hereunder do not include the endwalls and the extension of the endwalls beyond the end of the pipe is in addition to those lengths mentioned herein. This Ordinance shall apply to all new installations as of the Ordinance effective date.
- e. The Town Engineer shall designate the size and diameter of the culvert to be installed. In the event of disagreement by the owner with the Engineers, the owner may request the Town Board to review the matter and set the required diameter.
- f. Installation Requirements.
 - (1) To protect the culvert from crushing, breaking, or bending or any other damage, it is required that a minimum of eight (8) inches of crushed rock or gravel be placed on the top of the culvert.
 - (2) In the event eight (8) inches of cover would bring the grade level too high, the installation of an arch (oval) culvert pipe may be required by the Town Board.

- (3) Bedding and filling around the pipe and bedding and filling beneath the pipe shall be done with crushed rock, stone, gravel, or other material approved by the Town Board, but in no event shall dirt, clay, or other loose ground be used.
- g. After the culvert installation is complete, the driveway shall be at least four (4) inches below the grade of the adjacent highway pavement at a point six (6) feet from the edge of the pavement.

18.04 Regulating and Establishing Conditions Related to Occupancy of Town Road Right-of-ways

- a. Policy. It is the policy of the Town of Sheboygan to permit utility facilities to occupy road or street right-of-ways and other Town easements owned by the Town, subject to the regulations and conditions in this Ordinance to assure the Town unwarranted interference or conflicts with the Town's use of its right-of-ways or easements. The regulations contained in this Ordinance are to be implemented and enforced with the goal of eliminating or minimizing costs to the Town of Sheboygan. This policy acknowledges that utilities operate with regulatory constraints, and when resolving conflicts under this Ordinance, the Town shall consider but is not bound to make decisions in accordance with said regulatory constraints.
- b. Purpose. The purpose of this Ordinance is to establish procedures for the implementation of Wis. Stat. § 84.063 and to prevent delays and/or costs from being incurred by the Town or the Town's contractors for the delay and expense of the scheduling of utility relocations and to establish the penalties for interference with a public service structure pursuant to Wis. Stat. § 66.0831.
- c. Notice. Utilities shall be presumed to have notice of this Ordinance through its publication. The Ordinance will be provided to all utilities or any other entity permitted to install utilities within the right-of-way of any public street of the Town. Reference to these regulations shall be made in all permits to occupy any portion of a Town road right-of-way. Regardless of the date the utility began occupancy, compliance with the regulations and conditions of this Ordinance are required as a condition of continued occupancy of the Town's right-of-way or easement.
- d. Definitions.
 - Conflict** shall mean that the utility facility is located in the right-of-way or easement so as to interfere with the Town's project in such a way that proceeding with the Town's project will damage said utility facility or has, in the opinion of the Town Engineer, the potential or possibility to cause damage to the utility facility if the utility is not moved or protected.
 - Days** as used in this Ordinance shall mean calendar days.
 - Final Plan** shall mean engineering diagrams, plans, or specifications that are sufficiently detailed and contain construction plans upon which contractors can calculate and submit bids for the completion of the project and upon which the utility can determine the relocation of utility facilities and eliminate conflict with the Town's project.
 - Preliminary Plan** shall mean engineering diagrams, plans, or specifications that are sufficiently detailed to allow a utility to determine whether the Town's project will be in conflict with the utilities' existing location.
 - Utility** shall mean any public or private entity owning utility facilities located in the Town right-of-way.
 - Utility facilities** include any utility pipe, pipeline, wire, cable, cable service, duct, conduit, fiber optics, radio signal, or electrical transmission equipment

and associated utility plan and equipment, whether underground or above ground in the municipal right-of-way.

e. Project work, accommodation, or relocation procedures.

- (1) When the Town approves a project on a Town right-of-way or easement, the Town will send notice by certified mail to all utilities believed to have utility facilities located in the Town road right-of-way. It shall be the obligation of the owner of the utility facilities to notify the Town in writing within fifteen (15) days of the receipt of notice of the project verifying that the utility facilities are located in the project area of the Town right-of-way. Failure to respond shall mean that the utility represents that it has no utility facilities in the project right-of-way or easement and shall cause the utility to be responsible for said representation and any penalties or damages incurred as a result of said representation.
- (2) Upon completion of the preliminary engineering plans by the Town's engineer said plans shall be sent to all utilities having notified the Town of having utility facilities in the Town's road right-of-way or easement.
- (3) Within thirty (30) days of mailing of the preliminary plan the utility shall notify the Town of any conflict which may result in damage to the utility facility as it relates to the Town's planned construction and shall within forty-five (45) days after receiving the preliminary plan submit a written proposal to eliminate the conflict and potential for damage to the utility facility without cost to the Town or shall negotiate a resolution of the conflict by agreement to pay costs to the Town to resolve that conflict. If the resolution and the agreement cannot be completed within forty-five (45) days, the utility may request in writing an extension of fifteen (15) days to resolve conflicts.
- (4) In the event the resolution of the conflict cannot be completed within sixty (60) days of the mailing of the preliminary plan, the Town Board of the Town of Sheboygan shall review the proposals received and shall direct and order a specific resolution deemed necessary in order to complete the Town's project, which resolution eliminates or minimizes cost to the Town and the Town taxpayer.
- (5) Not less than sixty (60) days after the mailing of the preliminary plan, the Town shall mail a final plan to the utility having given notice that it has utility facilities within the project area. The mailing of the final plan constitutes notice that the conflicts with the Town's project or the work to be done by the Town's contractor shall be eliminated within sixty (60) days in accordance with the resolution of the conflict under Paragraphs **18.04e(3)** and (4), above. In the event unforeseen site conditions or other unforeseen circumstances necessitate a modification to the final plan, the Town may follow the procedures commencing with Sections **18.04e** of this Ordinance or in the alternative shall follow the emergency procedure under Section **18.04f**.

- g. Emergency Procedures. These emergency procedures are applicable to all situations where circumstances create the need to relocate utility facilities or protect utility facilities located in the Town's right-of-way or easement and the nature of the circumstances constitute an emergency and do not allow for following the relocation procedure of Section **18.04e**. In the event the relocation of utility facilities has been made necessary by emergency circumstances beyond the control of the Town and the Town is unable to

comply with notice provisions of Section **18.04e** of this Ordinance, the Town may declare the relocation to be an emergency and so notify the utility in writing by personal delivery. The utility shall respond to the Town's emergency notice within twenty-four (24) hours and representatives of the utility shall meet with the Town representatives within forty-eight (48) hours of the notice and shall agree to a resolution of the utility conflict to the satisfaction of the Town. If the Town and utility fail to agree on a resolution, the Town shall take the action it deems necessary to resolve the emergency and shall notify the utility in writing of the intended actions and the estimated cost and/or expense which will be incurred as a result of such action. The Town and Town's contractor shall keep a record of actual costs incurred and notify the utility in writing of the actual costs. Failure to pay said cost or expense within sixty (60) days of notice thereof shall constitute a violation of this Ordinance and shall be collected by the Town as a forfeiture in circuit court as provided in Section **18.04g**. of this Ordinance. In the event the utility objects to said action or the cost or expense related to said action, the utility may, within sixty (60) days from the date of the notice of said actual cost and/or expense file a declaratory action with the Circuit Court of Sheboygan County. The court shall determine the amount of the forfeiture to be assessed to the utility based upon the expense or cost incurred by the Town or the Town's contractors that resulted from relocation and/or protection from damage of the utility's facility or alteration of the Town's plan or project to avoid damage to the utility facility.

18.05 Excavations, Alterations or Obstructions within Town of Sheboygan Right-of-ways

- a. Permit Required. No individual, partnership, or corporation shall cause any excavation, alteration, or obstruction, excluding trees (see Section **18.13**), within Town of Sheboygan right-of-ways or easements without first obtaining a construction/excavation permit application and subsequent approval by the Town Engineer or Director of Public Works or his or her designee.
- b. Prohibited Obstructions. No rock gardens, boulders, benches, or fences shall be built or maintained in any public right-of-way.
- c. Fees.
 - (1) Utility Service Connections. A non-returnable fee set forth in section 11.05(24) shall accompany the construction/excavation permit application for the installation of utility services to the utility main. A detailed drawing, showing all existing utilities, structures, and improvements in the proposed installation area, including the proposed location of the new work, shall accompany the permit application.
 - (2) Utility Mainline Extensions. A non-returnable fee set forth in section 11.05(24) shall accompany the construction/excavation permit application for the installation of utility mainline extensions. A detailed drawing, showing all existing utilities, structures, and improvements in the proposed installation area, including the proposed location of the new work, shall accompany the permit application. The drawing shall bear a signature from the Director of Public Works or his or her designee verifying mutual design and planning of the proposed mainline extension with regard to existing underground utilities.
- d. Permit Review: Notice. The construction/excavation permit application shall be reviewed by the Town Engineer or designee who shall prepare a written report with a recommendation as to approving or denying the requested

- permit. Upon approval of the permit by the Town Engineer or Director of Public Works, the Town Clerk shall issue a construction/excavation permit to the applicant. The applicant shall notify the Director of Public Works forty-eight (48) hours prior to commencing work.
- e. Town Right-of-Ways or Easements. For the purpose of this Section, Town of Sheboygan right-of-ways and easements are construed to be areas as designated by the Town of Sheboygan and recorded as such in the Sheboygan Register of Deeds' Office.
 - f. Conditions of Permit. The Director of Public Works or the Town Engineer shall prescribe the conditions under which the excavation, alteration, or obstruction shall be made and it shall be the duty of the Director of Public Works or the Town Engineer to ensure that all conditions of the approved permit are complied with strictly and that the work is completed in a timely manner. A final inspection of the completed restoration and clean-up shall be made by the Director of Public Works or Town Engineer.
 - g. Indemnity Bond Required. Before a construction/excavation permit may be issued under this Section, the applicant receiving the permit shall deposit with the Town Clerk a security deposit as set forth in section 11.05(24) for the proper performance, installation, and restoration of the work as defined in the approved permit. An annual security deposit may be given under this Section exclusively covering utility service connections by the principal for one (1) year, beginning January 1, which shall be conditioned as specified below.
 - (1) The construction/excavation security deposit shall be returned to the applicant upon satisfactory completion of the project and restoration work as determined by the Director of Public Works or the Town Engineer.
 - (2) In the event of the failure of the applicant to properly perform the conditions of the approved permit, the Department of Public Works or the Town Engineer shall give the applicant a thirty- (30-) day notice, in writing, to repair, modify, or restore said conditions according to the specifications of the Town of Sheboygan. At the expiration of the thirty (30) days, the Town or its contractor shall perform the necessary repair, modification, or restoration as determined by the Department of Public Works or the Town Engineer and shall deduct the cost of said repair, modification, or restoration from the construction/excavation security deposit. The balance of the funds left in the escrow account, if any, shall be returned to the permit applicant.
 - h. Indemnity Bond Required. Before a construction/excavation permit may be issued, the applicant must execute and deposit with the Town Clerk an indemnity bond approved by the Town Chairperson in an amount equal to the estimated costs to repair or replace any Town improvements located in the right-of-way for which the permit is issued and further conditioned that he or she shall indemnify and save harmless the Town of Sheboygan and its officers and employees from all liability for accidents and damage caused by any of the work covered by his permit and that he shall fill up and place in good and safe condition all excavations and openings made in the road and shall replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Town Board for a period of one (1) year, and that he or she shall pay all fines imposed upon him or her for any violation of any rule, regulation, or ordinance governing road openings or drain laying adopted by

the Town Board and shall repair any damage done to existing improvements during the progress of the excavation in accordance with the Ordinances, rules, and regulations of the Town. Such bond shall also guarantee that if the Town shall elect to make the road repair, the person opening the road shall pay all costs of making such repair and of maintaining the same for one (1) year. Recovery on such bond for any accident, injury, violation of law, ordinance, rule, or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries, or violations during the period of excavation for which it is given. An annual bond may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1 which shall be conditioned as specified above and in the amount determined by the Town Board as necessary to adequately protect the public and the Town.

- i. Liability Insurance Required. Before a construction/excavation permit may be issued, the applicant must furnish the Town Clerk with written evidence that he has in force and shall maintain during the course of the work, general liability insurance with limits of not less than \$500,000.00 per occurrence and \$1,000,000.00 in the aggregate, and property damage insurance of not less than \$1,000,000.00 per occurrence and in the aggregate.
- j. Removal of Signs, Guardrails, and Appurtenances. Signs, guardrails, and appurtenances within the Town right-of-way limits shall be removed and installed by Town personnel only. The applicant must give one (1) week's advance notice to the Director of Public Works or the Town Engineer for the removal of such signs, guardrails, and appurtenances that obstruct or interfere with the applicant's ability to perform the work and conditions of the permit. The cost of such removal and installation shall be borne by the applicant at cost and deducted from the construction/excavation security deposit.

18.06 Ditch Maintenance

- a. Section **18.06** shall apply to all property owners in the Town of Sheboygan owning property which abuts upon any ditch or natural water course which exists upon right-of-way or easements for road or drainage purposes in the Town of Sheboygan. Property owners shall maintain all such ditches or watercourses within fifty (50) feet of the property line of their property. In the event the right-of-way or easement is less than one hundred (100) feet wide and is bordered on two (2) sides by private property owners, each property owner shall be responsible for that one-half (1/2) of the right-of-way or easement adjacent to his property.
- b. Any property owner in the Town of Sheboygan who has property which abuts any ditch or water course as described above shall be responsible to maintain the watercourse and ditch to allow the free, open, and continuous flow of water through said ditch or watercourse.
- c. Where there occurs in any ditch or watercourse an accumulation or deposit of materials or vegetation, other than naturally deposited snow or ice, which obstructs, diverts, or blocks the continuous flow of water, temporary or otherwise, causing the water to back up or stagnate or to flow upon property of another or of the Town of Sheboygan outside of the area of the easement for the ditch or watercourse, the property owner responsible for the ditch or watercourse maintenance shall remove such blockage, obstruction, or materials causing diversion within forty-eight (48) hours of notice in writing from the Town of Sheboygan. If the owner of the property or premises fails to remove such blockage, obstruction, or diversion as required by this Section,

the Town of Sheboygan, under the direction of the Town Board and Director of Public Works, shall do the work, and the expense thereof shall be calculated and made a special tax upon the property adjacent to which the work was done pursuant to the above definition of areas of responsibility of the property owners.

- d. Ditches may be enclosed with the installation of an appropriately-sized pipe or culvert upon the request of the abutting property owners and the approval of the Town of Sheboygan Board of Supervisors. All costs for the installation and restoration of said enclosures, including engineering fees, shall be borne by the property owner(s) requesting the same. Recommendation on the project must be given by the Town's Engineer or the Director of Public Works prior to commencement of the work and must be inspected during the installation along with final inspection. All costs of clearing, ice removal, and other maintenance work shall be borne by the abutting property owners.

18.07 Town Work Excluded-The provisions of this Ordinance shall not apply to excavation work under the direction of the Town Engineer or the Director of Public Works, by Town employees, or contractors performing work under contract with the Town necessitating openings or excavations in Town roads.

18.08 Excavation in New Road Limited: Emergency Excavations-Whenever the Town Board determines to provide for the permanent improvement or repaving of any road, such determination shall be made not less than thirty (30) days before the work or improvement or repaving shall begin. Immediately after such determination by the Town Board, the Town Engineer or Director of Public Works shall notify in writing each person, utility, Town Department (including sanitary districts) owning or controlling any sewer, water main, conduit, or other utility in or under said road or any real property abutting said road of the pending permanent improvement or repaving. Any such owner or controller must undertake any desired excavation work in such road within thirty (30) days. After the Town provides permanent improvement or repaving, no permit shall be issued to open cut or excavate said road for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Town Engineer or Director of Public Works an emergency exists which makes it absolutely essential that the permit be issued. In the event of an emergency, any person or his agents or employees owning or controlling any sewer, water main, conduit, or utility in or under any road may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining a permit hereunder.

18.09 Obstructions and Encroachments

- a. No person shall encroach upon or in any way obstruct or encumber any road, alley, sidewalk, public grounds or land dedicated to public use or any part thereof or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant.
- b. Exceptions. The prohibition of Subsection (a) shall not apply to the following:
 - (1) Signs or clocks attached to a building which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, road, or alley.

- (2) Awnings which do not extend below any point seven (7) feet above the sidewalk, road, or alley.
- (3) Public utility encroachments duly authorized by state law or the Town Board.
- (4) Excavations and openings permitted under Sections **18.01** and **18.02**.
- c. No person shall allow, permit, or cause the accumulation of any materials in or upon the roadways or road ditches of the Town which in any manner obstructs the flow of water causing diversion of water from the ditch or causing the stagnation of water flowing therein.

18.10 Snow Emergency Rules and Depositing of Snow on Public Right-of-ways Prohibited

- a. Definition-
A "town road" shall mean any road, street or alley located in the Town of Sheboygan over which the Town Board has care and supervision under Wisconsin Statutes.
- b. All Night and Snow Emergency Parking Prohibited-
 - (1) When signs have been erected at or reasonably near the corporate limits of the Town as provided in Wis. Stats. Sec. 349.13 no person shall park any motor vehicle on any improved street or road in the Town of Sheboygan between the hours of 12:00 a.m. and 6:00 a.m. except physicians and other emergency vehicles.
 - (2) When a snow emergency has been declared by the Town Chairperson or Vice Chairperson, all motor vehicles must be removed from the Town roads, and must remain off the Town roads until the roads have been cleared of snow.
- c. Parking Near Fire Hydrants Prohibited-
There shall be no parking of motor vehicles within ten feet (10') of any fire hydrant located within the Town.
- d. Parking on Specific Town Roads Prohibited-
When signs have been erected, there shall be no parking at times and locations designated by the Town Board, which include, but are not limited to the following:
 - (1) On the west side of Woodland Road, north of Superior Avenue and south of Mayberry Road and on the east side of Woodland Road, north of Superior Avenue and south of Woodland Meadows Drive.
 - (2) On any street in Windmor Subdivision, including Windmor Drive and Ridgemor Drive.
 - (3) On any street in the Stonefield Creek Subdivision.
- e. Prohibition. A person owning or occupying the whole or any part of a building or land abutting public streets in the Town of Sheboygan is hereby prohibited from moving snow onto such public streets at any time, unless such person has received permission from the Town to do so.
- f. Removal Required. A person owning or occupying the property shall remove such snow from the public streets within 24 hours after receiving notice from the Town. Failure of such person to comply with the notice constitutes a violation of this Section and in such event, the Town shall cause the snow to be removed and the cost thereof shall be charged to the property owner.

18.11 Mailbox Damage

- a. Mailboxes, driveway culverts, driveway surfaces (other than gravel), fences, trees or shrubbery, or any other item or object installed in the road

right-of-way, even if installed with the required Town permits, shall be maintained and replaced if damaged at the discretion and expense of the property owner.

- b. The Town assumes no responsibility for the replacement or repair of any such items where loss, damage, or injury to such items is the result of Town operations including maintenance, snowplowing, construction, or reconstruction of roadways or ditches, which work is being performed by the Town or the Town's contractor on the Town's road right-of-ways, road surfaces, and ditches.

18.12 Street Privilege Permit

- a. Permitted Purpose. Permits for the use of the roads, alleys, sidewalks, or public ways or grounds may be granted to applicants by the Town Board for the purpose of moving any building or structure or of encumbering the road, alley, sidewalk, or way with materials necessary for the construction or demolition of any building or structure, provided that such applicant has complied with the other requirements of the subsection and has obtained a building permit if required by the Code.
- b. Bond Required. No road privilege permit shall be issued until the applicant executes and files with the Town Clerk a bond in an amount determined by the Town Board conditioned that the applicant shall indemnify and save harmless the Town from all liability for accidents or damage caused by reason of operations under said permit and shall leave the vacated premises in a clean and sanitary condition and repair any and all damage to the roads, alleys, sidewalks, or public property of the Town resulting from such building, moving, or demolition operations.
- c. Fee. The fee for a road privilege permit shall be an amount set forth in section 11.05(24).
- d. Conditions of Permit. The permission to occupy or obstruct the roads, alleys, sidewalks, or public ways or grounds is intended only for use in connection with the actual erection, alteration, repair, removal, or relocation of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Town Board for violation thereof:
 - (1) Such temporary obstruction shall cover not more than one-third (1/3) of any road or alley.
 - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Town Board, shall continue during all hours of the day and night.
 - (4) No building or structure shall be allowed to remain overnight on any road crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (5) Buildings shall be moved only in accordance with the route prescribed by the Town Board.
 - (6) Upon termination of the work necessitating such obstruction, all parts of the roads, alleys, sidewalks, or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions, and placed in a safe condition for public travel at the expense of the permittee.
- e. Termination. All road privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Town Board.

- f. Penalty. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed road shall refuse or neglect to remove such obstruction within twenty-four (24) hours after notice from the Town Board to do so, it shall be the duty of the Town Board to direct removal of such obstruction and make return of the cost and expense thereof to the Town Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed road, and such sum shall be levied and collected as other special taxes against real estate.

18.13 Road Reconstruction and Special Assessments

- a. Special Assessments. All special assessment taxes levied by the Town shall be paid by the owner of the property being assessed in the following manner, unless otherwise determined by the Town Board of Supervisors::
- (1) In equal annual installments over a period not to exceed ten (10) years unless extended by Town Board.
 - (2) The Town shall invoice the owner of the property. Interest shall run on all unpaid installments at the percentage rate determined by the Town Board of Supervisors.
 - (3) All property owners shall be responsible for fifty percent (50%) of any special assessments for reconstructing existing Town roads and drainage facilities affecting their property. The Town's standard method of calculating special assessments is the following formula:
Assessable Per Foot Cost X Assessable Frontage = Per Foot Assessment ÷ 2 = Owner Responsibility
The above-determined per-foot assessment shall then be applicable to assessable footage within the Town's jurisdiction for each such public works construction project. Any funding received by the Town for the project(s) shall be spread proportionally over the Town and assessable portions of the project. In the event the outside funding is applicable to only a portion of the project, the funding shall be applied to the particular item whether it is within the Town or assessable portion of the project.
 - (4) The Town Board may utilize the following assessment methods at its discretion based upon the circumstances of each special assessment project including but not limited to the following:
 - i. Front foot basis;
 - ii. Per parcel basis;
 - iii. Area-wide basis;
 - iv. Square foot basis;
 - v. Impervious surface (hydraulic acre) basis.
 - (5) A public hearing shall be held pursuant to Wis. Stat. secs. 66.0701 or 66.0703 as now in force and effect or as hereinafter amended prior to ordering the special assessments permitted by this Chapter and prior to the start of actual construction.
- b. Road Assessments. The Town assessment policy shall be as follows:
- (1) The Town reserves the right to determine the actual road profile.
 - (2) The Town shall resurface a Town road when the surface conditions warrant resurfacing. The Town shall attempt to adhere to a pre-determined schedule for resurfacing existing roads.
 - (3) The Town shall strive to resurface local roads on a scheduled basis assuming the life of an asphalt road is approximately twenty (20)

years. The Town shall utilize the Pacer Ware computer program to assist in determining which roads are scheduled for resurfacing. The Town shall consider resurfacing of a road when the Pacer Ware rating is a five (5) or below.

- (4) The Town shall assess affected property owners for fifty percent (50%) of the full cost associated with the installation of curb and gutter, pedestrian trails, or storm sewer pipe to a twenty-four (24) inches equivalent when these improvements are not currently in place. This assumes that the affected property owners are only paying for those infrastructure improvements that they do not presently enjoy.
 - (5) The Town Board reserves the right to determine when a road is reconstructed based on budgetary constraints.
- c. Stormwater Assessment. The Town shall assess for the installation of stormwater drainage pipes, ditches, swales, retention/detention ponds, and any other stormwater drainage facilities (collectively stormwater drainage facilities) as follows:
- (1) Assessment Area shall be defined as follows:
 - i. Any platted subdivision (development) to be served by the stormwater drainage facilities, or
 - ii. Any other area that is not a platted subdivision as determined by the Town Engineer or Director of Public Works which is to be served by the stormwater drainage facilities.
 - (2) The following items shall be assessed at fifty percent (50%) of the total cost to all property owners in the assessment area:
 - i. Storm sewer mains twenty-four (24) inches in diameter and less.
 - ii. Storm sewer manholes four (4) feet in diameter.
 - iii. All appurtenances including inlets, catch basins, yard drains, and leads.
 - iv. All roadway and lawn restoration costs.
 - v. Engineering, legal, and administrative fees.
 - vi. Storm sewer laterals for sump pumps (one sump pump lateral per parcel).
 - (3) Storm sewer mains greater than twenty-four (24) inches in diameter shall be assessed at fifty percent (50%) of the total cost attributable to the property under the following formula:
$$\frac{\text{Cross-sectional area of 24-inch diameter pipe}}{\text{Cross-sectional area of the storm sewer pipe greater than 24-inch diameter pipe}} = \text{percentage of pipe cost to be assessed.}$$
 - (4) Storm manholes greater than forty-eight (48) inches in diameter shall be assessed at fifty percent (50%) of the total cost attributable to the property under the following formula:
$$\frac{\text{Cross-sectional area of 48-inch diameter manhole}}{\text{Cross-sectional area of the manhole greater than 48-inch diameter}} = \text{percentage of manhole cost to be assessed.}$$
 - (5) Storm sewer shall be assessed on a front foot basis unless determined otherwise by the Town Board. Assessment rate is defined as total assessable cost divided by assessment frontage. Property owners shall be responsible for fifty percent (50%) of the total assessable cost. Assessable frontage shall be determined by the

same methodology used for street construction or reconstruction. Multiple fronted lots shall be assessed for frontages where storm sewer is installed in street right-of-way, even if storm sewer is not installed adjacent to the particular property. More than one sump pump lateral per parcel shall be individually charged to the particular parcel.

- d. Ditches. The Town shall assess fifty percent (50%) of the total cost attributable to maintaining its stormwater drainage system, including ditches, swales, retention/detention ponds and related facilities as provided above.
- e. Special Consideration. Applicable to pavement, curb, and gutter projects only is the following:
 - (1) Multi-fronted lots. Assessment shall be adjusted for multi-fronted lots in the following manner:
 - i. Frontage on any constructed side in excess of one hundred (100) feet shall receive a seventy-five percent (75%) forgiveness up to a maximum of one hundred (100) feet.
 - ii. This formula shall apply to each side of the lot.
 - (2) Prohibited access. Any lot with frontage on a road where access to said road is prohibited by a governing body shall have no assessment for the road reconstruction project as to that portion of the project dealing with pavement, curb, and gutter.
 - (3) Irregular lots. Triangular lots and lots on cul-de-sac streets shall be assessed for pavement, curb, and gutter projects only based on the following:
 - i. When special assessments are based upon a front foot basis, the frontage calculation for irregularly shaped lots shall be as follows:

When the actual frontage is more or less than the average width of a lot (measured by dividing the total lot area by the average depth), the frontage calculation for assessment purposes shall be based on average width, but in no event shall the assessment be for less than seventy-five (75) feet of frontage.
 - ii. The frontage calculation for triangular parcels of land shall be established by dividing the total lot area by the average depth of the adjoining parcels along the same frontage, but in no event shall the assessment be for less than seventy-five (75) feet of frontage.
 - (4) Non-Identified Lots. Non-identified-shaped lots shall be determined individually by the Town Board prior to assessment as applicable to pavement, curb, and gutter projects.
 - (5) Lot Splitting. If a multi-fronted lot is split into two (2) or more parcels prior to completion of construction and assessment, the newly-created interior lot(s) shall be subject to full frontage assessment without consideration for any credits under any of the above Section and Subsections.
- f. Special Considerations Not Applicable To New Developments. All of the above Sections and Subsections dealing with credits for multi-fronted lots, in particular Subsections **18.13a.** through e., shall not be applicable to new Town road construction as provided by Section **18.15.**
- g. Special Assessments Payable in the Event of Annexation.

- (1) Under the preceding Code Subsections of Section **18.13**, the Town shall bear a share of construction project costs. All final special assessment resolutions shall provide that as to each abutting property owner involved in a particular assessable construction project within the Town who bear any assessment for public improvements payable installments, the annual installments shall be increased by a proportionate share of construction project costs previously paid by the Town in those circumstances where an abutting property owner's property is annexed to a neighboring municipality and where said annexation takes place at any time during the period commencing from the date of adoption of the final special assessment resolution and when installment special assessments remain due and payable to the Town from abutting property owners. For those abutting property owners who have paid assessments in a lump sum, then the Town's proportionate share of the construction project shall also become then due and payable upon annexation.
 - (2) Any Town construction project costs previously paid by the Town and then assessed to an abutting property owner because of annexation under Subparagraph (1) above shall be computed by the Town and written notice thereof shall be given to the abutting property owner. The amount so computed and assessed shall be payable immediately.
 - (3) The report of the Town Engineer or Director of Public Works, available at the date of public hearing, following adoption of the preliminary special assessment resolution, shall set forth the application and projected additional assessment costs that may be caused by an annexation under the terms of Section **18.13g**.
- h. Nothing in this Ordinance shall be deemed as a waiver of the Town's ability to impose assessments in a manner consistent with Wisconsin law or other applicable law including but not restricted to the Town's ability to exercise its police powers under Wis. Stat. chs. 60 and 66.

18.14 Parking Lot Restrictions-Parking of automobiles or other motorized vehicles on private premises shall be so regulated as to not interfere with the use of any Town road or public right-of-way where parking lots or areas are located immediately adjacent to a public road or right-of-way, a physical divider shall be placed at the end of the parking lot or area adjacent to the public road to prevent invasion of the public right-of-way. Points of ingress or egress to private parking areas shall be plainly marked and no single parking area shall have more than one point of ingress or egress per one hundred (100) feet along such public road. The physical barriers shall not be less than two (2) feet above the parking lot surface. Applications for variations of the number or distance of points of egress or ingress may be granted in writing by the Town Board.

18.15 New Town Road Construction Requirements

- a. All new Town roads shall be constructed according to the standards of Wis. Stat. § 82.50 unless otherwise approved by the Town Board and the Wisconsin Department of Transportation.
- b. The Town shall accept Town roads by dedication or deed. Any person wishing to dedicate or deed a road to the Town must first obtain approval of the points of access to existing Town roads from the Town Board.

- c. The liability for accident or injury occurring upon any proposed roadway shall be the liability of the owner until either dedication or deeding are completed and accepted by the Town Board.
- d. Failure to obtain and comply with Town Board requirements shall constitute the basis for refusal to accept said dedication and/or deed. Roads shall not be maintained by the Town until dedication and the recording of the deed, plat, certified survey map, or other conveyance document are completed and accepted by the Town.
- e. All new Town public roads and streets shall be installed by private construction contract as more fully described below in Section **18.16**, below.

18.16 Private Construction of Town Roads-Private construction of all new roads and streets intended to be dedicated as public shall be as follows:

- a. Development Agreement Required. Prior to the construction of any road or street in the Town intended to be dedicated as a public road or street, the developer or owner (hereinafter collectively referred to as “Developer”) shall enter into a Roadway Development Agreement or Development Agreement (hereinafter collectively referred to as Agreement) with the Town. The content and form of the Agreement may be modified on a case-by-case basis at the sole discretion of the Town Board and may include but is not limited to the construction of the following: storm sewers, drainage facilities, water mains, sanitary sewer, street lights, sidewalks, walking paths, aggregate base course, sub-grade, binder course, and final course of asphalt.
- b. The Agreement shall be approved by the Town prior to the commencement of construction of the street or road. The Agreement shall include but shall not be limited to the following provisions:
 - (1) The Developer shall provide a financial guarantee to the Town to pay for the cost of any and all phases of street construction the Developer intends to complete pursuant to the Agreement. The financial guarantee shall be approved by the Town prior to the commencement of construction of any portion of the street or road. The financial guarantee to the Town shall be provided in any of the following forms:
 - a. Irrevocable letter of credit; or
 - b. Escrowed funds with the Town.
 - (2) The financial guarantee described above shall be in an amount sufficient to pay for the entire construction costs of the road or street and contingencies as determined by the Town Engineer.
 - (3) Prevailing Wage Rate Compliance. The agreement shall require the Developer to comply with all prevailing wage rate laws and regulations applicable to the construction of any public works contemplated by the Agreement.
- c. Written Application Requirements. The Developer shall make written application to the Town for construction of a new road, including storm sewer indicating location use, name, type of surface, desired time schedule, indication of Plan Commission approval, and detailed construction plan. The construction plans must meet the Town requirements contained in Section 18.15, above, and be approved by the Director of Public Works and the Town Engineer. Further provisions concerning the written application to the Town shall be as follows:
 - (1) The plans shall include all drainage plans with roadway and property elevations.
 - (2) The Developer shall pay the Town Engineer’s fees for the plan review as described herein. Specifically, the Developer shall pay the Town

- costs for the plan review and review of the conceptual plan, preliminary plat, final plat, drainage, and street plans.
- (3) The Developer shall pay all applicable Town fees for submittal of the development plans, such as zoning application fees, plat or certified survey map approval fees, as set forth in section 11.05, the Town Fee Schedule, on file with the Town.
 - (4) The Developer shall pay the total project costs. Total project costs shall consist of construction costs up to final paving, engineering and legal fees applicable to the project, costs for street signs, stop signs, speed limit signs, informational signs, and street lights. The developer shall pay the Town's Engineer costs and any other utility company costs related to the construction of the roadway as required, which said payments shall be made directly to the appropriate party (with copies verifying payment provided to the Town). Any and all costs incurred by the Town for the roadway construction, including engineering and legal fees, shall be billed by the Town to the Developer.
- d. Road Compliance. The private construction of all Town roads as described herein shall comply with all Ordinances, Resolutions, and requirements of the Town including applicable conceptual plans, preliminary plat approvals, and final plat approvals.
- e. Final Paving.
- (1) The road shall be constructed as described herein; however, the final paving shall be installed when seventy percent (70%) of available abutting property in the subdivision is developed or three (3) years, whichever comes first, unless otherwise approved by the Town Board.
 - (2) In the event a minimum of twenty percent (20%) of the abutting land is not developed and the three- (3-) year time frame has lapsed as described above, the Town Board at its discretion may require final paving of the road in conformity with this Ordinance.
 - (3) The Agreement may provide for an earlier final paving and curb and gutter than the time frames described above. However, the Agreement shall also include a waiver that the Developer and all owners shall accept full liability for premature failure of the bituminous paving and curb and gutter installation. Premature failure is defined as displacement or break-up of bituminous pavement within three (3) years of acceptance of roadway (through base course) by the Town Board.
- f. Exceeding Financial Guarantee. If the actual construction costs exceed the financial guarantee to the Town as described above, the difference shall be made up in either of the following ways:
- (1) On or before thirty (30) days from the date of notice from the Town to the Developer of a shortfall, the Developer shall provide an increase of financial guarantee to cover the increased cost; or
 - (2) In the event the Developer does not provide the increased financial guarantee described above, then the increased cost amount shall be placed on the tax roll as a special assessment, which said assessment shall be split equally against all unsold lots within the affected subdivisions.
- g. Subdivision Improvement Agreement.
- (1) At the time of the signing of the Agreement, the Developer and all owners of all real estate properties in the development shall sign a

Subdivision Improvement Agreement relating to final paving and waiver of special assessment hearing.

- (2) The Subdivision Improvement Agreement shall include, among other things:
 1. that the actual costs of final paving and curb and gutter shall be assessed to abutting property owners by waiver of assessment, and
 2. all subdividers of final plats or persons offering a certified survey map for approval shall be required to enter into a Subdivision Improvement Agreement, relating to final paving and waiver of special assessment.
- h. Recording of Final Plat. At such time as the Developer signs the Roadway Development Agreement, Subdivision Improvement Agreement, and at such time as the Developer provides satisfactory financial guarantees to the Town as described above, then the Town shall execute the final plat for recording.
- i. Town Inspections. The Town Engineer, the Director of Public Works, or their designees shall have the sole discretion to inspect every phase of road and infrastructure construction including but not limited to installation of storm sewers, water mains, sanitary sewer, street lights, aggregate base course, roadway subgrade, binder course, and final course of asphalt.
- j. Notice of Deficient Construction. In the event during the roadway construction process the Town Engineer or his designee determines that there is inadequate construction or construction not in conformity with the submitted plans or not in conformity with the Town's standards and general specifications, then the Town Engineer or his designee shall provide written notice to the Developer. Upon receipt of the written notice, the Developer shall cease all future construction of the road until such time as the deficiencies are satisfied and corrected as determined by the Town Engineer. The Developer shall have fifteen (15) days to correct all deficiencies as described herein. In the event the fifteen- (15-) day timeframe is not met, the Town shall have the authority to make arrangements to have the deficiencies corrected, have the roadway properly constructed, and have the financial guarantees applied to the construction costs.
- k. Letter of Recommendation. Upon completion of all inspections of the Town Engineer as described herein if the road meets the plan specifications of roadway construction standards, the Town Engineer shall write a letter recommending acceptance as a Town road to the Town Board.
- l. Building and Occupancy Permits. Building permits may be issued after execution of all of the above-mentioned agreements and after financial guarantees have been provided to the Town. However, occupancy permits shall only be issued after acceptance of the roadway by the Town Board.

18.17 Drain Water Discharge-Every building and all parts thereof shall be drained so as not to cause dampness on the walls and ceilings. No downspout within six feet of adjoining property shall be pointed toward such property. Discharge from a downspout shall not create a nuisance. The downspout discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on streets, alleys or sidewalks, damaging a city street or sidewalk, creating ponds of standing water, or flowing over adjoining property.

18.18 Sump Pump Discharge-In areas where storm sewers are not available, sump pumps shall discharge onto the surface not closer than six feet of the adjoining property and shall be directed either to the rear lot line or to the street or to a

recorded drainage easement and shall not be directed as to flow on adjacent property. Discharge from the sump pump shall not create a nuisance. The sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on streets, alleys and sidewalks, damaging a street or sidewalk, creating ponds of standing water, or flowing over adjoining property.

18.19 Drain Tile Discharge-A written approval from the Town Engineer, Director of Public Works or his/her designee shall be obtained prior to any drain tile water being drained into Town right-of-way. The existing road ditch shall be cleaned and free of debris and brush a sufficient distance to provide adequate grade for water flow. The drain tile connection shall be directly into the ditch and rip-rap placed on each side of the tile two feet by four feet by eight-inch depth. In subdivisions where curbs exist, the property owner shall discharge various residential drain tile water on top of the ground and let the water flow on the ground surface a minimum travel distance of forty (40) feet from the road right-of-way line. Known drainage problem areas shall not be compounded, nor shall any new obvious drainage problems be created.

18.20 Street Trees Within Road Right-of-ways

- a. Purpose. This Ordinance shall regulate the placement of trees within the road right-of-way within the Town.
- b. Definitions. "Street trees" are defined as any and all trees, shrubs, bushes, and all other woody vegetation growing or planted between property lines on either side of the street, avenue, boulevard, alley, or other public right-of-ways within the Town.
- c. Street Trees Placement Prohibited. No street trees shall exist, be planted, or be placed upon any portion of the Town road right-of-way in any development which does not have storm sewer. In addition, no street tree shall exist, be planted, or be placed within any ditch in the Town.
- d. Street Tree Types.
 - (1) The following street trees shall **not** be planted:
Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, Gingkobiloba, or any fruit tree
 - (2) The following street trees shall be allowed to be planted, placed, or exist within the Town right-of-way:
 - LOCUST**
Continental Honey Locust, Skyline Honey Locust, Shademaster Honey Locust, Imperial Honey Locust, Halka Locust
 - MAPLE**
Columnar Norway or Erectum Maple, Emerald Queen Maple, Cleveland Maple, Red Sunset Maple, Bowhall Maple, Sugar Maple, Crimson King Maple, Schwedler Maple, Jade Glen Maple, Summershade Maple, Superform Maple, Royal Red Maple, Green Mountain Maple, Parkway Maple
 - ASH**
Hackberry, Autumn Purple Ash, Summit Ash, Marshall Seedless Ash, Patmore Ash, Rosehill Ash, Bergeson Ash
 - LINDEN**
Redmond Linden, Littleleaf Linden, Greenspire Linden, Sentry Linden, June Bride Linden, Glenleven Linden

OAK

Pin Oak, Red Oak

NUT

All nut trees

- e. Maintenance and Liability. The owners of all street trees within the Town's road right-of-ways as described herein shall be responsible for the trimming and maintenance of the street trees within the right-of-way at the sole cost of the owner. Furthermore, the owners of all street trees within Town right-of-ways shall be liable for any and all damage, personal injury, or injuries resulting to property or person caused in any fashion by the street trees within the Town right-of-way and the property owner of the street trees shall hold harmless and indemnify the Town of Sheboygan from any and all liability whatsoever.
- f. Tree Spacing. Spacing of all street trees within Town right-of-ways shall be as follows:
 - (1) No street trees shall exist, be planted, or be placed closer than four (4) feet from any curb, street pavement edge, or sidewalk of any Town road within the Town in any development which has storm sewer. In storm sewer development only, street trees shall be allowed to be planted, placed, or exist within any other portion of the street right-of-way except for the four- (4-) foot area described above.
 - (2) All trees shall be spaced a minimum of forty (40) feet from one another.
 - (3) No street tree shall be planted closer than thirty-five (35) feet from any street corner measured from the point of the nearest intersecting curbs, curb lines, or pavement edges. No street tree shall be planted closer than ten (10) feet from any fire hydrant. No street tree shall be planted within ten (10) feet of any overhead utility wire or within five (5) lateral feet of any underground water line, sewer line, transmission line, or other utility.
- g. Prohibited Attachments. It shall be unlawful to attach any wire or rope to any street tree within the Town right-of-way without the permission of the Town Engineer or Director of Public Works. Furthermore, it shall be unlawful to attach any sign, advertisement, or notice to any street tree on any Town right-of-way.
- h. Tree Removal. The Town shall have the right to plant, prune, maintain, or remove any street trees located within the Town right-of-way at the Town's sole discretion for the general protection of the Town residents and to maintain the safety, welfare, and best interests of Town residents. The Town may remove or cause or order to be removed any street tree which is in an unsafe condition or which by reason of its nature is potentially dangerous and injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or is infected with any disease or insects and shall order the property owner to remove the unsafe condition. In the event the property owner fails or refuses to remove the unsafe condition within thirty (30) days of notice from the Town, then the Town shall have the right to remove the unsafe condition at the sole cost and expense of the owner, and in the event the owner refuses or fails to pay the cost or expense, the Town may attach as a special assessment the cost or expense to the owner's real estate property as a special assessment.
- i. Stump Removal. All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

18.21 Violations and Penalties-

- a. Alternative Enforcement Options. Any person, firm, corporation, partnership, or any other entity violating any provision of this Ordinance may be subject to a written warning, administrative citation, judicial citation or a combination of enforcement options.
- b. Forfeitures For Judicial Citation. Judicial citations may be issued to any person, firm, corporation, partnership, or any other entity violating any provision of this Ordinance shall, upon conviction, forfeit a sum of not less than \$250.00 and not more than \$1,000.00 for each offense committed on each day, each day to be a separate violation, plus the costs of repair to correct any damage caused by said violation, plus the costs, fees, and surcharges imposed under Chapter 814 of the Wisconsin Statutes; and in default of payment of such forfeiture, cost of repair and cost of prosecution, shall be imprisoned in the County Jail until said forfeiture, cost of repair, and cost of prosecution are paid but not to exceed thirty (30) days.
- c. Administrative Citation. The person enforcing violations may elect to issue an administrative citation in lieu of a judicial citation as prescribed above. The administrative citation shall be issued on a form prepared by the Town. By the payment of the administrative citation, the recipient consents to the allegations of the violation but no record of conviction is created. Administrative citations issued for violations shall have an administrative assessment of Twenty-five Dollars (\$25.00) which must be paid, or contested by filing a written explanation of objection, with the Town Clerk within ten (10) days from the date of issuance of the citation. Failure to pay or contest the citation within ten (10) days may result in an additional penalty administrative assessment of Twenty-five Dollars (\$25.00) for a total administrative assessment of Fifty Dollars (\$50.00). Violators shall have an additional ten (10) days to pay the total citation or to contest the violation. Failure to make payment or to contest the citation may result in the issuance of a Judicial Citation as prescribed in subparagraph b. above.
- d. Administrative Citation Review. If the violator contests the administrative citation within ten (10) days of the issuance of the citation the Town Clerk or her designee shall place the administrative citation on the next available Town Board agenda for review and provide not less than 24 hour advance written notice of the meeting to the violator and the issuing officer. The Town Board upon review shall either vacate the citation or confirm the citation. If the citation is confirmed, the person shall have ten (10) days to pay the administrative citation assessment.
- e. Judicial Citations. Judicial citations may be issued where the person ignores a written warning or the administrative citation procedures prescribed above; refuses to pay the administrative assessment; or where the person continues to challenge the administrative citation issued; or at the option of the issuing officer in lieu of a written warning or the issuance of an administrative citation.

18.22 Snow and Ice Removal

- a. Removal from sidewalks by owner.
 - (1) The owner, occupant or person in charge of any building fronting upon or adjoining any street and the owner or person in charge of an unoccupied dwelling or lot fronting any street shall clean the sidewalk in front of or adjoining such building or

unoccupied lot or dwelling, as the case may be, of snow and ice from such sidewalk with 48 hours after the precipitation that caused the accumulation of such snow and ice on the sidewalk ceases.

- (2) When ice has formed on any sidewalk that it is difficult or impossible to remove, the person referred to in subsection (a) of this section shall keep the sidewalk sprinkled with salt, sand or any other chemical ice remover.

b. Costs charged to property owners. The costs of clearing and removal of snow and ice from sidewalks shall be paid out of the town's general fund, which fund shall be reimbursed by the charges to be assessed as provided in this article against the owners of the lots and parcels of land abutting those portions of the sidewalks from which snow is removed.

c. Accounting. The director of public works shall keep an accurate account of the hourly equipment rental and labor costs of removing snow and ice from sidewalks in front of each lot or parcel of land abutting that portion of a sidewalk from which snow is removed. Such costs, plus an additional charge of 30 percent thereof for equipment repair, supervision and other general expenses and an additional minimum charge of \$10.00 for hand shoveling and mechanized work for snow removal from sidewalks, shall be charged to the owners of each of such lots or parcels of land. The director shall render statements of such charges to the property owners as soon as practicable.

d. Collection. The director of public works shall file a report with the Town Board on or before the first Monday of each November of the snow and ice removal charges remaining unpaid. Unless otherwise ordered by the Town Board, such unpaid charges shall be entered in the tax roll against the lots or parcels of land involved and collected as other taxes are collected.

e. Water from eaves. The owner of any building shall cause the pipes conducting the water from the eaves of the building to be so constructed as not to spread the water over the sidewalks.

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.

Enacted 8-17-2010

Amended 6-21-2011

Amended 11-19-2013

Amending Section 18.18 Enacted 10-15-2019

SECTION 1.00 OF
THE TOWN OF SHEBOYGAN
MUNICIPAL CODE
REGULATING ELECTIONS

1.04 Wards & Polling Places

- 1) The Town shall be divided into ten (10) wards, all as more particularly set forth on a map attached to this ordinance and indicated as Appendix A.
- 2) The polling place for all Wards 1-10 in the Town of Sheboygan shall be at the Town of Sheboygan Fire Station located at 3911 CTH Y, Sheboygan, WI 53083.
- 3) All in-person absentee voting will take place only at the Clerk's Office located at the Town Hall, 1512 No. 40th Street, Sheboygan, WI 53081 pursuant to Wisconsin State Statutes.

1.05 Voter Registration

Each elector shall register, pursuant to Wisconsin State Statutes 6.27, before voting in any election.

1.06 Polling Hours

The voting polls shall open at 7:00 a.m. and shall close at 8:00 p.m. pursuant to Wisconsin State Statutes.

1.07 Election Inspectors/Pollworkers

The Clerk shall determine the number of election inspectors for each election. The Clerk is authorized to increase or decrease the number of election inspectors as determined to be necessary to run an effective and efficient election, consistent with the Wisconsin State Statutes.

Effective Date. This Ordinance shall take effect upon enactment and posting as required by law.

Enacted this 18th day of December 2012.

TOWN OF SHEBOYGAN

DANIEL W. HEIN, Chairperson

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 18th day of December 2012.

CATHY CONRAD, Clerk

History

Amended 12-18-2012

Amended 6-21-2011

Amended 1-19-2005

Amended 10-21-2003

Amended 6-19-2001

Amended 5-4-1999

Chapter 15
EROSION CONTROL

Authority	15.01
Findings and Purpose.....	15.02
Applicability of Ordinance.....	15.03
Title	15.04
Definitions.....	15.05
Design Criteria, Standards and Specifications for Best Management Practices (BMPs)	15.06
Maintenance of BMPs	15.07
Control of Erosion and Pollutants During Land Development, Redevelopment, and Land Disturbance	15.08
Control of Erosion and Pollution from One and Two Family Dwellings	15.09(a)
Control of Erosion and Pollution from Commercial Sites.....	15.09(b)
Permit - Application, Control Plan, and Permit Issuance	15.10
Inspection.....	15.11
Enforcement	15.12
Appeals.....	15.13
Fees.....	15.14
Severability	15.15

15.01 Authority.

(1) This ordinance is adopted by the Town Board of the Town of Sheboygan under the authority granted by Wis. Stat. § 60.627. This ordinance supersedes all conflicting and contradictory erosion control regulations previously enacted under Wis. Stat. § 60.62. Except as specifically provided for in Wis. Stat. § 60.627, Wis. Stat. § 60.62 applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Town Board of the Town of Sheboygan hereby designates the Superintendent of Public Works to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent stormwater management and erosion control requirements that may be imposed by any of the following:

(a) WDNR administrative rules, permits or approvals including those authorized under Wis. Stat. §§ 281.16 and 283.33.

(b) Targeted non-agricultural performance standards promulgated in rules by the WDNR under NR 151.004, Wisconsin Administrative Code.

15.02 Findings and Purpose.

(1) Findings. The Town Board of the Town of Sheboygan finds runoff from construction sites carries a significant amount of sediment and other pollutants to the Waters of the State in the Town of Sheboygan.

(2) Purpose. It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures, and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to Waters of the State in the Town of Sheboygan.

15.03 Applicability of Ordinance.

This ordinance applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Town of Sheboygan. This ordinance is not applicable to activities conducted by a state agency, as defined under Wis. Stat. § 227.01 (1). This includes:

(1) The office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stat. § 281.33 (2).

(2) The Wisconsin Department of Transportation (WisDOT) that entered into a memorandum of understanding with the WDNR that satisfies Wis. Stat. § 281.33(2), such that activities directed and supervised by WisDOT are exempt from this ordinance.

15.04 Title.

This ordinance shall be known as the Erosion Control Ordinance for the Town of Sheboygan.

15.05 Definitions.

(1) "Administering authority" means a governmental employee empowered under Wis. Stat. § 60.627, that is designated by the Town of Sheboygan to administer this ordinance.

(2). "Agricultural land use" means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock and has the same meaning of in Wis. Stat. § 281.16(1).

(3) "Average annual rainfall" means a calendar year of precipitation, excluding snow that is considered typical.

(4) "Best management practice" or "BMPs" means structural or non-structural measures, practices, techniques, or devices employed to avoid or to minimize soil, sediment, or pollutants carried in runoff to waters of the state.

(5) "BMP Handbook" means the most recent edition of the *Wisconsin Construction Site Best Management Practices Handbook*, or as listed on the WDNR's website.

(6) "Business day" means a day the office of the Town of Sheboygan is routinely and customarily open for business.

(7) "Commercial land use" means use of land for the retail or wholesale sale of goods or services.

(8) "Construction site best management practice" means a control measure used to meet the requirements of Section 15.08 of this ordinance.

(9) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(10) "Construction site" means an area where one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

(11) "Control plan" means a written description of the number, locations, sizes, and other pertinent information of BMPs designed to meet the requirements of this ordinance submitted by the applicant for review and approval by the Town of Sheboygan.

(12) "Division of land" means the creation from one parcel of two or more parcels or building sites of one or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5 year period.

(13) "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

(14) "Erosion and sediment control plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(15) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

(16) "Governing body" means the Town Board of the Town of Sheboygan.

(17) "Land developing" activity means the construction and reconstruction of buildings, roads, parking lots, paved storage areas and similar facilities.

(18) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.

(19) "Landowner" means any person holding title to or having an interest in land.

(20) "Land user" means any person operating, leasing, renting, or having made other arrangements with the landowner where the landowner authorizes use of his or her land.

(21) "MEP" or "maximum extent practicable" means a level of implementing BMPs to achieve a performance standard specified in this chapter that takes into account the best available technology, cost effectiveness, and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features. MEP allows flexibility to meet the performance standards and may vary based on the performance standard and site conditions.

(22) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(23) "Permit" means a written authorization made by the Town of Sheboygan to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to Waters of the State.

(24) "Pollutant" has the meaning given in Wis. Stat. § 283.01(13).

(25) "Pollution" has the meaning given in Wis. Stat. § 281.01(10).

(26) "Responsible party" means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.

(27) "Runoff" means the rainfall, snowmelt, or irrigation water flowing over the ground surface via sheet or channelized flow.

(28) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.

(29) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, that meets all of the following criteria:

- (a) Is designed or used for collecting stormwater or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not draining to a stormwater treatment device or system.
- (d) Discharges directly or indirectly to Waters of the State.

(30) "Site" means the entire area included in the legal description of the land where the land disturbing, land redeveloping, or land development activity is proposed in the permit application.

(31) "Stabilize" means to make the site steadfast or firm, minimizing soil movement by mulching and seeding, sodding, landscaping, concrete, gravel, or other measure.

(32) "Stop work order" means an order issued by the Town of Sheboygan that requires that all construction activity on the site be stopped.

(33) "Technical standard" means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

(34) "Waters of the State" means those portions of Lake Michigan and Lake Superior within boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction and has the same meaning given in Wis. Stat. § 281.01(18).

15.06 Design Criteria, Standards and Specifications for Best Management Practices (Bmps).

All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications for the BMPs based on accepted design criteria, standards and specifications identified in the latest edition of the *Wisconsin Construction Site Best Management Practice Handbook, Appendix E of COMM 20, Wisconsin Administrative Code, the DOT - Facilities Development Manual*, or as listed on the WDNR's website.

(1) Design Criteria, Standards and Specifications. All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:

(a) Applicable design criteria, standards and specifications identified in the current version of the *Wisconsin Construction Site Best Management Practice Handbook*, or as listed on the WDNR's website.

(b) Other design guidance and technical standards identified or developed by the WDNR under subchapter V of chapter NR 151, Wisconsin Administrative Code.

(c) An average annual basis, calculated using the appropriate annual rainfall or runoff factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.

(2) Other Standards. Other technical standards not identified or developed in Section 15.06, (1), may be used provided that the methods have prior written approval by the Town of Sheboygan.

15.07 Maintenance of BMPs.

All BMP measures necessary to meet the requirements of this ordinance shall be maintained by the applicant or subsequent landowner or responsible party throughout the duration of the construction activities until the site has undergone final stabilization.

15.08 Control of Erosion and Pollutants During Land Development, Redevelopment, and Land Disturbance.

(1) General Applicability. These general applicability provisions apply to the following sites of land development, land redevelopment or land disturbing activities, excluding *sites regulated under COMM 21.125 and COMM 50.115, Wisconsin State Statutes.*

(a) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more;

(b) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material;

(c) Those involving street, highway, road, or bridge construction, enlargement, relocation or reconstruction;

(d) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more;

(e) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats;

(f) Those requiring a certified survey or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys; or

(g) Those involving grading, removal of protective ground cover or vegetation, excavation, demolition, landfilling, or other land disturbing activity on slopes of 12 percent or greater.

(2) Erosion and Other Pollutant Control Requirements. BMPs must be installed, applied, and maintained in accordance with the site plan. The BMPs shall be located on or off the construction site but prior to entering Waters of the State or a separate storm sewer connection to Waters of the State. The BMPs shall be designed to reduce pollutants from the construction site to the maximum extent practicable, including, but not limited to:

(a) Control Sediment Runoff. When designed to the maximum extent practicable, construction site BMPs: are expected to reduce total suspended solid loads by 80 percent on an average annual basis compared to no controls for the construction site to the property line and/or delivered to the Waters of the State. Controls of less than 80 percent require justification as described in Section 15.10,(2),(9) of this ordinance.

(b) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday. Sediment tracked by construction equipment from a site onto a public or private paved road or sidewalk shall be minimized by providing a non-tracking access roadway. The access roadway shall be installed as approved on the plan. The sediment cleanup provisions of (e) below are unaffected by the presence or absence of an access roadway.

(c) Building Material Waste Disposal. All building material waste shall be properly managed and disposed of to prevent pollutants and debris from being carried off site by runoff or wind.

(d) The discharge of sediment as part of site dewatering must be minimized.

(e) Sediment Cleanup. The end of the next working day following the occurrence shall clean up off-site sediment deposition occurring as a result of a storm event. All other off-site sediment deposition occurring as a result of construction activities shall be cleaned up at the end of the workday.

(f) Public Storm Sewer Inlet Protection. Downslope, on-site public storm sewer inlets shall be protected with erosion control.

(g) The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the state. However, projects that require the placement of these materials in Waters of the State, such as

constructing bridge footings or BMP installations, are not prohibited by this paragraph.

(3) Alternate Requirements. The Town of Sheboygan may establish construction site storm water management requirements more stringent than those set forth in this section if the Town of Sheboygan determines that an added level of protection is needed for sensitive resources.

15.09(a) Control of Erosion and Pollution From One and Two Family Dwellings.

(1) Land disturbing activities at construction sites with building foundations for one and two family dwellings shall abide the BMPs as described in COMM 21.125, Wisconsin Administrative Code.

(2) Performance Standards.

(a) Perimeter erosion control measures shall be placed within 24 hours after beginning the excavating. Erosion control measures shall be placed along downslope areas and along side slope areas as required to prevent or reduce erosion where erosion during construction will result in a loss of soil to waters of the state, public storm sewer inlets or off-site. The BMPs as defined in COMM 20.07(8m) or alternative measures that provide equivalent protection to these practices may be utilized to satisfy the requirements of this section. When the disturbed area is stabilized, the erosion control measures may be removed.

(b) Stabilization By Seeding and Mulching. Slopes greater than or equal to 12 percent, with a downslope length of 10 feet or more, are not considered stabilized with seeding and mulching unless used in conjunction with a tackifier, netting, or matting. Asphalt emulsion may not be used as a tackifier.

(c) Sediment tracked by construction equipment on a site onto a public or private paved road or sidewalk shall be minimized by providing a non-tracking access roadway. The access roadway shall be installed as approved on the plot plan, prior to framing above the first floor decking. The sediment cleanup provisions of (d) are unaffected by the presence or absence of an access roadway.

It is not the intent to require a gravel access roadway where natural conditions, such as sandy soils or solidly frozen soil, already provide non-tracking access.

(d) Sediment Cleanup. Off-site sediment deposition occurring as a result of a storm event shall be cleaned up by the end of the next workday following the occurrence. All other off-site sediment deposition occurring as a result of construction activities shall be cleaned up at the end of the workday.

(e) Public Sewer Inlet Protection. Downslope, on-site public storm sewer inlets shall be protected with erosion control procedures.

(f) Building Material Waste Disposal. All building material waste shall be properly managed and disposed of to prevent pollutants and debris from being

carried off the site by runoff. For proper disposal of flammable, combustible and hazardous liquids, contact the local fire department.

(3) Best Management Practices. Appropriate BMPs as defined in COMM 20.07(8m), the *Wisconsin Construction Site Best Management Practices Handbook*, or as listed on the WDNR's website, may be selected, installed, maintained and remain in place until the site is stabilized to meet the performance standards specified in Section 15.09(a)(1), of this ordinance.

(4) Maintenance of Erosion Control Procedures. During the period of construction at a site, all erosion control procedures necessary to meet the performance standards of this section shall be properly implemented, installed and maintained by the building permit applicant or subsequent landowner. If erosion occurs after building construction activities have ceased, some or all of the erosion control procedures shall be maintained until the site has been stabilized.

15.09(b) Control of Erosion and Pollution From Commercial Sites.

Requirements under this section are the same as those listed for Section 15.09(a) of this ordinance.

15.10 Permit - Application, Control Plan, and Permit Issuance.

(1) No landowner or responsible party may commence a land disturbance, land redevelopment, or land development activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Town of Sheboygan. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing, land redevelopment, or land developing activity subject to this ordinance shall submit an application for a permit and a control plan and pay an application fee to the Town of Sheboygan. By submitting an application, the applicant is authorizing the Town of Sheboygan to enter the site to obtain information required for the review of the implementation of the erosion and sediment control plan.

(2) Content of the control plan for land development and land disturbing activities covering more than one acre.

(a) An erosion and sediment control plan shall be prepared and submitted to the Town of Sheboygan.

(b) The erosion and sediment control plan shall be designed to meet the performance standards in Section 15.08 of this ordinance and other requirements of this ordinance.

(c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

(i) The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the

name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

(ii) Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a topographic map at a readable scale.

(iii) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date that clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

(iv) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

(v) Existing data describing the surface soil as well as subsoils.

(vi) Depth to groundwater, as indicated by NRCS soil information where available.

(vii) Name of the immediate named receiving water.

(viii) Locations of all surface waters and wetlands within one-quarter mile of the construction site.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed one foot.

(i) Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes, and floodways shall also be shown.

(ii) Boundaries of the construction site.

(iii) Drainage patterns and approximate slopes anticipated after major grading activities.

(iv) Areas of soil disturbance.

(v) Location of major structural and non-structural controls identified in the plan.

(vi) Location of areas where stabilization practices will be employed.

(vii) Areas that will be vegetated following construction.

(viii) Extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.

(e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching Waters of the State. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

(i) Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

(ii) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Town of Sheboygan, structural measures shall be installed on upland soils.

(iii) Management of overland flow at all sites, unless otherwise controlled by outfall controls.

(iv) Trapping of sediment in channelized flow.

(v) Staging construction to limit bare areas subject to erosion.

(vi) Protection of downslope drainage inlets where they occur.

(vii) Minimization of tracking at all sites.

(viii) Clean up of off-site sediment deposits.

(ix) Proper disposal of building and waste materials at all sites.

(x) Stabilization of drainage ways.

(xi) Control of soil erosion from dirt stockpiles.

(xii) Installation of permanent stabilization practices as soon as possible after final grading.

(xiii) Minimization of dust to the maximum extent practicable.

(f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions of the water course are maintained and protected.

(g) For each construction site identified under Section 15.08(1) of the ordinance, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Town of Sheboygan. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the BMPs that will be used to meet the requirements of the ordinance, including the site development schedule.

(h) The applicant shall amend the plan if any of the following occur:

(i) There is a change in design, construction, operation or maintenance at the site that has the reasonable potential for the discharge of pollutants to Waters of the State and that has not otherwise been addressed in the plan.

(ii) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

(iii) The Town of Sheboygan notifies the applicant of changes needed in the plan.

(i) If 80 percent of sediment reduction will not be controlled from the site by design, then the erosion and sediment control plan shall include a reasonable justification for controlling sediment from the site to the maximum extent possible as compared to no sediment controls. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls should be included.

(3) Content of control plan statement for land disturbing activities covering less than one acre, but meeting the applicability requirements stated in Section 15.08(a) of this ordinance.

An erosion and sediment control plan statement (with simple map) shall be submitted to briefly describe the site and BMPs (including the site development schedule) that will be used to meet the requirements of the ordinance.

(4) Review of Erosion Control Plan.

(a) Erosion Control Plans for Sites of One or More Acres. Within 45 working days of receipt of the application, erosion control plan, and fee, the Town of Sheboygan shall review the application and control plan to determine if the requirements of this ordinance are met. The Town of Sheboygan may request comments from other departments or agencies. If the requirements of this ordinance are met, the Town of Sheboygan shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Town of Sheboygan shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Town of Sheboygan shall again determine if the plan meets the requirements of this ordinance. If the plan is disapproved, the Town of Sheboygan shall inform the applicant in writing of the reasons for the disapproval.

(b) Erosion Control Plans for Sites of Less Than One Acre. Within 10

applicant in writing and may either require needed information or disapprove the application, erosion control plan, and fee, the Town of Sheboygan shall review the application and erosion control plan to determine if the requirements are met. The Town of Sheboygan may request additional information or agencies. If the requirements of this ordinance are not met, the Town of Sheboygan shall inform the applicant in writing and may either require needed information or disapprove the application. If the erosion control plan meets the requirements of this ordinance, the Town of Sheboygan shall inform the applicant in writing of the approval. If the erosion control plan is disapproved, the Town of Sheboygan shall inform the applicant in writing of the reasons for the disapproval.

A building permit for the site may not be issued without an approved erosion control plan.

Erosion Control Permits shall be valid for a period of 180 days from the date of issuance of the permit or other construction authorizations, whichever is longer, from the date of issuance. The Town of Sheboygan may extend the permit up to an additional 180 days. The Town of Sheboygan may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

Escrow, or Letter of Credit. As a condition of the permit, the Town of Sheboygan may require the applicant to deposit a cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.

Permit Conditions. All erosion control permits shall require the permittee to:

(i) Notify the Town of Sheboygan within 2 working days of commencing any land disturbing activity;

(ii) Notify the Town of Sheboygan of completion of any BMPs within 2 working days after their installation;

(iii) Obtain permission in writing from the Town of Sheboygan prior to modifying the erosion and sediment control plan;

(iv) Install all BMPs as identified in the approved erosion and sediment control plan;

(v) Maintain all BMPs, road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan;

(vi) Repair any erosion or erosion damage to adjoining surfaces resulting from land developing, redeveloping or disturbing activities and document repairs in a site erosion and sediment control log;

working days of receipt of the application of Sheboygan shall review the application and determine if the requirements of this ordinance are met. If the requirements are not met, the Town of Sheboygan shall inform the applicant in writing and may either require needed information or disapprove the application. If the erosion control plan meets the requirements of this ordinance, the Town of Sheboygan shall inform the applicant in writing of the approval. If the erosion control plan is disapproved, the Town of Sheboygan shall inform the applicant in writing of the reasons for the disapproval.

(c) A building permit for the site may not be issued without an approved erosion control plan.

(5) Erosion Control Permits.

(a) Duration. Erosion Control Permits shall be valid for a period of 180 days, or the length of the building authorization, whichever is longer, from the date of issuance. The Town of Sheboygan may extend the permit up to an additional 180 days. The Town of Sheboygan may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

(b) Surety Bond, Cash Escrow, or Letter of Credit. As a condition of the approval and issuance of the permit, the Town of Sheboygan may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.

(c) Erosion Control Permit Conditions. All erosion control permits shall require the permittee to:

(i) Notify the Town of Sheboygan within 2 working days of commencing any land disturbing activity;

(ii) Notify the Town of Sheboygan of completion of any BMPs within 2 working days after their installation;

(iii) Obtain permission in writing from the Town of Sheboygan prior to modifying the erosion and sediment control plan;

(iv) Install all BMPs as identified in the approved erosion and sediment control plan;

(v) Maintain all BMPs, road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan;

(vi) Repair any erosion or erosion damage to adjoining surfaces resulting from land developing, redeveloping or disturbing activities and document repairs in a site erosion and sediment control log;

(vii) Inspect the construction BMPs within 24 hours of each rain of 0.5 inches or more and at least once each week and making needed repairs and documenting the findings of the inspections with the date of inspection and the name of the person conducting the inspection in a site erosion and sediment control log;

(viii) Allow the Town of Sheboygan to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan; and

(ix) Keep a copy of the erosion and sediment control plan on the site.

(d) Exception. Single family dwellings on less than one acre lots are excluded from the permit requirements discussed in Sections 15.10, (5),(a), (b), and (c) of this ordinance.

15.11 Inspection.

The Town of Sheboygan shall inspect construction sites on a periodic basis to promote compliance with the sediment and erosion control plan.

If land disturbing, land redevelopment, or land development activities are being carried out without an approved erosion control permit, the representative of the Town of Sheboygan shall enter the land pursuant to Wis. Stat. § 66.0119.

15.12 Enforcement.

(1) The Town of Sheboygan may post a stop-work order if:

(a) Any land disturbing or land developing activity regulated under this ordinance is being undertaken without an approved erosion control permit;

(b) The erosion control plan is not being implemented in a good faith manner; or

(c) The conditions of the erosion control permit are not being met.

(2) If the permittee does not comply with the erosion control plan or erosion control permit conditions within 24 hours, the Town of Sheboygan may revoke the erosion control permit.

(3) If the landowner or land user where no erosion control permit has been issued does not cease the activity within 24 hours, the Town of Sheboygan may request the Town of Sheboygan's Attorney to obtain a cease and desist order.

(4) The Town of Sheboygan or the Board of Appeals may retract the stop-work order or the revocation.

(5) After posting a stop-work order, the Town of Sheboygan may issue a notice of intent to the permittee or landowner or land user of the Town's intent to perform work necessary to comply with this ordinance. The Town of Sheboygan may go on the land and take actions to prevent sediments and pollutants from reaching the waters of the state.

(6) If the cost of work performed by Town personnel or other authorized agents, plus interest at the rate approved by the Town Board, exceeds the amount deposited in the irrevocable letter of credit, surety bond, or cash escrow, the remainder shall be billed to the permittee on the landowner. In the event a permittee or landowner fails to pay the amount due, a designated Town staff person may enter the amount due on the tax rolls and collect as a special charge against the property pursuant to Wis. Stat. § 66.0627.

(7) Any person, firm, association, or corporation violating any of the provisions of this ordinance shall be subject to the general penalty provisions of the Town of Sheboygan Municipal Code Section 11.04. Each day a violation exists shall constitute a separate offense.

(8) Compliance with the provisions of this ordinance may also be enforced by injunction, citation, abatement of nuisances, or other appropriate and available remedy.

15.13 Appeals.

(1) Board of Appeals. The Board of Appeals created pursuant to Chapter 7 of the Municipal Code of the Town of Sheboygan, pursuant to Wis. Stat. §§ 60.62, 61.35, and 62.23:

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Town of Sheboygan in administering this ordinance;

(b) Upon appeal, may authorize variances from the provisions of this ordinance that are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) Who May Appeal. Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Town, affected by any decision of the Town of Sheboygan.

15.14 Fees.

Fees referred to in this ordinance shall be established by the Town Board of the Town of Sheboygan in a fee schedule and may from time to time be modified by the Town Board of the Town of Sheboygan by resolution. Fees shall be related to costs involved in handling permit applications, reviewing control plans, conducting site inspections, and administering the erosion control program.

15.15 Severability.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of 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 not affect the validity of all other provisions, sections or portion thereof of the ordinance which shall remain in full force and effect. Any other ordinance whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**AN ORDINANCE CREATING SECTION 5.14 OF THE MUNICIPAL CODE OF THE
TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN
REGULATING FALSE ALARMS**

WHEREAS, the Town Board of the Town of Sheboygan has determined it is in the public's best interest to establish an ordinance regulating false alarms.

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

Section 1. **Creating Code**. Section 5.14 of the Municipal Code of the Town of Sheboygan is hereby created to read as follows:

"5.14 **False Alarm Regulations.**

(1) **Authority and Purpose.**

This Ordinance is enacted pursuant to the authority provided by Wis. Stat. §§ 60.55 and 60.555. The purpose is to establish standards and controls for the intentional or negligent transmission of false alarms resulting in unnecessary response of emergency personnel and resources. Alarm systems subject to this Ordinance include, fire and smoke detection systems, water flow alarms, carbon monoxide or gas alerts, and other types of alarm devices which require an emergency response by the Town of Sheboygan Volunteer Fire Department (Fire Department) or Emergency Medical Service (EMS) responders.

(2) **Definitions.**

For the purpose of this section, the following definitions shall apply:

(a) **Alarm Monitoring Station.** Any person, corporation, or other entity that owns or leases a system of alarm devices, that is staffed by operators who receive, record or validate alarm signals and relay validated signals to the Fire Department or EMS.

(b) **Emergency Alarm.** Any fire and smoke detection system, water flow alarm, carbon monoxide or gas alert, and other types of alarms designed to be activated by a fire or other emergency at a specific location either as an automatic response or activated by an occupant.

(c) **False Alarm.** Any signal transmitted by an emergency alarm to which the Fire Department or EMS respond which is not the result of an emergency.

(3) Intentional or Negligent False Alarms.

(a) Any person who intentionally or negligently cause a false alarm shall be subject to the fees set forth in this Ordinance.

(b) Any person, corporation, or other entity that performs work in a building protected by an alarm system that intentionally or negligently causes the alarm to falsely activate shall be subject to the fees set forth in this Ordinance.

(c) Any person, corporation, or other entity that fails to provide protective covering according to the manufacturer's specifications for a smoke detection system which causes an activation due to sanding or dust buildup shall be subject to the fees set forth in this Ordinance.

(d) Any person, corporation, or other entity that maintains an alarm or alarm system without providing appropriate maintenance per the National Fire Protection Association code 72 (National Fire Alarm and Signaling Code) to ensure proper operation of that alarm/alarm system shall be subject to the fees set forth in this Ordinance.

(e) False alarm fees shall be calculated based on the number of false alarm incidents that the Fire Department and/or EMS respond to in any 365 day period of time for each location. The Fire Department and EMS shall record and maintain a record of the number of false alarms that they respond to for any 365 day period of time for each location in the Town of Sheboygan. The Fire Department and EMS shall submit to the Town Clerk a copy of the false alarm report for each location that the Fire Department or EMS responded as a result of a false alarm.

(4) False Alarm; Fees; Invoices.

Any owner, lessee, or person having control of property having an alarm device or system, shall pay to the Town of Sheboygan a fee for each false alarm and each subsequent false alarm that occurs within any 365 day period of time to which the Fire Department and/or EMS respond, as follows:

(a) First false alarm: no charge.

(b) Second false alarm: Residential Property \$100.00, Commercial Property \$250.00.

(c) Third false alarm: Residential Property \$250.00, Commercial Property \$500.00.

(d) Fourth false alarm: Residential Property \$350.00, Commercial Property \$750.00.

(e) Fifth and each subsequent false alarm: Residential Property \$500.00, Commercial Property \$1,000.00.

(f) An invoice payable to the Town of Sheboygan, due and payable within thirty (30) days, for any false alarm fee, as described above, shall be generated by

the Fire Department or EMS. The invoice shall be mailed by first class mail to the owner, lessee, or person having control of property at the address listed on the real estate tax bill for the property with a copy filed with the Town Clerk.

(g) Any invoice not paid or appealed within thirty (30) days of the date of the invoice shall be levied and imposed as a special charge on the property pursuant to Wis. Stat. §§ 60.55(2)(d) and 66.0627.

(5) Right of Appeal.

(a) Any owner, lessee, or person having control of property who believes the false alarm fees were issued in error or otherwise disputes the fees may appeal to the Town Board by filing a written appeal with the Town Clerk and providing a copy to the Fire Department or EMS within thirty (30) days of the date of the invoice.

(b) The written appeal shall set forth the factual basis or other reasons why the appellant believes that the fees are not proper.

(c) The Town Board shall conduct a review of the matter and give both the appellant and the Fire Department and/or EMS an opportunity to present information about the charges within sixty (60) days of the date of the filing of the appeal.

(d) Notice of the Town Board meeting shall be mailed to the appellant and the Fire Department and/or EMS not less than ten (10) days before the meeting.

(e) The Town Board may after considering the appeal confirm the fees, reduce the fees, or take such other action as the Board determines appropriate. The decision of the Town Board shall be final.

(6) Applicability.

None of the provisions of this Ordinance shall apply to an alarm device or devices installed in a motor vehicle."

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 upon enactment and posting or publication as required by law.

Enacted this 15th day of March, 2016.

TOWN OF SHEBOYGAN.

By 
DANIEL W. HEIN, Chairperson

CERTIFICATION

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 15th day of March, 2016.


CATHY CONRAD, Town Clerk

8.8 Fences¹

- a. Definitions.
- (1) "Fence" means a vertical screen device used to provide privacy or containment.
 - (2) "Residential fence" means a fence permitted in residential districts.
 - (3) "Security fence" means a fence in all districts, except residential districts.
 - (4) "Decorative fence" means a fence used for ornamental rather than privacy or containment purposes.
- b. Permit Required. No fence, except decorative fences, shall be erected unless a permit has first been obtained by the owner from the Town Clerk. A permit is not required for painting, maintenance, or repair or replacement of fewer than sixteen (16) lineal feet of a fence.
- c. Permit Fee. A fee of \$75 shall be charged for each permit issued under the provisions of this section.
- d. Construction Generally. All fences shall be constructed of sound and suitable material, and shall be so constructed as to present a neat and slight appearance. Acceptable materials for residential fence construction include wood, stone, brick, wrought iron, chain link and woven wire. No barbed wire, razor wire or single wire fences are permitted in residential districts. No above ground electrical or battery operated fences of any kind are permitted in residential districts.
- e. Height and Yard Regulations.
- (1) Residential fences shall not exceed a height of six feet (6') and shall not be closer than two feet (2') to any public right-of-way. Residential fences shall be permitted in rear and side yards only. Decorative fences shall be permitted in all yards.
 - (2) Security fences shall not exceed ten feet (10') in height and shall not be located closer than two feet (2') to any public right-of-way, and shall be of an open type similar to woven wire or wrought iron fencing.
 - (3) Decorative fences shall not exceed three feet (3') in height and shall not be located closer than two feet (2') to any public right-of-way, and shall not be placed in any manner which presents a hazard to pedestrians or vehicular traffic on any public or private right-of-way, and shall be permitted in any yard.
- f. Maintenance. All fences shall be kept in good repair.

AN ORDINANCE AMENDING SECTIONS 5.11 AND 2.05 OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN PROHIBITING THE SALE OF FIREWORKS AND AUTHORIZING ENFORCEMENT BY CITATION

WHEREAS, the Town Board of the Town of Sheboygan has determined that the safety and wellbeing of the residents of the Town and surrounding communities will be promoted by the adoption of regulations prohibiting the sale of fireworks within the Town of Sheboygan.

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

Section 1. Amending Code. Section 5.11 of the Municipal Code of the Town of Sheboygan, Sheboygan County, Wisconsin, is hereby amended to read as follows (additions are indicated by underscoring and deletions are indicated by strikeouts):

“5.11 Regulation of Fireworks

(1) Definition -

In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco product.
- (i) A sparkler on a wire or wood stick not exceeding thirty-six inches (36") in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain or explosive mixture.
- (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
- (m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (n) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(2) Sale -

No person may sell or possess with intent to sell fireworks, except:

- (a) To the Town; or
- (b) For a purpose specified under sub (3)(b)2. to 6.

(3) Use -

(a) No person may possess or use fireworks without a user's permit from the Chairperson of the Town, or from an official or employee of the Town designated by the Chairperson. No person may use fireworks or a device listed under sub (1)(e) to (f) while attending a fireworks display for which a permit has been issued to a person listed under paragraph (c) 1. to 5., or under paragraph (c)6., if the display is open to the general public.

(b) Paragraph (a) does not apply to the following:

1. 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.
2. The possession or use of explosives in accordance with rules or general orders of the Department of Commerce.
3. The disposal of hazardous substances in accordance with rules adopted by the Department of Natural Resources.
4. The possession or use of combustible materials in any manufacturing process.
5. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
6. 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.
7. 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. Paragraph (a) applies to a person transporting fireworks under the paragraph if, in the course of transporting the fireworks through the Town, the person remains in the Town for a period of at least twelve (12) hours.

(c) A permit under this subsection may be issued only to the following:

1. A public authority.
2. A fair association.
3. An amusement park.
4. A park board.
5. A civic organization.
6. Any individual or group of individuals.
7. An agricultural producer for the protection of crops from predatory birds or animals.

(d) A person issue a permit for crop protection shall erect appropriate signs disclosing the use of fireworks for crop protection.

(e) 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.

(f) A permit under this subsection shall specify all of the following:

1. The name and address of the permit holder.
2. The date on and after which fireworks may be purchased.
3. The kind and quantity of fireworks which may be purchased.
4. The date and location of permitted use.

(g) A copy of a permit under this subsection shall be given to Town fire or law enforcement officials at least two (2) days before the date of authorized use.

(h) A permit under this subsection may not be issued to a minor.

(4) Local Regulation -

- (a) No person may smoke where fireworks are stored or handled.
- (b) A person who stores or handles fireworks shall notify the Fire Chief of the Town Fire Department of the location of the fireworks.
- (c) No wholesaler, dealer or jobber may store fireworks within fifty feet (50') of a dwelling.
- (d) 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.

(5) Parental Liability -

A parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(6) Enforcement -

- (a) The Town may petition the Circuit Court for an order enjoining violations of sub. (2) or (3).
- (b) Fireworks stored, handled, sold, possess or used by a person who violates this ordinance or a court order under paragraph (a) 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 ordinance or a court order under paragraph (a) may be destroyed after conviction for a violation. Except as provided in Wis. Stats. § 968.20(4), fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

(7) Penalties -

- (a) A person who violates a court order 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.
- (b) The forfeiture for all other violations of the ordinance 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."

Section 2. Amending Code. Section 2.05(2)(b) of the Municipal Code of the Town of Sheboygan entitled "Town Ordinance Enforcement Officers a/k/a Town Constables," is hereby amended to add the following:

"10. Regulation of fireworks (Section 5.11)."

Section 3. Effective Date. This Ordinance shall take effect upon enactment and posting as required by law.

Adopted this 18th day of February, 2014.

TOWN OF SHEBOYGAN

By **DANEL W. HEIN**, Chairman

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Ordinance was duly adopted by the Board of Supervisors of the Town of Sheboygan on the 18th day of February, 2014.

CATHY CONRAD, Town Clerk

Posted: 3-19-2014

Chapter 17

ILLICIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE

Authority.....	17.01
Findings and Purpose	17.02
Applicability of Ordinance.....	17.03
Title.....	17.04
Definitions.....	17.05
Prohibition of Illegal Discharges	17.06
Prohibition of Illicit Connections	17.07
Suspension Because of Illicit Discharges In	
Emergency Situations	17.08
Suspension Because of the Detection of Illicit Discharge	17.09
Watercourse Protection.....	17.10
Monitoring Discharges	17.11
Requirement to Prevent, Control and Reduce	
Stormwater Pollutant By the Use of BMPs	17.12
Notification of Spills.....	17.13
Enforcement	17.14
Appeal of Notice of Violation	17.15
Injunctive Relief	17.16
Violations Deemed a Public Nuisance.....	17.17
Criminal Prosecution	17.18
Cost Recovery	17.19
Severability	17.20

17.01 Authority.

(1) This ordinance is adopted by the Town Board of the Town of Sheboygan under the authority granted by Wis. Stat. § 60.627. This ordinance supersedes all conflicting and contradictory Illicit Discharge Detection and Elimination regulations previously enacted under Wis. Stat. § 60.62. Except as specifically provided for in Wis. Stat. § 60.627, Wis. Stat. § 60.62 applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Town Board of the Town of Sheboygan hereby designates the Superintendent of Public Works to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent Illicit Discharge Detection and Elimination requirements that may be imposed by Wisconsin Department of Natural Resources (WDNR) administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.

17.02 Findings and purpose.

(1) The Town of Sheboygan's Municipal Separate Storm Sewer System (MS4) are municipally owned facilities where storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.

(2) The Town Board of the Town of Sheboygan finds illicit discharges can carry pollutants to the Waters of the State in the Town of Sheboygan through its MS4.

(3) The purposes of this ordinance are:

(a) To regulate the contribution of pollutants to the MS4.

(b) To prohibit illicit connections and discharges to the MS4.

(c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

17.03 Applicability of Ordinance.

(1) This ordinance applies to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by the Town of Sheboygan.

(2) This ordinance is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1). This includes:

(a) The office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2).

(b) The Wisconsin Department of Transportation (WisDOT) that entered into a memorandum of understanding with the WDNR that satisfies Wis. Stats. § 281.33(2), such that activities directed and supervised by WisDOT are exempt from this ordinance.

(3) The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(4) Any person subject to an industrial or contraction activity WPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in-a form acceptable to the Town of Sheboygan prior to the allowing of discharges to the MS4.

17.04 Title.

This ordinance shall be known as the Illicit Discharge Detection and Elimination Ordinance for the Town of Sheboygan.

17.05 Definitions.

(1) "Administering authority" means a governmental employee empowered under Wis. Stats. § 60.627, that is designated by the Town of Sheboygan to administer this ordinance.

(2) "Agricultural land use" means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock and has the same meaning as in Wis. Stats. § 281.16(1).

(3) "Best management practice" or BMPs" means structural or non-structural measures, practices, techniques, or devices employed to avoid or to minimize soil, sediment, or pollutants discharged directly or indirectly to waters of the State.

(4) "Business day" means a day the office of the Town of Sheboygan is routinely and customarily open for business.

(5) "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251, et seq.), and any subsequent amendments thereto.

(6) "Commercial land use" means use of land for the retain or wholesale sale of goods or services.

(7) "Construction Activity" means activities subject to erosion control and post construction stormwater permits.

(8) "Cease and desist order" means a court issued order to halt land disturbing construction activity that is being conducted without the required permit.

(9) "Construction site" means an area where one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

(10) "Control plan" means a written description of the number, locations, sizes, and other pertinent information of BMPs designed to meet the requirements of this ordinance submitted by the applicant for review and approval by the Town of Sheboygan.

(11) "Governing body" means the Town Board of the Town of Sheboygan.

(12) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(13) "Illegal discharge" means any illegal direct or indirect non-storm water discharge to the MS4, except as exempted in Section 17.06 of this ordinance.

(14) "Illicit connection" is defined as either of the following:

(a) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the MS4. This includes, but is not limited to, any conveyances that allow any non-stormwater discharge, including sewage, process wastewater, and wash water, to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

(b) Any drain or conveyance connected from a commercial or industrial land use to the MS4 that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(15) "Industrial activity" means activities subject to WPDES Industrial Permits as defined in 40 CFR, § 122.26(b)(14), or subject to Wisconsin Administrative Code NR 216.20.

(16) "Landowner" means any person holding title to or having an interest in land.

(17) "Land user" means any person operating, leasing, renting, or having made other arrangements with the landowner where the landowner authorizes use of his or her land.

(18) "MEP" or "maximum extent practicable" means a level of implementing BMPs to achieve a performance standard specified in this ordinance that takes into account the best available technology, cost effectiveness, and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features. MEP allows flexibility to meet the performance standards and may vary based on the performance standard and site conditions.

(19) "MS4" or "Municipal Separate Storm Sewer System" means municipally owned facilities where stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(20) "Non-stormwater discharge" means discharge to the MS4 that is not composed entirely of stormwater.

(21) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(22) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(23) "Pollutant" has the meaning given in Wis. Stats. § 283.01(13), and means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(24) "Pollution" has the meaning given in Wis. Stats. § 281.01 (10).

(25) "Responsible party" means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.

(26) "Runoff" means the rainfall, snowmelt, or irrigation water flowing over the ground surface via sheet or channelized flow.

(27) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.

(28) "Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(29) "Stormwater Pollution Prevention Plan" or "SWPPP" means a document that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

(30) "Technical standard" means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

(31) "Wastewater" means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(32) "Waters of the State" means those portions of Lake Michigan and Lake Superior within boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction and has the same meaning given in Wis. Stats. § 281.01 (8).

(33) "Wisconsin Pollutant Discharge Elimination System (WPDES) Stormwater Discharge Permit" means a permit issued by the WDNR [as authorized by the EPA under authority delegated pursuant to 33 use § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

17.06 Prohibition of Illegal Discharges.

(1) No person shall discharge or cause to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(2) The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited, except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if declorinated less than one ppm chlorine), fire fighting activities, and any other water source not containing pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(d) The prohibition shall not apply to any non-storm water discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the WDNR, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

17.07 Prohibiting of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

17.08 Suspension Because of Illicit Discharges in Emergency Situations.

The Town of Sheboygan may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the MS4, or to waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Town of Sheboygan may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons.

17.09 Suspension Because of the Detection of Illicit Discharge.

(1) Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Town of Sheboygan will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town of Sheboygan for a reconsideration and hearing.

(2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Town of Sheboygan.

17.10 Watercourse Protection.

Every person owning property that a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

17.11 Monitoring Discharges.

(1) This section applies to all facilities that have storm\water discharges associated with industrial activity, including construction activity.

(2) Access to facilities:

(a) The Town of Sheboygan shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force that requires proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow the Town of Sheboygan ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a WPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(c) The Town of Sheboygan shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Town of Sheboygan to conduct monitoring and/or sampling of the facility's stormwater discharge.

(d) The Town of Sheboygan has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Town of Sheboygan and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing the Town of Sheboygan access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a WPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(g) If the Town of Sheboygan has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

17.12 Requirement to Prevent, Control and Reduce Stormwater Pollutant by the Use of BMPs.

(1) The Town of Sheboygan will adopt requirements identifying BMPs for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the State.

(2) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Any person responsible for a property or premise, that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

(3) Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be a part of a SWPPP as necessary for compliance with requirements of the WPDES permit.

17.13 Notification of Spills.

(1) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4, or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by telephone or facsimile no later than the next business day.

(2) Notification in person or by telephone shall be confirmed by written notice addressed and mailed to the Town of Sheboygan within three (3) business days of the telephone notice.

(3) If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an onsite written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

17.14 Enforcement.

(1) Whenever the Town of Sheboygan finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Town of Sheboygan may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and

desist;

- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

(2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

17.15 Appeal of Notice of Violation.

(1) Any person receiving a Notice of Violation may appeal to the Town Board the determination of the Town of Sheboygan. The notice of appeal must be received within ten (10) working days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within thirty (30) working days from the date of receipt of the notice of appeal. The decision of the Town Board or their designee shall be final.

(2) If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal within ten (10) working days of the decision of the Town Board upholding the decision, the representatives of the Town of Sheboygan shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Town of Sheboygan or designated contractor to enter upon the premises for the purposes set forth above.

(3) Within sixty (60) working days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) working days. If the amount due is not paid within a timely manner as determined by the decision of the Town Board or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(4) In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Town of Sheboygan may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watercourse cleanup, etc.

17.16 Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Town of Sheboygan may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.

17.17 Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

17.18 Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law.

17.19 Cost Recovery.

(1) The Town of Sheboygan may recover all attorneys' fees, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

(2) The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

17.20 Severability.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of 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 not affect the validity of all other provisions, sections or portion thereof of the ordinance which shall remain in full force and effect. Any other ordinance whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict."

**AN ORDINANCE CREATING SECTION 8.07 OF THE MUNICIPAL CODE
OF THE TOWN OF SHEBOYGAN
REGARDING KEY LOCK BOX REQUIREMENTS**

WHEREAS, the Town Board and the Town of Sheboygan Volunteer Fire Department have determined that the health, safety, and welfare of the citizens of the Town of Sheboygan are promoted and safeguarded by requiring certain structures to have a key lock box installed on the exterior of the structure; and

WHEREAS, the lock box key will aid the Sheboygan Fire Department in gaining access to the structure when the same is not occupied or when the occupants are unable to grant ingress during emergency situations; and

WHEREAS, the key lock box system will reduce the need for forced entry into structures and should avoid costly and time-consuming efforts to gain access to the structure during an emergency.

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

Section 1. Creating Code. Chapter 8 of the Ordinances of the Town of Sheboygan, more particularly Section 8.07 entitled Key Lock Box Requirement thereof, is hereby created to read as follows:

8.07 Key Lock Box Required.

(1) **Purpose.** The purpose of this code is to allow emergency responders quick and efficient access to structures in an "emergency" and to allow (when possible) the structure to be secured after said emergency.

(2) **Definitions.**

(a) The term "Lock Box" shall be defined as an approved lock box which allows emergency responders to gain access to secured buildings and perimeters without forceful entry.

(b) Only the lock box brands approved in writing by the Fire Chief will be permitted by the Town of Sheboygan.

(c) "Emergency" is defined as a serious, unexpected, and often dangerous situation requiring immediate action or any such time that emergency responders are required to act by law.

(d) "Emergency Responders" shall be defined as Fire Department, First Responders and Law Enforcement.

(e) The title "Fire Chief" shall be the Sheboygan Volunteer Fire Department Fire Chief or his/her designee.

(f) "Home Based" business shall be defined as a business whose primary office or place of employment is in the owner's home (primary residence) and has NO employees other than direct family.

(3) **Buildings Subject to this Section.** The following structures shall be equipped with a lock box at or near the main entrance or such other location approved by the Fire Chief or his/her designee:

(a) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system.

(b) Multifamily residential structures with five (5) or more units, that have restricted access through locked doors or have a common corridor for access to the living units.

(c) Governmental structures, nursing care/assisted living centers and daycare facilities.

(d) All public and private educational facilities.

(e) All commercial buildings over five thousand (5,000) square feet or with more than two (2) doors to the exterior.

(f) All newly constructed structures subject to this section shall have the lock box installed and operational prior to the issuance of an occupancy permit.

(g) Structures that are secured in a manner that restrict rapid access during an emergency.

(4) **Buildings Not Subject to this Section.** The following structures shall NOT be required to comply with this section:

(a) Residences that are used as a single-family home.

(b) Home based business (Excluding State Licensed Daycares).

(c) Multifamily residential structures with four (4) or less units.

(5) Installation.

(a) All lock boxes shall be flush, or surface mounted five (5) feet high

from the grade and within five (5) feet from the main entrance.

(a) In the event the lock box cannot be installed at the aforesaid location and/or height, the Fire Chief or his/her designee may designate in writing a different location and installation instructions.

(b) All realty and/or property with an electric security gate shall have the lock box installed outside the gate.

(c) The window decal that is included with the lock box shall be placed on the exterior access door to alert the fire department that a key box is provided.

(d) The Fire Chief must approve any changes in the installation.

(2) Contents of Lock Box.

(a) The owner or operator of a structure required to have a lock box shall, at all times, keep keys in the box that will allow for access to the following:

1. Keys to locked points of ingress or egress, whether on the interior or exterior of such buildings.

2. Keys to all locked mechanical rooms.

3. Keys to all locked electrical rooms.

4. Keys to elevators controls and control rooms.

5. Keys to rooms containing fire control systems.

6. Keys to other areas as directed by the Fire Chief.

7. Codes and instructions to reset fire alarm systems.

(b) Each key shall be legibly labeled to indicate the lock that it opens in such a manner as is approved by the Fire Chief or his/her designee.

(c) A floor plan (layout) of the building/rooms within the building may be required to be provided to the Fire Department at the discretion of the Fire Chief or his/her designee.

(3) Rules and Regulations.

(a) The Fire Chief or his/her designee shall be authorized to implement rules and regulations for the use of the lock box system.

(b) The Fire Chief or his/her Chain of Command shall have authority over all lock box keys.

(c) Authorized lock box key users shall include the Emergency Responders.

(d) Upon written request, the Fire Chief shall furnish the names of all persons with access to the lock box keys.

(e) All authorized users shall be required to have an annual background check.

(f) Inspection of lock boxes shall be performed during normal business hours.

(g) At the discretion of the Fire Chief or his/her designee, any business must number or letter their doors (and windows when required by the Fire Chief or his/her designee).

Numbering/lettering must be no less than four

(4) inches in size, reflective and a contrasting color to the door. Numbers/letters shall be placed on each door starting at the main entrance and progressing around the building clockwise. Number/letters must be at least five (5) feet above ground level. Where double doors or a grouping of doors exists close together, they may be numbered as one.

The owner or occupant of the building shall immediately notify the Fire Department and provide new keys when a lock is changed or rekeyed. These keys will be put into the lock box.

(8) Compliance.

(a) After the effective date of this ordinance, all newly constructed buildings, not yet occupied or buildings currently under construction and all building or businesses applying for an occupancy permit shall comply.

(b) Existing building that are not in compliance on the effective date of this ordinance shall comply with requirements of the ordinance within two (2) years of the effective date of this section. Any person who owns or operates a structure subject to this code shall be subject to the penalties set forth in section (9) of this code for any violation of this section.

(9) Penalties. Any person who violates any provision of this section shall be subject to a forfeiture of \$10.00 (ten dollars) per day, for up to ninety (90) days and then \$20.00 (twenty dollars), per day thereafter until the violation is corrected, plus costs, fees and such charges imposed under Chapter 814 of the Wisconsin Statutes

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 upon enactment

Enacted this 19th Day of November 2019 **TOWN OF SHEBOYGAN by Daniel W. Hein**, Chairperson.

CERTIFICATE OF CLERK I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 19th day of November, 2019. Peggy Fischer, Town Clerk. Published in the Sheboygan Press December 6th, 2019

Amended 12.15.2021

AN ORDINANCE AMENDING SECTION 3.03(3)
OF THE MUNICIPAL CODE OF THE
TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.
REQUIRING "AS-BUILT" SURVEYS TO CONFIRM
COMPLIANCE WITH MASTER SITE GRADING PLANS

WHEREAS, the Town of Sheboygan has experienced significant residential growth and development; and

WHEREAS, the Town Board of the Town of Sheboygan has determined that it is in the public health, safety, and general welfare of all Town residents and property owners to mandate that all new construction comply with Master Site Grading Plans approved for all Town subdivisions and/or land developments;

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

Section 1. Amending Code. Section 3.03(3) of the Municipal Code of the Town of Sheboygan is hereby amended to read as follows: (Only those sections or portions of sections affected appear. Additions indicated by underscoring; deletions by strikeouts.)

"(c) The owner, builder, or developer responsible for home construction within a subdivision having a Master Site Grading Plan shall prepare at their expense and provide to the Town at or before the issuance of an Occupancy Permit an "as-built" survey of the building foundation elevation, lot corner finish grades, and final grade elevations and grade of the drainage ways shall be provided along the front, rear, and side yard lot lines. The lot shall have an established grade identified at each lot corner and at any change in grade or slope along the front, rear and side yard lot lines, as well as house top of foundation and the elevations of culvert inlets and outlets. The "as-built" survey must be completed by a Wisconsin registered land surveyor. In the event winter weather conditions in the opinion of the Town Building Inspector prohibit final lot grading at the time that an Occupancy Permit is requested, the Town Building Inspector may authorize a reasonable extension of time not to exceed six (6) months within which the owner, builder, or developer shall complete the final lot grading and provide the "as-built" survey as required above.

(d) The subdivider shall grade the full width of the right-of-way of all subdivision streets in accordance with the Master Site Grading Plan. Unless waived in writing by the Town of

Sheboygan Department of Public Works Superintendent, the subdivider shall complete the stormwater drainage facilities (ditches) by laying two rolls of sod (side by side) not less than thirty-six (36") inches wide at the drainage flow line of each drainage ditch and hydro seed the balance of the right-of-way or drainage easement area. Upon completion and final pavement of all subdivision streets and upon completion of all stormwater drainage facility grading and construction, the grades and construction shall be checked and certified by the Town Engineer to confirm that the completed grading and construction is in compliance with the Master Site Grading Plan and Town street specifications. The cost of all required grading work, supervision, certification, inspection, and engineering fees shall be paid for by the subdivider."

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

Enacted this 21 day of May, 2002.

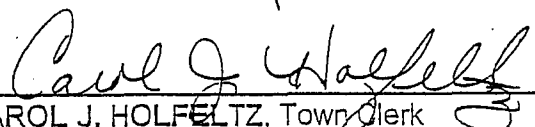
TOWN OF SHEBOYGAN

By 

DANIEL W. HEIN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 21 day of April, 2002.


CAROL J. HOLFELTZ, Town Clerk

SECTION 3.07
OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN
PERMITTING NEIGHBORHOOD ELECTRIC VEHICLES (NEVs)

WHEREAS, Wis. Stat. § 349.26 grants the Town authority to allow the operation of neighborhood electric vehicles (NEVs); and

WHEREAS, the Town Board of the Town of Sheboygan has determined that it is in the best interest of the Town and its drivers to allow the operation of NEVs;

WHEREAS, the Town Board has further determined that the regulation of NEVs is necessary to promote the health, safety, and general welfare of drivers in the Town of Sheboygan.

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

Section 1. **Creating Code.** Section 3.07 of the Municipal Code of the Town of Sheboygan is hereby created to read as follows:

“3.07 Neighborhood Electric Vehicles Permitted –

- (1) Definitions –
 - (a) “Neighborhood Electric Vehicles: (“NEV”) means a self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for “low-speed vehicles” under 49 C.F.R. §§ 571.3(b) and 571.500.
 - (b) NEVs are self-propelled by electric power, have a top speed of more than 20 miles per hour but not more than 25 miles per hour on a paved level surface, and have a gross vehicle weight at rest of less than 3,000 pounds. NEV does not include an electric golf cart and shall have:
 1. Four wheels;
 2. Headlamps;
 3. Front and rear turn signals;
 4. Stop lamps;
 5. Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear;
 6. An exterior mirror mounted on the driver’s side and either an exterior mirror on the passenger side or an interior rearview mirror;
 7. Parking brake;
 8. A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 C.F.R. § 571.205);
 9. A Vehicle Identification Number (VIN) that complies with federal law (49 C.F.R. § 565);
 10. A Type 1 or Type 2 seatbelt assembly conforming to 49 C.F.R. § 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position; and
 11. Meets the general test conditions under 49 C.F.R. § 571.500.
- (2) Permitted Users of Neighborhood Electric Vehicles –

To use an NEV on Town roads as set forth in (3) below, the individual must have a valid state issued driver’s license.
- (3) Permitted Use of Neighborhood Electric Vehicles on Town Roads –

A licensed individual may operate an NEV on the roadways of the Town of Sheboygan having a posted speed limit of 35 miles per hour or less and headlamps must be on during operation.
- (4) Operation of Neighborhood Electric Vehicles –

The operation of NEVs as permitted herein shall in all respects be in compliance with all traffic statutes and ordinances applicable to vehicles traveling upon the roadways of the Town of Sheboygan.

- (5) Title and Registration –
When operated on Town roads, an NEV must be titled and registered through the Wisconsin Department of Transportation (WDOT), Division of Motor Vehicles (DMV).
- (6) Penalty –
Any person violating this section shall, upon conviction thereof, forfeit \$60.00, plus all costs and assessments."

Section 2. **Effective Date.** This Ordinance shall take effect upon enactment and posting, as required by law.

Enacted this 21st day of April 2009.

TOWN OF SHEBOYGAN

By Daniel W. Chairperson

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

CATHY CONRAD, Town Clerk

Dated: April 21st, 2009.

Published in the Sheboygan Press May 7, 2009.

AN ORDINANCE AMENDING CHAPTER 5
OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN,
DEFINING NOXIOUS WEEDS

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

Section 1. Repealing and Recreating Code. Section 5.04(2)(b)6., of the Code of Ordinances of the Town of Sheboygan is hereby repealed and is hereby recreated to read as follows:

"(2)(b)6. All noxious weeds and other rank growth of vegetation. The term noxious weeds includes, but is not limited to, the following:

- (a) Canada Thistle.
- (b) Leafy Spurge.
- (c) Field Bindweed (creeping Jenny).
- (d) Multi-flora Rose.
- (e) Any other perennial weed having a network of underground roots, rhizomes, stems, or other underground appendages that readily reproduce more plants of rank nature.
- (f) Any annual or biennial whose seed reproduces readily into tall or spreading plants that are undesirable in nature."

Section 2. Effective Date. This Ordinance shall take effect upon adoption and posting.

Adopted this 19 day of OCTOBER, 1993.

TOWN OF SHEBOYGAN

By Gerald L. Sampson
GERALD L. SAMPSON, Chairman

**AN ORDINANCE REPEALING AND RECREATING
SECTION 5.05 REGULATING OPEN BURNING**

WHEREAS, the Town Board and the Town of Sheboygan Volunteer Fire Department has determined that it is in the best interest of public safety and welfare to update the regulations on open burning in the Town of Sheboygan; and

WHEREAS, to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Sheboygan, Sheboygan County, Wisconsin due to air pollution and fire hazards of open burning, outdoor burning and refuse burning.

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

Section 1. Repealing Code. Section 5.05 of the Ordinances of the Town of Sheboygan, entitled Open Burning Regulations, is hereby repealed.

Section 2. Recreating Code. Section 5.05 entitled Open Burning Regulations is hereby adopted, enacted and recreated to read as follows:

“5.05 Open Burning Regulations

(1) Applicability. This ordinance applies to all outdoor burning and refuse burning with the Town of Sheboygan.

(a) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(b) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section (2) of this ordinance.

(c) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(2) Definitions.

(a) “Campfire” means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

(b) "Clean Wood" means natural wood which has not been painted, varnished or coated with similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

(c) "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

(d) "Fire Chief" means the Chief of the Town of Sheboygan Volunteer Fire Department or other person authorized by the Fire Chief.

(e) "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

(f) "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney.

(g) "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(h) "Refuse" means any waste material except clean wood.

(3) General Prohibition on Open Burning, Outdoor Burning and Refuse Burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Sheboygan unless the burning is specifically permitted by this ordinance.

(4) Materials That May Not Be Burned.

(a) Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town of Sheboygan will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

(b) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(c) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Wis. Admin. Code Chapter NR 590.

(d) Asphalt and products containing asphalt.

(e) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(f) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fibers, films and containers.

(g) Rubber including tires and synthetic rubber-like products.

(h) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section (9) of this ordinance.

(5) Open Burning of Leaves, Brush, Clean Wood and Other Vegetative Debris. Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris is allowed only in accordance with the following provisions:

(a) All allowed open burning shall be conducted in a safe, nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

(b) Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural resources has issued a burning ban applicable to the area.

(c) Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

(d) Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

(e) Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

(f) Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

(g) Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit.

(h) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.

(i) Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.

(j) Except for campfires, open burning under this section shall only be conducted at a location at least 250 feet from the nearest building that is not on the same property.

(k) Except for campfires and permitted bonfires, open burning shall only be conducted from the hours of 4:00 p.m. and 9:00 p.m.

(l) Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(m) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

(n) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

(6) Burn Barrels. A burn barrel may be used in the Town of Sheboygan only in accordance with the following provisions:

(a) The burn barrel shall not be used to burn any of the prohibited materials listed in Section (5) of this ordinance.

(b) The burn barrel shall be located at least 250 feet from the nearest building that is not on the same property as the burn barrel.

(c) The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

(d) The burn barrel shall not serve a business.

(7) Outdoor Wood-Fired Furnaces. An outdoor wood-fired furnace may be used in the Town of Sheboygan only in accordance with the following provisions:

(a) The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section (4) of this ordinance.

(b) The outdoor wood-fired furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor wood furnace.

(c) The outdoor wood-fired furnace shall have a chimney that extends at least fifteen (15) feet above the ground surface. The Town Board may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

(8) Fire Department Practice Burns. Notwithstanding Sections (3) and (4) of this ordinance, the Town of Sheboygan Volunteer Fire Department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

(9) Exemption for Burning Certain Papers.

(a) Notwithstanding Section (4)(h) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

(b) Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

(c) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(d) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Sections (5)(a)-(5)(c), (5)(f) and (5)(k)-(5)(o) of this ordinance.

(10) Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(11) Right of Entry and Inspection. The Fire Chief or any authorized officer, agent, employee or representative of the Town of Sheboygan Volunteer Fire Department or the Town of Sheboygan who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § 66.0119.

(12) Enforcement and Penalties.

(a) The Fire Chief, the Town Chairperson and the Town Ordinance Enforcement Officers are authorized to enforce the provisions of this ordinance.

(b) The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than Twenty-five dollars (\$25.00) or more than Two Hundred Fifty dollars (\$250.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

(c) The bond or forfeiture penalty for the first violation of this section is \$50.00 plus penalty assessments and court costs.

(d) The bond or forfeiture penalty for the second violation of this section is \$100.00 plus penalty assessments and court costs.

(e) The bond or forfeiture penalty for the third and subsequent violations of this section is \$150.00 plus penalty assessments and court costs."

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

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Section 4. Effective Date. This Ordinance shall take effect upon enactment.

Enacted this 20 day of August, 2019.

TOWN OF SHEBOYGAN

By:


Daniel W. Hein, Chairperson

CERTIFICATE OF CLERK

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 20 day of August, 2019.


Peggy Fischer, Town Clerk

ROLL CALL VOTE

	<u>Aye</u>	<u>Nay</u>
Chairperson Daniel W. Hein	<u>✓</u>	_____
Supervisor Char Gumm	<u>✓</u>	_____
Supervisor James Schwinn	<u>✓</u>	_____
Supervisor John Wagner	<u>✓</u>	_____
Supervisor Alexandra Nugent	<u>✓</u>	_____

Posted: 8/22, 2019.

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**AN ORDINANCE AMENDING SECTION 2.05 OF THE MUNICIPAL CODE
OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN ESTABLISHING
TOWN ORDINANCE ENFORCEMENT OFFICERS A/K/A TOWN CONSTABLES**

WHEREAS, the 2012 Annual Town Meeting, pursuant to Wis. Stat. § 60.10(1)(b)4. abolished the existing two elected Town Constable Offices for the Town of Sheboygan in favor of Town Ordinance Enforcement Officers to be employed by the Town Board.

WHEREAS, pursuant to Wis. Stats. §§ 60.23(23) and 60.37(1), the Town Board may enact and enforce ordinances and employ persons necessary to carry out this function of Town government; and,

WHEREAS, pursuant to § 66.0113, Wis. Stats., the Town Board has previously authorized the Town Constables, subject to certain limitations, to issue citations for violations of Town ordinances and hereby intends to authorize its employed Ordinance Enforcement Officers, subject to certain limitations, authorization to issue citations for violations of Town ordinances; and,

WHEREAS, it is in the public interest and welfare to establish the jurisdiction and duties of the Town Ordinance Enforcement Officers of the Town of Sheboygan, and for the issuance of citations to be authorized, as provided herein.

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

Section 1. **Amending Code**. Section 2.05 of the Municipal Code of the Town of Sheboygan entitled "Town Constables," is hereby amended to read as follows:

"2.05 Town Ordinance Enforcement Officers a/k/a Town Constables

- (1) Number of Town Ordinance Enforcement Officers-

The 2012 Annual Town Meeting, pursuant to Wis. Stat. § 60.10(1)(b)4, abolished the two (2) elected Town Constable Offices for the Town of Sheboygan in favor of the employment of two (2) Town Ordinance Enforcement Officers. The Town Board, pursuant to Wis. Stat. §§ 60.23 and 60.37, shall employ up to two (2) Town Ordinance Enforcement Officers. Town Ordinance Enforcement Officers shall also be known as Town Constables. All references in the Municipal Code of the Town of Sheboygan to "Town Constable" or "Constable" shall mean by definition "Town Ordinance Enforcement Officer."

- (2) Limited Jurisdiction and Duties -

The Town Board, pursuant to the authority granted by Wis. Stats. § 60.37, determines the qualifications, terms of employment and the jurisdiction and duties of the Town Constables as follows:

- (a) Geographic Area. Constables shall act within the municipal boundaries of the Town of Sheboygan. A Constable may assist in an emergency situation outside of the Town's municipal boundaries when ordered to respond to a specific incident by a Town Supervisor or by the Chief of the Town of Sheboygan Fire Department.
- (b) Enforcement Authority. The Constable(s) shall maintain peace and order within the Town by enforcing violations of the following sections of the Town Municipal Code:
 - 1. Regulation and Licensing of Dogs (Section 4.04).
 - 2. Public Nuisances (Section 5.04).
 - 3. Grass and Rubbish Burning (Section 5.05).
 - 4. Parking on Town roads (Section 5.07).
 - 5. Collection and disposal of refuse and garbage (Section 6.03).
 - 6. Swimming pool code (Section 8.03).
 - 7. Garage Sales (Section 10.9).
 - 8. Other sections, as specifically directed by the Town Chairperson on a case-by-case basis.
 - 9. Regulation of Firearms and Bows and Arrows (Section 5.10).
- (c) Traffic Control. Constable(s) shall assist law enforcement, fire fighting, ambulance, or safety personnel with traffic and crowd control at the scene of an accident, fire, or similar emergency.
- (d) Permits. See that necessary state and local permits and licenses are in the possession of or properly displayed by any person engaged in an activity or business for which such permit or license is required and that the permit or license holders have complied with the terms of the same.
- (e) Other. Investigate and report to the Town Board concerning all violations of the Town Municipal Code of which the Constable(s) have knowledge.

(3) Reporting -

- (a) Constable(s) shall file with the Town Board at least monthly, and more often as requested by the Board, a report of their activities and possible violations of the Town Code.
- (b) Constable(s) with personal knowledge or information about a violation of any county, state, or federal rule, regulation, ordinance, or statute shall notify appropriate law enforcement personnel, but may not participate in the pursuit or apprehension of a suspect.

(4) Identification Policy -

A Constable is permitted to follow an alleged violator on foot or by motor vehicle in order to identify and question the person only if all of the following circumstances exist:

- (a) the Constable personally observed the commitment of an act that violates a section of the Town Code over which the Constable has enforcement authority;
- (b) the Constable has not positively identified the alleged violator;
- (c) the Constable believes that following and contacting the alleged violator can be accomplished safely; and,
- (d) the Constable fully adheres to all applicable rules and regulations, including traffic and trespassing laws.

(5) Equipment -

- (a) The Town shall provide the Constable(s) with the following to assist in carrying out the duties set forth above:
 - 1. Blank forms to issue citations and notices of violations.
 - 2. Equipment listed on Table 2.05, plus state-certified training or available Sheboygan County Sheriff's Department for firearms and taser training., Satisfactory completion of applicable training must be completed prior to the use of Town equipment.
 - 3. A shared work area in the Town Hall to complete reports, correspondence, citations, and notices.
- (b) Use of vehicles lights. A Constable whose personal vehicle is equipped with flashing, oscillating or similar emergency lights, or a Constable operating a vehicle so equipped, must first receive training in their use, and then use said lights and operate as an emergency

vehicle in conformance with applicable provisions of the Wisconsin Statutes, including s. 346.03, Wis. Stats.

- (6) Training and Education. The Constable(s) shall attend County Constable Association meetings, obtain state-certified training for any equipment prior to its use, and comply with other training as the Town Board may direct from time-to-time.
- (7) Compensation -
 - (a) The Constable(s) shall be paid on an hourly basis for time spent in the performance of official town duties, in an amount as determined by the Town Board from time to time.
 - (b) The Constable(s) shall be reimbursed for mileage (at the Federal rate) and for other expenses necessarily incurred in the performance of official town duties.
 - (c) The Constable(s) are part-time employees of the Town and are not entitled to any vacation, holidays, sick leave, health insurance, retirement plan, or similar benefits to which other Town employees may be entitled.

TABLE 2.05: CONSTABLE EQUIPMENT
Town of Sheboygan Municipal Code

The Town shall furnish each constable with the following equipment:

1. Ordinance Book and Violation Notices
2. Full Uniform
 - a. long sleeve shirt with badge/constable ID
 - b. short sleeve shirt with badge/ID
 - c. reflective winter jacket with badge/ID
 - d. a reflective vest with badge/ID
3. Personal safety
 - a. Baton
 - b. Pepper spray
 - c. Fire extinguisher
4. Traffic safety
 - a. Flashlight
 - b. Flares
 - c. Orange cones for traffic control
5. A portable radio capable of communicating with the Sheboygan County Sheriff's Department
6. Animal restraining device and cage for transport
7. One Patrol car to be used by both Constables
8. A Handgun and state-certified firearms training and Sheboygan County Sheriff's Department training, if available.
9. Bullet proof vest
10. A Taser and state-certified firearms training and Sheboygan County Sheriff's Department training, if available."

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 upon enactment and at the end of current terms (April 16, 2013) of the persons serving in each of the two (2) Offices of Town Constable.

Enacted this _____ day of April, 2013.

TOWN OF SHEBOYGAN

By _____
DANIEL W. HEIN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the _____ day of April, 2013.

CATHERINE CONRAD
Clerk

ORDINANCE NO. 9152015 AN ORDINANCE AMENDING SECTION 5.07 OF THE TOWN OF SHEBOYGAN MUNICIPAL CODE REGULATING PARKING ON TOWN ROADS

WHEREAS, the Town of Sheboygan is authorized to enact parking 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 of the Town of Sheboygan has determined that the following parking regulations concerning Town roads will promote the health, safety and welfare of the Town, its inhabitants, and others who drive on Town roads;

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

Section 1. Amending Code. Section 5.07 entitled "Parking on Town Roads" of the Town of Sheboygan Municipal Code is hereby amended to read in its entirety as follows:

"5.07 Parking on Town Roads

- (1) 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.
- (2) All Night and Snow Emergency Parking Prohibited -
 - (a) When signs have been erected at or reasonably near the corporate limits of the Town as provided in Wis. Stats. § 349.13, no person shall park any motor vehicle on any improved street or road in the Town of Sheboygan between the hours of 12:00 a.m. and 6:00 a.m., except physicians and other emergency vehicles.
 - (b) When a snow emergency has been declared by the Town Chairperson or Director of Public Works, all motor vehicles must be removed from Town roads, and must remain off Town roads until the roads have been cleared of snow.
- (3) Parking Near Fire Hydrants Prohibited -
There shall be no parking of motor vehicles within ten feet (10') of any fire hydrant located within the Town.
- (4) Parking on Specific Town Roads Prohibited -
When signs have been erected, there shall be no parking at times and locations designated by the Town Board, which include, but are not limited to no parking on the following:
 - (a) On the west side of Woodland Road, north of Superior Avenue and south of Mayberry Road, and on the east side of Woodland Road, north of Superior Avenue and south of Woodland Meadows Drive.
 - (b) On any street in the Windmor Subdivision, including Windmor Drive and Ridgemor Drive.
 - (c) On any street in the Stonefield Creek Subdivision.
 - (d) On the south side of Sheridan Avenue, from North 40th Street east to the City of Sheboygan corporate limits.
 - (e) On both sides of North 61st Street from Superior Avenue to a point that is 75 feet north and then no parking shall be permitted on the west side of North 61st Street.
- (5) 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 Section 11.04(1) of this Code."

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 upon passage and publication as required by law, and the placement of appropriate traffic control signs.

Enacted this 15th day of September, 2015.

TOWN OF SHEBOYGAN DANIEL W. HEIN, Chairperson

CERTIFICATION I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 15th day of September, 2015.

CATHY CONRAD, Town Clerk

**AN ORDINANCE CREATING SECTION 18.21 OF THE MUNICIPAL CODE OF
THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN
ESTABLISHING PROPERTY MAINTENANCE STANDARDS**

WHEREAS, pursuant to Wis. Stat. §§ 60.22 and 61.34 the Town Board has determined that it is necessary to establish property maintenance standards and regulations to promote the general welfare, peace, good order, and prosperity of the Town and its inhabitants.

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

Section 1. Creating Code. Section 18.21 of the Town of Sheboygan Code of Ordinances is hereby created to read as follows and the present Section 18.21 (Violations and Penalties) is renumbered to be Section 18.22:

“18.21 Property Maintenance Standards.

a. Property Maintenance Code Adopted.

(1) The International Property Maintenance Code, 2018 edition, including Appendix A, and all amendments thereto, are adopted and incorporated in this Code by reference. The International Property Maintenance Code shall be known as the "Property Maintenance Code" of the Town of Sheboygan. The provisions of this Property Maintenance Code shall apply to all existing residential and nonresidential structures and to all existing premises in the Town of Sheboygan, Sheboygan County, Wisconsin.

(2) A violation of the Property Maintenance Code, or any lawful order of the Town Board, Town Chairperson, Building Inspectors, or the Town Ordinance Enforcement Officers shall subject the violator to the forfeitures and penalties as provided by section 18.22 of the Town of Sheboygan Code of Ordinances.

(3) Any person who shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, shall be subject to the forfeitures and penalties as provided by section 18.22 of the Town of Sheboygan Code of Ordinances.

(4) Notwithstanding other provisions of this chapter, no person shall occupy, own, maintain, use or permit the use of a commercial property upon which any window pane or door requiring glazing is boarded up except as a result of weather conditions or replacement, and then only if the boarded up windows and doors are painted to match the exterior of the building, and only on a temporary basis not to exceed three weeks.

b. Prohibition, Administration and Enforcement.

(1) Prohibition. No person shall use, occupy, own, or permit use of any structure or premises that does not comply with the requirements of the Property Maintenance Code. Any violation of the Property Maintenance Code is a nuisance.

(2) Administration. The Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officers are hereby authorized and directed to administer and enforce the requirements of the Property Maintenance Code. The Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officers shall, individually or collectively, cause inspections to be made of all premises, as necessary, to secure compliance with the Property Maintenance Code. The Town Board, Town Chairperson, Building Inspectors, or Town Ordinance Enforcement Officers may cause the abatement of any nuisance or violation of the Property Maintenance Code pursuant to the provisions of the Property Maintenance Code, or Wis. Stat. § 66.0413, or Chapter 823 of the Wisconsin Statutes. Costs incurred to enforce the provisions of the Property Maintenance Code or to abate any nuisance arising from violation of the Property Maintenance Code shall be charged to the property owner, and if not paid as directed are delinquent, and shall become a lien on the property pursuant to Wis. Stat. § 66.0627.c. Responsibility for the Maintenance of Property Exteriors and Premises.

(1) Exteriors and Premises. No person shall use or maintain building exteriors or surrounding premises in a manner that limits the use or enjoyment of neighboring property or which causes or tends to cause diminution of the value of the property or of other property in the neighborhood in which such premises is located by reason of:

i.Exterior storage of scrap lumber, junk, trash, or other debris, including, without limitation of enumeration, discarded objects or equipment such as motor vehicles, furniture, appliances, farm or manufacturing equipment, building materials, or litter.

ii.Exterior patchwork, repair, or reconstruction that results in a multi-textured or multi-colored effect or appearance not consonant with the décor, architectural design, or aesthetics of the rest of such building.

(2)Sanitation. All exterior premises shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, garbage or debris.

(3)Insect and Rodent Harborage. Every owner of a structure or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation is caused by failure of the responsible person to maintain a dwelling in a rat proof and insect proof condition, extermination shall be the responsibility of the owner.

(4)Accessory Structures. All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.”

Section 2.Repealing and Recreating Code. Section 18.22 of the Town of Sheboygan Code of Ordinances (Violations and Penalties) is hereby repealed and recreated to read as follows:

"18.22 Violations and Penalties

Any person, corporation, limited liability company, partnership, or any other entity violating any provision of this Chapter 18 of the Town of Sheboygan Code of Ordinances, including the Property Maintenance Code, shall upon conviction be subject to the following penalties:

a.For the first violation and conviction in a calendar year a forfeiture not to exceed \$150 plus the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each day that a violation shall continue shall constitute a separate offense.

b.For the second violation and conviction in a calendar year a forfeiture not to exceed \$500 plus the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each day that a violation shall continue shall constitute a separate offense.

c.For the third and each subsequent violation and conviction in a calendar year a forfeiture not to exceed \$750 plus the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each day that a violation shall continue shall constitute a separate offense."

Section 3.Repealing Code. Any sections of the Town of Sheboygan Code of Ordinances that are not consistent with these sections are hereby repealed.

Section 4.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 5.Effective Date. This Ordinance shall take effect upon enactment and publication as required by law.

Enacted this 19th day of November, 2019.

TOWN OF SHEBOYGAN By **Daniel W. Hein**, Chairperson

CERTIFICATE OF CLERK I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 19th day of November, 2019. **Peggy Fischer**, Town Clerk.Published in the Sheboygan Press December 6th, 2019

AN ORDINANCE AMENDING SECTION 5.04 (2)(b)(8) OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN PUBLIC NUISANCE

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

Section 1. **Repealing and Recreating Code.** The provisions of Section 5.04(2)(b)(8), Public Nuisances Affecting Health, of the Municipal Code of the Town of Sheboygan, Public Nuisance, is hereby repealed and recreated to read as follows:

5.04 Public Nuisance.

(2) (b)(8) Public Nuisances Affecting Health

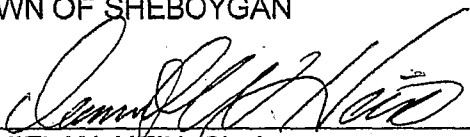
The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits or within one mile therefrom in such quantities as to endanger the health of person of ordinary sensibilities or to threaten or cause substantial injury to property. The Town of Sheboygan prohibits anyone from burning any of the following material under any conditions:

- a. Wet, combustible rubbish, such as wet cardboard or paper
- b. Oily substances, such as oily or greasy rags, oil filters, etc.
- c. Asphalt, such as asphalt shingles or tar paper
- d. Plastics of any kind, including plastic bottles and plastic bags
- e. Rubber products, including tires and hoses.

Section 2. **Effective Date:** This Ordinance shall take effect upon adoption and publication.

Adopted this 19st . Day of July, 2005.

TOWN OF SHEBOYGAN



DANIEL W. HEIN, Chairman

I hereby certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Sheboygan on the 21st . Day of June, 2005.

CAROL J. HOLFELTZ, Clerk

Date of Publication: _____

5.04 Public Nuisance.

(1) 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.

(2) Definitions:

(a) Public Nuisance. A public nuisance is a thing, occupation, condition or use of property which shall continue for such length of time as to:

- * 1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
2. In any way render the public insecure in life or in the use of property;
3. Greatly offend the public morals of decency;
4. 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.

(b) 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 (a) of this section:

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

2. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

3. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitos, disease-carrying insects, rats or other vermin may breed.

4. All stagnant water in which mosquitoes, flies or other insects can multiply.

5. Privy vaults and garbage cans which are not fly-tight.

6. All noxious weeds and other rank growth of * See next page

7. All animals running at large.

8. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

9. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.

10. 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.

11. All abandoned wells not securely covered or secured from public use.

(c) 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 (a) of this section:

1. 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.

2. All gambling devices and slot machines.

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

4. Any place or premises within the Town where town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

5. 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.

(d) 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 (a) of this section:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.

8. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

9. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.

~~10.~~ All loud, discordant and unnecessary noises or vibrations of any kind.

11. 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.

12. 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.

13. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

14. 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.

15. 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.

16. Repeated or continuous violations of the ordinances of the Town or laws of the

I hereby certify that the foregoing Ordinance was
duly adopted by the Town Board of the Town of Sheboygan
on the 19th day of October, 1993.


CAROL J. HOLFELTZ, Town Clerk

Posted: 10/20/93

AN ORDINANCE AMENDING
SECTION 6.04 OF THE MUNICIPAL CODE OF THE TOWN
OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN,
CONVERTING TO SINGLE-STREAM RECYCLING

WHEREAS, the Town of Sheboygan contracts with Onyx Waste Services for the collection and processing of trash and recyclables; and

WHEREAS, Onyx Waste Services has contracted with Resource Management, a self-certified material recovery facility, to process recyclable materials, and is therefore able to process recyclable materials in a single-stream collection system for the Town of Sheboygan;

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

Section 1. **Amending Code**. Subsections (9) to (18) of Section 6.04 of the Municipal Code of the Town of Sheboygan entitled "Recycling Ordinance" are hereby amended to read as follows:

(9) **Separation of Recyclable Materials**. Occupants of single-family and two- (2-) to four- (4-) unit residences, multiple-family dwellings, and non-residential facilities and properties shall separate the following materials from post-consumer waste:

- (a) *Single Stream Recyclables*
1. Aluminum Cans
 2. Steel and Bi-metal (Tin) Cans
 3. Glass Bottles & Jars
 4. Newspapers/Newsprint
 5. Magazines
 6. #1 (PETE) and #2 (HDPE) Plastic Bottles & Jugs
 7. Office Paper & Junk Mail
 8. Shredded Paper
 9. Broken Down Cardboard
 10. Brown Paper (Grocery) Bags
- (b) *Special Recyclables*
1. Lead acid batteries
 2. Waste oil

(13) Specified Containers.

(a) Single Stream Recyclables shall be placed in blue recycling bags.

(b) Non-recyclables shall be placed in clear bags or garbage containers not to exceed fifty (50) pounds per container or thirty (30) gallons, and contained in a manner to avoid litter. Bags used shall be of sufficient strength to be handled by lifting from the top of the bag. Black, brown, or other opaque bags are prohibited.

(14) Placement of Materials for Collection.

(a) Location. Single-stream recyclables and non-recyclables shall be placed for collection at the curb line adjacent to the premises owned or occupied by the person of the street designated in the published collection schedule.

(b) Time. Materials shall be placed out for collection according to the scheduled days established and published by the Town. Materials shall be placed no sooner than twenty-four (24) hours prior to the regularly scheduled collection time and may not be allowed to remain at the curb longer than twelve (12) hours thereafter.

(15) Special Recyclables. Items in subsection (9)(b) shall be managed as follows:

(a) Lead acid batteries, waste oil, major appliances, microwaves, refrigerators, dehumidifiers, air conditioners and waste tires shall be taken by owners to Onyx Waste Services' facility at 2905 Paine Avenue, Sheboygan, Wisconsin, or any other facility which accepts the same for disposal. Any disposal fees are the owner's responsibility.

(b) Yard waste, couches, mattresses, furniture, small appliances and carpet shall be deposited by owners in the dumpsters located at the Town Hall, during the posted days and hours only.

(16) [RESERVED FOR FUTURE USE]

(17) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in subsection (9)(a):

1. Provide adequate, separate containers for the recyclable materials.

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

recovers for recycling the materials specified in subsection (9)(a) from solid waste in as pure a form as is technically feasible.

Section 2. **Amending Code.** Subsection (23) of Section 6.04 of the Municipal Code of the Town of Sheboygan is hereby amended by deleting the cross-references to "Section (9)(e) through (o)" and replacing it with "subsection (9)(a)".

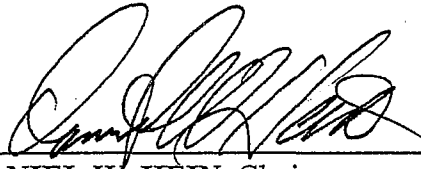
Section 3. **Amending Code.** Subsection (30) of Section 6.04 of the Municipal Code of the Town of Sheboygan is hereby amended by deleting "in Sections (13), (14), and (15)".

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

Section 5. **Effective Date.** Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. § 60.80.

Enacted this 21 day of March, 2006.

TOWN OF SHEBOYGAN

By 
DANIEL W. HEIN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 21 day of May, 2006.


CAROL J. HOLFELTZ, Clerk

Published/Posted this _____ day of _____, 2006

AN ORDINANCE REPEALING AND RECREATING SECTION 10.03 OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN RELATED TO ROOMS OR LODGING

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

Section 1. Repealing and Recreating Code. Section 10.03 of the Municipal Code of the Town of Sheboygan, Sheboygan County, Wisconsin, is hereby repealed and recreated to read as follows:

"10.03 ROOMS OR LODGINGS.

(1) **Definitions.** In addition to those terms defined in this Section, for the purpose of this article, the terms, phrases, words and their derivations shall have the meanings given in §66.0615, Wis. Stats., as amended.

Room tax means a tax imposed by this ordinance on the privilege of furnishing, at retail (except sales for resale), rooms or lodging to transients by hotels and motels and other persons furnishing accommodations which are available to the public, including accommodations available or reserved through internet based networks (collectively, "Operators"), irrespective of whether membership is required for use of the accommodations, pursuant to the Room Tax Act.

Room Tax Act means §66.0615, Wis. Stats., as amended from time to time.

Room tax commission means the Room Tax Commission created by the municipalities within the Sheboygan Area Tourism Zone through that Room Tax Commission and Tourism Zone Agreement effective as of the 1st day of January, 2017.

Zone shall have the meaning set forth in §66.0615(1)(h), Wis. Stats. and for the purposes of this ordinance, shall refer to that geographic area encompassing the City of Sheboygan, the Town of Sheboygan, and the Town of Wilson. The term "zone" as used in this chapter of the Town code, is deemed to be a single destination as perceived by the traveling public.

(2) **Imposition of Rooms or Lodging Tax; Rate.** Pursuant to the Room Tax Act, there is hereby imposed upon the privilege of furnishing, at retail (except sales for resale) rooms or lodging to transients by hotels and motels and other persons furnishing accommodations that are available to the public, including accommodations available or reserved through internet based networks, except private residential properties, irrespective of whether membership is required for use of the accommodations, within the Town. Any tax imposed under this section

is not subject to the selective sales tax imposed by §77.52(2)(a)(1), Wis. Stats., and may not be imposed on sales to the federal government and persons listed under W.S.A., §77.54(9a), Wis. Stats. Such Room Tax shall be imposed at the total rate of eight percent (8%) on the gross receipts from such retail furnishing of rooms or lodgings within the Town. Operators shall remit all collected Room Tax revenues to the Town Clerk in accordance with the requirements of this Ordinance and the Room Tax Act. Seventy percent (70%) of the Room Tax collected that must be spent on tourism promotion and tourism development as required by the Room Tax Act shall then be paid to the Room tax commission or its designees or assigns, unless otherwise indicated herein, to be used for purposes of coordinating tourism promotion and tourism development within the Zone.

(3) Quarterly Collection of Tax.

(a) This section shall be administered by the Town Clerk. The tax imposed for each calendar quarter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the Town Clerk by those furnishing at retail such rooms and lodging on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the Town Clerk deems necessary, provided it is directly related to the tax.

(b) Every person required to file such quarterly returns shall also file an annual calendar year return which shall be filed within 90 days of the close of each calendar year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain such additional information as the Town Clerk requires, provided it is directly related to the tax. Such annual returns shall be made on forms prescribed by the Town Clerk. All annual returns shall be signed by the person required to file a return, or his duly authorized agent, but need not be verified by oath.

(4) Permit Required.

(a) Every Operator under this ordinance shall file with the Town Clerk an application for a permit for each place of business that is required to collect Room Tax hereunder. Every application for a permit shall be made upon a form prescribed by the Town and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business, and such other information as the Town requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such sellers. At the time of making an application, the applicant shall pay the Town an initial fee of twenty dollars (\$20.00), and annually thereafter, for each permit. A permit issued hereunder is non-transferable. The permit shall be renewed each year by July 1.

(b) After compliance with subsection (a), the Town Clerk shall issue a separate permit to each applicant for each place of business within the Town. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. The Town Clerk shall issue the permit no later than 45 days after application. If the application for a permit is denied, the applicant shall be given written notice of the reasons for denial and shall be given an opportunity to be heard thereon. If the applicant desires a public hearing, he shall file a written request therefor with the Town Clerk. The Town Board of Supervisors shall hold a public hearing thereon no later than 30 days following filing of the request for hearing.

(c) Suspension/Revocation

1. Any permit issued under this ordinance may be suspended or revoked by the Town Board of Supervisors for a violation of any provision of this ordinance. The permittee shall be given notice of the reasons for the suspension or revocation and opportunity to be heard before the Town Board of Supervisors for the purpose of determining whether such suspension shall be imposed or whether the permit shall be revoked. Upon sworn, written complaint of the Town Clerk filed with the Town Clerk's office alleging that a person holding a permit under this ordinance has violated this ordinance, the Town Board of Supervisors shall issue a summons signed by the Town Clerk and directed to any Ordinance Enforcement Officer of the Town or other process server. The summons shall command the permittee complained of to appear before the Town Board of Supervisors on a day and place named in the summons, not less than three days and not more than ten days from the date of issuance, and show cause why his or her permit should not be revoked or suspended. The summons and a copy of the complaint shall be served on the permittee at least three days before the time at which the permittee is commanded to appear. Service shall be in the manner provided under Chapter 801 of the Wisconsin Statutes for service in civil actions in circuit court.

2. If the permittee does not appear as required by the summons, the allegations of the complaint shall be taken as true; and if the Town Board of Supervisors finds the allegations sufficient, the permit shall be revoked. The Town Clerk shall give notice of the revocation to the person whose permit is revoked. If the permittee appears as required by the summons and denies the complaint, both the complainant and the permittee may produce witnesses, cross examine witnesses and be represented by counsel. The permittee shall be provided a written transcript or digital recording of the hearing at his expense, upon request. If, upon the hearing, the Town Board of Supervisors finds the complaint to be true, the permit shall either be suspended or

revoked. The Town Clerk shall give notice of the suspension or revocation to the person whose permit is suspended or revoked. If the Town Board of Supervisors finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. Upon suspension or revocation, the permittee shall surrender his permit to the Town Clerk's office.

3. The Town Clerk shall not issue a new permit in any of the following circumstances:

- A. during any period of suspension.
- B. during the term of any permit that has been revoked.
- C. to any applicant who is in non-compliance with any of the terms of this ordinance.

5. Tax Liability on Transfer of Business. If any person liable for any amount of tax under this ordinance sells the business or stock of goods or quits the business, the successors or assigns shall withhold sufficient funds from the purchase price to cover such amount until the former owner produces a receipt from the Town Clerk that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this ordinance fails to withhold such amount of tax from the purchase price as required, that person shall become personally liable for payment of the amount required to be withheld to the extent of the price of the accommodations valued in money.

6. Determination of Tax. If a person required to make a return under this ordinance fails, neglects, or refuses to do so, the Town Clerk may determine the tax due under this ordinance according to his or her best judgment and may require that person to pay the amount of taxes the Town Clerk determines to be due plus interest at the rate of 1% per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the Town to inspect and audit his or her financial records

7. Audits; Failure to Comply with Request to Audit. If the Town has probable cause to believe that the correct amount of room tax has not been assessed by any person or that any person's tax return is not correct, the Town Clerk may inspect and audit the financial records of that person pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct. If a person fails to comply with a request by the Town Clerk to inspect and audit financial records pursuant to this ordinance, that person shall be subject to a forfeiture of five percent of the tax due, together with the costs of prosecution.

8. Delinquent Tax Returns. Delinquent tax returns shall be subject to a \$25 late filing fee. The tax imposed by this ordinance is delinquent if not paid

on the last day of the month succeeding the calendar quarter for which the tax was imposed.

9. Interest on Unpaid Taxes. All unpaid taxes under this ordinance shall bear interest at the rate of one percent per month from the due date of the return until the first day of the month following the month in which the tax was paid.

10. Failure to Pay Tax. Any person who fails to pay the room tax prescribed by this ordinance shall be subject to a forfeiture of not less than 15 percent or more than 25 percent of the tax due, together with the costs of prosecution.

11. Fraudulent Tax Returns. If a person files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this article, a penalty of 50 percent shall be added to the tax required to be paid, exclusive of interest and other penalties.

12. General Penalty. Any violation of, or noncompliance with, any of the provisions of this ordinance for which a penalty has not been prescribed in this section shall subject the violator to a forfeiture of not less than \$100.00, or more than \$500.00. Any person deemed to have violated any of the provisions of this ordinance shall be obligated to pay the costs of prosecution, in addition to actual attorney fees expended in the course of said enforcement. Each room or unit separately rented or offered for rent, and each day of such rental or offer for rental of such unit shall be a separate violation. In addition, injunctive relief is hereby authorized to discontinue any violation of this ordinance. The Town may revoke or suspend any permit issued hereunder for failure to comply with the provisions hereof.

13. Security. If any person fails to timely file a return, as required by this ordinance, or fails to timely pay his tax liability as required by this ordinance, the Town Clerk may require such person to place security, not to exceed \$5,000.00 with the Town.

14. Records to be Maintained. Every person liable for the tax imposed by this ordinance shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the Town Clerk requires.

15. Confidentiality of Records. To the extent permitted under the law, the information provided to the Town under §66.0615(2), Wis. Stats., shall remain confidential; provided, however, that the Town or any employee thereof or its attorneys may use such information in the discharge of duties imposed by law or of the duties of their office or by order of a court. Persons violating the provisions of this section may be required to forfeit not less than \$100 nor more than \$500."

2017. **Section 2. Effective Date.** This Ordinance shall take effect on January 1,

Adopted this 15th day of November, 2016.

TOWN OF SHEBOYGAN

By: 
DANIEL W. HEIN, Town Chairman

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Ordinance was duly adopted by the Town Board of Supervisors of the Town of Sheboygan on the 15th day of November, 2016.


CATHY CONRAD, Town Clerk

Published: 11-21-16

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ORDINANCE NO. 01192016

**AN ORDINANCE AMENDING SECTION 5.12 OF
THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN
SHEBOYGAN COUNTY, WISCONSIN, TO ESTABLISH
SEXUAL OFFENDER RESIDENCY RESTRICTIONS**

WHEREAS, the Town Board having reviewed its existing ordinance regulating and restricting residency for sexual offenders to protect children, and upon the prior actions and experience of the Town of Sheboygan in protecting the community from sexually violent persons, finds this ordinance amending Section 5.12 of the Town Municipal Code will promote and protect the health, safety and welfare of the community.

Section 1. Amending Code. Section 5.12 entitled "Sexual Offender Residency Restrictions" of the Town of Sheboygan Municipal Code is hereby amended to read in its entirety 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.
- (2) Definitions –

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

 - (a) Child means a person under the age of 18 for the purpose of this section.
 - (b) Designated Offender means: Any person who is required to register under Wis. Stat. § 301.45 for any sexual offense against a child or any 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 Activity. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, 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.

(c) 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 nearest outer property line of a school, licensed day care center, park, recreational trail, playground or place of worship.

2. The Town Clerk shall prepare an official map showing prohibited locations as defined by this section. The Town Clerk shall maintain the map on file at the Town Hall and update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones.

(d) 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 Sheboygan may also seek equitable relief.

(e) Exceptions. A designated offender residing within a prohibited area as described in Paragraph (3) 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 ordinance.

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.

(4) Property Owners Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators; Penalties –

(a) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary

residence pursuant to this article, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in Paragraph 3(a), and not subject to an exception set forth in Paragraph 3(e) above.

- (b) A property owner's failure to comply with this section shall constitute a violation of this ordinance and shall subject the property owner to the penalties set forth in Paragraph 3(d).
- (5) Original Residency Restriction –
In addition to the other residency restrictions set forth herein, no designated offender may establish a residence in the Town of Sheboygan unless he or she was a resident of the Town of Sheboygan at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a sex offender.
- (6) Notice –
In the event the Town receives a sex offender bulletin from a law enforcement agency issued pursuant to Wis. Stat. § 301.46(2m) that includes the proposed or current address information of a designated offender, then the Town Clerk shall mail written notice of this sex offender residence to the record owners of property located within two hundred feet (200') of the designated offender's address as soon as practicable after receipt of the bulletin.
- (7) Appeal –
The above 2,000 foot requirement may be waived upon approval of the Town Board through appeal by the affected party. Such appeal shall be made in writing to the Town Clerk's Office, who shall forward the request to the Town Board, which shall review reports from the Sheriff's Department, if any, on such appeal. The Town Board shall convene and consider the public interest, as well as the affected party's presentation and concerns. After deliberation, the Town Board shall forward its decision in writing via the minutes or otherwise to the Sheboygan County Sheriff' for his information and action. A written copy of the decision shall be provided 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 this 19th day of January, 2016.

TOWN OF SHEBOYGAN

By **DANIEL W. HEIN**, Chairperson

CERTIFICATION

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 19th day of January, 2016.

CATHY CONRAD, Town Clerk

SECTION 6.05 OF THE
TOWN OF SHEBOYGAN MUNICIPAL CODE
REGULATING
SMOKING PROHIBITED IN ANY ENCLOSED AREA OR PLACE OF
EMPLOYMENT OWNED BY THE TOWN OF SHEBOYGAN

WHEREAS, it is recognized that the smoking of tobacco-related products is hazardous to the health of both smokers and nonsmokers who are exposed to smoking; and

WHEREAS, the health hazards of smoking and breathing secondhand smoke to both employees of the Town of Sheboygan and those who come upon or use Town of Sheboygan facilities include, without limitation, lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm; and

WHEREAS, this ordinance is enacted to protect health, safety, comfort and general welfare of the employees of the Town of Sheboygan and those who come upon or use Town of Sheboygan facilities.

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

Section 1. **Creating Code.** Section 6.05 of the Town of Sheboygan Municipal Code is hereby created to read as follows:

- (1) **Purpose.** This ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the employees of the Town of Sheboygan and those who come upon or use Town of Sheboygan facilities.
- (2) **Definitions.**
 - (a) "Cigarette" has the meaning set forth in Wis. Stat. § 139.30(1m).
 - (b) "Enclosed Area" means all space between a floor and a ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.
 - (c) "Place of Employment" means an enclosed area owned by the Town of Sheboygan which employees normally frequent during the course of employment including, but not limited to, common work areas, private offices, employee lounges, restrooms, conference and meeting rooms, stairways, hallways, vehicles of any kind, and all other enclosed areas.
 - (d) "Smoking" means inhaling, exhaling, carrying, possessing or controlling any lighted cigarette or any lighted tobacco product in any form or in any manner.
 - (e) "Tobacco Product" has the meaning set forth in Wis. Stat. § 139.75(12).

(3) Smoking Prohibited.

- (a) Smoking is prohibited in any enclosed area or place of employment owned by the Town of Sheboygan.
- b) The prohibition on smoking shall be communicated to all existing employees prior to the effective date of this ordinance and to all prospective employees upon their application for employment.
- (c) Signs shall be conspicuously posted in every building owned by the Town of Sheboygan indicating that smoking is not allowed and referencing that the regulation is enforced by Ordinance Section 6.05.

(4) Penalty.

The penalty for violation of this section shall be the penalty provided in Section 11.04 of this Code.”

Section 2. **Effective Date.** This Ordinance shall take effect upon adoption and posting as required by law.

Adopted this 21st day of April 2009.

TOWN OF SHEBOYGAN

By **DANIEL W. HEIN**, Chairperson

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 21st day of April 2009.

CATHERINE A. CONRAD, Town Clerk

Chapter 16

STORMWATER MANAGEMENT ORDINANCE

Authority.....	16.01
Findings of Fact.....	16.02
Purpose and Intent.....	16.03
Title.....	16.04
Definitions.....	16.05
Applicability and Jurisdiction	16.06
Stormwater Management Standards.....	16.07
Permitting Requirement, Procedures and Fees	16.08
Stormwater Management Plans	16.09
Maintenance Agreement	16.10
Enforcement and Penalties.....	16.11
Appeals.....	16.12
Severability	16.13

16.01 Authority.

(1) This ordinance is adopted by the Town Board of the Town of Sheboygan under the authority granted by Wis. Stat. § 60.627. This ordinance supersedes all conflicting and contradictory stormwater management regulations previously enacted under Wis. Stat. § 60.62. Except as specifically provided for in Wis. Stat. § 60.627, Wis. Stat. § 60.62 applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Town Board of the Town of Sheboygan hereby designates the Superintendent of Public Works to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt stormwater management requirements that may be imposed by:

(a) Wisconsin Pollutant Discharge Elimination System (WPDES) Permits issued by the WDNR under Wis. Stat. § 147.021.

(b) WDNR administrative rules, permits or approvals including those authorized under Wis. Stat. §§ 281.16 and 283.33.

(c) Targeted non-agricultural performance standards promulgated in rules by the WDNR under NR 151.004, Wisconsin Administrative Code.

16.02 Findings of Fact.

The Town Board of the Town of Sheboygan finds that uncontrolled stormwater runoff from land development activity has a significant impact upon water resources and the health, safety, and general welfare of the community. Specifically, uncontrolled stormwater runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperatures.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing loadings of sediments, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loads.

(5) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways and other minor drainage facilities.

(6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes.

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

(8) Diminish the public enjoyment of natural resources.

16.03 Purpose and Intent.

(1) Purpose. The purpose of this ordinance is to set forth long-term post construction stormwater requirements and criteria that will prevent and control water pollution, and diminish the threats to public health, safety, welfare, and aquatic life because of runoff of stormwater from land development or redevelopment.

Specific purposes are to:

(a) Further the maintenance of safe and healthful conditions.

(b) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve ground cover and scenic beauty; and promote sound economic growth.

(c) Control exceedances of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(2) Intent. It is the general intent of the Town Board of the Town of Sheboygan that this ordinance achieve its purpose through:

(a) Regulating long-term, post-construction stormwater discharges from land development and redevelopment activities.

(b) Controlling the quantity, peak flow rates, and quality of stormwater discharges from land development and redevelopment activities.

(c) Providing services to maintain and enhance the quality of life within the community.

To this end the Town of Sheboygan will manage stormwater to protect, maintain and enhance the natural environment; diversity of fish and wildlife; human life; property; and recreational use of waterways within the Town of Sheboygan.

(3) Regional Facilities. This ordinance may be applied on a site-by-site basis. The Town of Sheboygan recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to Waters of the State. Where such plans are in conformance with the performance standards developed under Wis. Stat. § 281.16 for regional stormwater management measures, are approved by the Town of Sheboygan and constructed; it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

16.04 Title.

This ordinance shall be known as the Stormwater Management Ordinance for the Town of Sheboygan.

16.05 Definitions.

(1) "Adequate sod, or self sustaining vegetative cover" means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved, and at a minimum has an effective cover of 70 percent or greater as determined by the line-transect method, or an other WDNR approved method. Self-sustaining vegetative cover includes grasses, forbes, sedges, and duff layers of fallen leaves and woody debris.

(2) "Administering authority" means a governmental employee that is designated by the Town of Sheboygan to administer this ordinance.

(3) "Agricultural use" means bee keeping; commercial feed-lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal

programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participation in the mile production termination program under 7 USC 1446 (d); and vegetable raising [Wis. Stat. § 91.01(1)].

(4) “Average annual rainfall” means a calendar year of precipitation, excluding snow, which is considered typical. An average annual rainfall for Green Bay, 1969 (March 29-November 25) is applicable for the Town of Sheboygan.

(5) “Best Management Practice” or “BMPs” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to Waters of the State.

(6) “Business day” means a day which offices of the Town of Sheboygan are routinely and customarily open for business.

(7) “Cease and desist order” means a court issued order to halt land disturbing construction activity that is being conducted without the required permit.

(8) “Common plan of development or sale” means all lands included within the boundary of a certified survey or subdivision plat created for the purpose of development or sale of property where multiple separate and distinct land developing activity may take place at different times and on different schedules.

(9) “Concentrated flow channel” means a channel produced by erosion from runoff, or by construction, that would not be removed by tillage operations typically needed to prepare a field for crop production.

(10) “Connected imperviousness” means an impervious surface that is directly connected to a separate storm sewer or to Waters of the State via an impervious flow path.

(11) “Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

(12) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. Rainfall amounts for 24-hour design rainfall events in the Town of Sheboygan are: 100-year, 5.4 inches; 10-year, 3.8 inches; 5-year, 3.3 inches; 2-year, 2.5 inches; and 1-year, 2.2 inches.

(13) "Development" means new residential, commercial, industrial or institutional land uses, and associated roads.

(14) "Discharge volume" means the quantity of runoff discharged from the land surface as the result of a rainfall event.

(15) "Division of land" means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5-year period.

(16) "Effective infiltration area" means the area of the infiltration system devoted specifically to active infiltration, this excludes areas required for site access, berms, pretreatment, or other area required for the installation, operation, or maintenance of the infiltration device.

(17) "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

(18) "Exceptional resource waters" means waters listed in NR 102.11, Wisconsin Administrative Code.

(19) "Existing land use condition" means the condition of the proposed development site and the adjacent properties that is present at the time of the stormwater permit application. This term applies only for properly sizing the stormwater conveyance system in accordance to the requirements of this ordinance in Section 16.07(1) (b).

(20) "Extraterritorial" means the unincorporated area as defined in Wis. Stat. § 236.

(21) "Fee in lieu" means a payment of money to the Town of Sheboygan in place of meeting all or part of the stormwater performance standards required by this ordinance.

(22). "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

(23) "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Town of Sheboygan by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

(24) "Governing body" means, the Town of Sheboygan Town Board.

(25) "Illicit discharge" means any release to a municipal separate storm sewer that is not composed entirely of runoff, except discharges authorized by a WPDES permit or any other discharge not requiring a WPDES permit such as water line flushing, landscape irrigation, individual residential car washing, fire fighting, and aerial discharge.

(26) "Impervious surface" means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious.

(27) "In-fill" means undeveloped land located within existing urban areas, surrounded by already existing development, or existing development and natural or man-made features as shown on the in-fill map. The Town shall establish a map identifying parcels of land in the Town that constitute infill. The Town shall update the infill map annually. As land is developed, the land shall no longer be included as infl., even though the infill map has not yet been updated. Updates of the map by the Town shall not require committee or Board approval.

(28) "Infiltration" means the process by which rain or surface runoff penetrates into the underlying soil.

(29) "Infiltration system" means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop down spouts onto lawns, or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

(30) "Land development (and land redevelopment) activity" means any activity that changes the volume or peak flow discharge rate of rainfall runoff or changes the amount of soil erosion, sediment, and pollutant loadings from the land surface. This applies to any change of land use except this term does not include agricultural activities.

(31) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in changes in runoff and lead to an increase in soil erosion and movement of sediment into Waters of the State. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, but does not include agricultural facilities and practices, silviculture activities, or routine maintenance for project sites that involve under 5 acres of land disturbance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

- (32) "Landowner" means any person holding title to or having an interest in land.
- (33) "Land user" means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
- (34) "Maintenance agreement" means a legal document that is filed with the County Register of Deeds as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- (35) "MEP" or "maximum extent practicable" means a level of implementing best management practices to achieve a performance standard specified in this ordinance that takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features.
- (36) "Natural wetlands" means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions. These wetlands include existing, mitigation and restored wetlands.
- (37) "New development" means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (38) "Non-residential land development" means all development excluding residential development and agricultural use.
- (39) "Non-stormwater discharge" means a discharge to the storm sewer system created by some process other than the runoff from precipitation.
- (40) "Non-structural measure" means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants, in stormwater that does not require the design or installation of fixed stormwater management facilities.
- (41) "NRCS" means the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA) formerly know as the SCS (Soil Conservation Service of the USDA).
- (42) "Off-site" means lands located outside the subject property boundary described in the permit application for land development activity.
- (43) "On-site" means lands located within the subject property boundary described in the permit application for land development activity.

(44) "Ordinary high-water mark" has the meaning in NR 115.03(6), Wisconsin Administrative Code.

(45) "Outstanding resource waters" means waters listed in NR 102.10, Wisconsin Administrative Code.

(46) "Peak flow or peak flow discharge rate" means the maximum rate at which a unit volume of stormwater is discharged. This is usually expressed in terms of cubic feet per second (cfs).

(47) "Percent fines" means the percentage of a given sample of soil, that passes through a Number 200 sieve, in accordance with the "American Society for Testing and Materials", volume 04.02, "Test Method C117-95 Standard Test Method for Materials Finer than 75- μ m (No. 200) Sieve in Material Aggregates by Washing".

(48) "Performance security" means cash, or an irrevocable letter of credit submitted to the Town of Sheboygan by the permit holder to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan and to recover any costs incurred by the Town for design, engineering, preparation, checking and review of plans and specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance.

(49) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(50) "Permit" means a written authorization made by the Town of Sheboygan to the applicant to conduct land development activities.

(51) "Permit application fee" means a sum of money paid to the Town of Sheboygan by the permit applicant for the purpose of recouping expenses incurred by the authority in administering the permit.

(52) "Pervious surface" means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(53) "Pollutant" has the meaning in Wis. Stat. § 283.01(13).

(54) "Pollution" has the meaning in Wis. Stat. § 281.01(10).

(55) "Population" has the meaning in Wis. Stat. § 281.66(1)(c).

(56) "Post-construction site" means a construction site following the completion of land disturbing construction activity and final site stabilization.

(57) "Post-development land use condition" means the extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence precipitation runoff and infiltration.

(58) "Pre-development land use condition" means land that has runoff characteristics equivalent to Runoff Curve Numbers (RCNs) of: 30, 58, 71, and 78 for Hydrologic Soil Groups A, B, C, and D, respectively (as described in the USDA Soil Survey of Sheboygan County, Wisconsin, 1971). This term is used for the purpose of matching of pre- and post- development stormwater peak flows as required by this ordinance in Section 16.07(1)(a).

(59) "Pre-treatment" is the practice of reducing pollutants in stormwater before discharging the stormwater to a wetland or infiltration system.

(60) "Preventive action limit" has the meaning in NR 140.05(17), Wisconsin Administrative Code.

(61) "Redevelopment" means areas where new development is replacing older development.

(62) "Residential land development" means development that is created to house people, including the residential dwellings as well as all affected portions of the development including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single family, multi-family, apartment, and trailer parks.

(63) "Responsible party" means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.

(64) "Runoff" means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(65) "Runoff Curve Number" or "RCNs" means an index that represents the combination of: a hydrologic soil group, land use, land cover, impervious area, interception storage, surface storage, and antecedent moisture conditions. RCNs convert mass rainfall into mass runoff. The NRCS defines RCNs in TR-55.

(66) "Sediment" means settleable soil, rock fragments and other solids carried in runoff.

(67) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm sewer, which meets all of the following criteria:

- (a) Is designed or used for collecting stormwater or conveying runoff.
- (b) Discharges directly or indirectly to Waters of the State.

(68) "Site" means the entire area included in the legal description of the land on which the land disturbing, land redeveloping, or land development activity is proposed in the permit application.

(69) "SCS" means the Soil Conservation Service now known as Natural Resources Conservation Service of the United States Department of Agriculture.

(70) "Stop work order" means an order issued by the Town of Sheboygan that requires that all construction activity on the site be stopped.

(71) "Stormwater conveyance system" means any method employed to carry stormwater runoff within and from a land development or redevelopment activity to the Waters of the State. Examples of methods include: swales, channels, and storm sewers.

(72) "Stormwater management plan" means a document provided by the land developer, land owner, or permit holder that identifies what actions will be taken to reduce stormwater quantity and pollutant loads from the post-development land use condition to levels meeting the requirements of this ordinance.

(73) "Stormwater runoff" means that portion of precipitation that does not soak into the soil, and thus flows off the surface of the land and into the natural or manmade conveyance network.

(74) "Stormwater management measure" means structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

(75) "Targeted performance standard" means a performance standard that will apply in a specific area that will require additional practices to meet water quality standards.

(76) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method. The following methods shall be used in designing the water quality, peak flow reduction, and infiltration components of stormwater practices needed to meet the water quality standards of this ordinance:

(a) Technical standards identified, developed or disseminated by the WDNR under subchapter V of NR 151, Wisconsin Administrative Code.

(b) Where technical standards have not been identified or developed by the WDNR, other technical standards may be used provided that the methods have been approved by the Town of Sheboygan.

(77) "Top of the channel" means an edge, or point on the landscape landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.

(78) "TR-55" means the United States Department of Agriculture, Soil Conservation Service, "Urban Hydrology for Small Watersheds," Technical Release 55, June 1992.

(79) "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail and also includes any other public work for transportation purposes under Wis. Stat. § 85.095(1)(b). A transportation facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Commerce pursuant to Wis. Stat. § 101.1205.

(80) "Type II distribution" means a particular dimensionless rainfall temporal pattern called a Type II curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973." The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

(81) "Town " means the Town of Sheboygan.

(82) "Waters of the State" has the meaning in Wis. Stat. § 283.01 (18).

(83) "WDNR" means the Wisconsin Department of Natural Resources.

(84) "WPDES permit" means a Wisconsin pollutant discharge elimination system permit issued under Wis. Stat. § 283.

(85) "Wetland functional value" means the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation, and education.

16.06 Applicability and Jurisdiction.

(1) Applicability. This ordinance applies to all post construction land development, redevelopment, and infilling sites with one acre or more of land disturbing construction activities, except:

(a) A post-construction site with less than 10 percent connected imperviousness of the total area based on complete development of the post-construction site, provided the cumulative area of all parking lots, roads, and rooftops is less than one acre.

(b) Nonpoint discharges from agricultural facilities and practices.

(c) Nonpoint discharges from silviculture activities.

(d) Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

(e) Underground utility construction such as water, sewer, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

Notwithstanding these applicability requirements, this ordinance applies to post-construction sites of any size that, in the opinion of the Town of Sheboygan, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) County Ordinances. This ordinance supersedes any county stormwater management ordinance for lands annexed to the Town after the effective date of the county ordinance, except when the County's ordinance is more restrictive than this ordinance; then the more restrictive provisions set forth in the County ordinance shall become part of this ordinance and apply to the annexed lands. In such cases, the Town may grant a variance from the more restrictive requirements provided that the criteria for a variance as set forth in the County ordinance is met.

(3) Waivers. Requests to waive the stormwater management plan requirements shall be submitted to the Town of Sheboygan for approval. Written waivers may be granted by the Town if it is demonstrated to the satisfaction of the Town that it is reasonable to

expect that the objectives of this ordinance will be met by the proposed land development and redevelopment activity without a stormwater management plan.

16.07 Stormwater Management Standards.

Unless otherwise provided for in this ordinance, all post-construction land development, redevelopment, and infilling activities subject to this ordinance shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site, the quality of the discharged stormwater, and the volume of the discharged stormwater as described in this ordinance. Technical standards identified, developed or disseminated by the WDNR under subchapter V of chapter NR 151, Wisconsin Administrative Code shall be used. Where technical standards have not been identified or developed by the WDNR, other technical standards may be used provided that the methods have been approved in writing by the Town of Sheboygan. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.

Exceptions to these standards are listed in Section 16.07, (8), of this ordinance.

(1) Stormwater Discharge Rate. Unless otherwise provided for in this ordinance, all land development activities subject to this ordinance shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site as described in this ordinance. Infiltration of stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas shall be incorporated to the maximum extent practical to provide volume control in addition to control of peak flows.

(a) The proposed land development shall not increase peak flow rates of stormwater runoff from that which would have resulted from the same storm occurring over the site with the land in its predevelopment condition as defined in Section 16.05(59) of this ordinance for storms of twenty four (24) hour duration and recurrence intervals of two (2), ten (10), and one hundred (100) years.

(b) All stormwater conveyance systems within the proposed development shall be designed to completely contain the peak storm flows as described herein.

(i) For open channel conveyance systems the peak flow from the 25-year, 24-hour storm shall be completely contained within the channel bottom and banks.

(ii) For storm sewer conveyance systems the peak flow from the 10-year, 24-hour storm shall be completely contained within the pipes with no surcharging.

(iii) For storms greater than the 10-year, 24-hour event, and up to the 100-year, 24-hour event, ponding shall be within existing or proposed street right-of-way. In no case shall the depth of water exceed 12 inches at the outer edge of pavement or 6 inches at the road crown, whichever is less.

(iv) The 100-year storm runoff flow path outside of the conveyance system must not impact structural improvements on property.

(c) Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of Sections 16.07, (1), (a) and (b), of this ordinance shall be computed by procedures based on the principals and procedures described in TR-55. Calculations for determining peak flows for conveyance system sizing shall use RCN based on the existing or future proposed land use for off-site areas (whichever results in the highest peak flows), and the proposed land use for the on-site areas published by the NRCS. Other calculations methods must be approved by the Town of Sheboygan.

(d) The rainfall distributions for the storm events shall be based on the SCS Type II storms as described in TR-55.

(e) Existing wetlands shall not be incorporated in the proposed stormwater management practice for peak flow control. Peak flow shall be managed prior to discharge to an existing wetland. Should any changes to natural wetlands be proposed, the impact of the proposal on wetland functional values shall be assessed. Significant changes to wetland functional values shall be avoided (as defined by NR 103, Wisconsin Administrative Code).

(f) Peak stormwater discharge reductions do not apply for a site meeting any one of these requirements:

(i) Redevelopment post-construction sites less than 5 acres in size.

(ii) In-fill development areas less than 5 acres in size.

(iii) Sites that directly discharge to the Sheboygan River, Onion River, or Mullet River without flowing over or through a municipally owned separate storm sewer or stormwater conveyance system.

(2) Stormwater Discharge Quality. Unless otherwise provided for in this ordinance, all land development activities subject to this ordinance shall establish on-site

management practices to control the quality of stormwater discharged from the site. On-site management practices shall be used to meet the following minimum standard:

(a) Total suspended solids BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows;

(i) For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80 percent, based on the average annual rainfall, as compared to no runoff management controls.

(ii) For redevelopment less than five acres of disturbed land, by design, reduce to the maximum extent practicable, the total suspended solids load by 40 percent, based upon the average annual rainfall, as compared to no runoff management controls.

(iii) For redevelopment five acres or greater of disturbed land, reduce, by design, to the maximum extent practicable, the total suspended solids load by 80 percent, based on the average annual rainfall, as compared to no runoff management controls.

(iv) For infill development less than five acres of disturbed land, by design, reduce to the maximum extent practicable, the total suspended solids load by 40 percent, based on the average annual rainfall, as compared to no runoff management controls.

(v) For infill development five acres or greater of disturbed land, by design, reduce to the maximum extent practicable, the total suspended solids load by 80 percent, based on the average annual rainfall, as compared to no runoff management controls.

(b) Effectiveness of the stormwater management measures shall be evaluated using the Source Loading and Management Model (SLAMM). Other methods or models may be used with prior written approval of the Town .

(c) Discharge of urban stormwater pollutants to natural wetlands without pre-treatment shall be avoided to the extent practicable. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method such as the WDNR's Rapid Wetland Functional Value Assessment, or other methods acceptable to the Town of Sheboygan. Changes to wetland functional values because of stormwater pollutant loads shall be avoided.

(d) Fertilizer application plan.

(i) This section applies when a property or a series of adjacent properties under the same ownership or responsible party, has over five acres of pervious surface where fertilizers are applied.

(ii) The responsible party shall prepare a site-specific nutrient application schedule based upon appropriate soil tests. The application schedule shall be designed to maintain the optimal health of the vegetation and minimizing runoff of excess nutrients.

(iii) The responsible party shall submit this plan annually to the Town by December 31st. This annual submittal shall also include the documentation of the current year's fertilization application. This annual plan shall be certified by authorized representative of the property.

(3) Stormwater Discharge Volume (Infiltration). Unless otherwise provided for in this ordinance, all post-construction land development and redevelopment sites subject to this ordinance shall establish on-site management practices with the design capability to infiltrate runoff, to the maximum extent practicable.

(a) For residential developments one of the following shall be met:

(i) Infiltrate sufficient runoff volume so that the post-construction infiltration volume shall be at least 90 percent of the pre-settlement infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the project site is required as an effective infiltration area.

(ii) Infiltrate 25 percent of the post-construction runoff from the 2-year, 24-hour design storm with a Type II distribution. Separate RCNs for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the project site is required as an effective infiltration area.

(b) For non-residential development, one of the following shall be met:

(i) Infiltrate sufficient runoff volume so that the post-construction infiltration volume shall be at least 60 percent of the pre-settlement infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent of the project site is required as an effective infiltration area.

(ii) Infiltrate 10 percent of the post-construction runoff from the 2-year, 24-hour design storm with a Type II distribution. Separate RCNs for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent of the project site is required as an effective infiltration area.

(c) A model that calculates runoff volume, such as SLAMM, P8, or an equivalent methodology shall be used. Other models may be used with prior written approval of the Town .

(d) Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance in accordance with Section 16.09 of this ordinance.

Pretreatment may include, but is not limited to, oil/grease separation, sedimentation, biofiltration, filtration, treatment, swales or filter strips. It is desirable to infiltrate the cleanest runoff to meet the infiltration standard. To achieve this, the design may propose greater infiltration of runoff from some sources such as roofs, and lesser from dirtier sources such as parking lots.

(e) For the purpose of this section, turf grass swales are not counted towards the one percent or two percent limitations described in sub sections (b),(i) and (b),(ii).

(f) Exclusions. The runoff from the following areas is prohibited from meeting the requirements of this paragraph:

(i) Areas associated with tier 1 industrial facilities identified in NR 216.21(2)(a), Wisconsin Administrative Code, including storage, loading, rooftop and parking.

(ii) Storage and loading areas of tier 2 industrial facilities identified in NR 216.21(2)(b), Wisconsin Administrative Code. Runoff from tier 2 parking and rooftop areas may be infiltrated but may require pretreatment.

(iii) Fueling and vehicle maintenance areas.

(iv) Areas with less than 3 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high

groundwater or the top of bedrock. This exclusion does not prohibit the infiltration of roof runoff.

(v) Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.

(vi) Areas within 400 feet of a community water system well as specified in NR 811.16(4), Wisconsin Administrative Code, or within 100 feet of a private well as specified in NR 812.08(4), Wisconsin Administrative Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.

(vii) Areas where contaminants of concern, as defined in NR 720.03(2), Wisconsin Administrative Code, are present in the soil through which infiltration will occur.

(viii) Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a 3-foot soil layer with 20 percent fines or greater; or at least a 5-foot soil layer with 10 percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This exclusion does not prohibit the infiltration of roof runoff.

(g) Exemptions. The following are not required to meet the requirements of this section of this ordinance:

(i) Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site by the double ring infiltrometer method at the depth of potential infiltration or another method acceptable to the Town of Sheboygan.

(ii) Parking areas and access roads less than 5,000 square feet for commercial and industrial development.

(iii) Redevelopment post-construction sites.

(iv) In-fill development areas less than 5 acres.

(v) Infiltration areas during periods when the soil on the site is frozen.

(vi) Roads in commercial, industrial, and institutional land uses, and arterial residential roads.

(h) Infiltration systems designed in accordance with this paragraph shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with NR 140, Wisconsin Administrative Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

(i) Where alternative uses of run off are employed such as toilet flushing, laundry, or irrigation, the volume used for the alternative use shall be given credit towards the volume required to infiltrate.

(4) Protective Areas. "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the widths described below, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this paragraph, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert.

(a) Protective areas are:

(i) For outstanding resource waters and exceptional resource waters and for wetlands in areas of special natural resource interest as specified in NR 103.04, Wisconsin Administrative Code, 75 feet.

(ii) For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

(iii) For lakes and wetlands, 50 feet. Wetland boundary delineations shall be made in accordance with NR 103.08(1m), Wisconsin Administrative Code. This paragraph does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.

(iv) For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

(b) Within a planned development or redevelopment site, the watercourses may be moved or graded. The protective area dimensions move with the watercourse, and the protective area shall be contained within the property being developed. The watercourse shall be designed to be non-erosive and to have adequate capacity within the protective area using a 100-year, 24-hour storm. If watercourses are moved and leave the property at a different location, the watercourse downstream shall be protected from adverse impacts.

(c) The following requirements shall be met:

(i) Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The storm water management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.

(ii) Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, self-sustaining native, vegetative cover of 70 percent or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

(iii) Vegetation that is flood and drought tolerant and can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover can be measured using the line transect method described in the University of Wisconsin Extension publication number A3533, titled "Estimating Residue Using the Line Transect Method".

(d) BMPs such as filter strips, treatment swales, or wet detention basins that are designed to control pollutants from non-point sources may be located in the protective area.

(e) Other regulations, such as Wis. Stat. § 30, and NR 103, 115, 116, and 117, Wisconsin Administrative Code, and their associated review and approval process may apply in the protective area.

(f) Protective areas do not apply to:

(i) Redevelopment post-construction sites less than 5 acres in size.

- (ii) In-fill development areas less than 5 acres in size.
- (iii) Structures that cross or access surface waters such as boat landings, bridges and culverts.
- (iv) Structures allowed by NR 115, Wisconsin Administrative Code.
- (v) Structures constructed in accordance with Wis. Stat. § 59.692(1v).
- (vi) Post-construction site from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

(5) Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters Waters of the State contains no visible petroleum sheen. A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

(a) This ordinance applies to:

(i) New fueling and vehicle maintenance areas approved after the effective date of this ordinance.

(ii) Any modifications to existing fueling and vehicle maintenance areas that require site plan review. BMPs installed as part of a site modification shall, to the maximum extent possible, be designed and operated to treat all stormwater leaving the site so that the stormwater contains no visible petroleum sheen.

(b) A stormwater management plan per Section 16.09 of this ordinance, a maintenance agreement per Section 16.10 of this ordinance, and a stormwater permit per Section 16.08 of this ordinance are required.

(6) Location and Regional Treatment Option.

(a) The BMPs may be located on-site or off-site as part of a regional storm water device, practice or system.

(b) Post-construction runoff within non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.

(c) Post-construction runoff shall meet the post-construction performance standards prior to entering navigable surface water.

(i) To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

(ii) Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state, and local regulations such as NR 103, Wisconsin Administrative Code, and Wis. Stat. § 30.

(d) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this ordinance.

(7) Swale Treatment for Transportation Facilities.

(a) Except as provided in Section 16.07, (8), (b), of this ordinance, transportation facilities that use swales for runoff conveyance and pollutant removal meet the stormwater discharge quality requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

(i) Be Vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams. It is preferred that tall and dense vegetation be maintained within the swale because of its greater effectiveness at enhancing runoff pollutant removal.

(ii) Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2-year, 24-hour design storm or a 2-year storm with a duration equal to the time of concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable. Check dams may be included in the swale design to slow runoff flows and improve pollutant removal. Transportation facilities with continuous features such as curb and gutter, sidewalks, or parking lanes do not comply with the design requirements of this paragraph.

(b) The Town of Sheboygan may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily traffic of vehicles greater than 2,500 per day and where the initial surface water of the state that the runoff directly enters is any of the following:

(i) An outstanding resource water.

(ii) An exceptional resource water.

(iii) Waters listed in § 303(d) of the federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.

(iv) Waters where targeted performance standards are developed under NR 151.004, Wisconsin Administrative Code, to meet water quality standards.

(8) Exceptions. The minimum requirements for on-site stormwater management practices established in Sections 16.07(a) and (b) of this ordinance may be waived in whole or in part by the Town of Sheboygan upon written request of the applicant, provided that at least one of the following conditions applies:

(a) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Town of Sheboygan and that is required to be implemented by local ordinance or Town approved plan.

(b) Provisions are made to manage stormwater by an off-site facility. This requires that the off-site facility is in place, is designed and adequately sized to the requirements of this ordinance, and has a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice. Permittee must demonstrate that the proposed land development or redevelopment activity has received permission to use the off-site facility. Permittee must also demonstrate the flow path to the off-site facility will not result in negative impacts to structural improvements on property. The permittee must provide for easements of all overland flow paths up to and including the overland flow path of the 100-year storm.

(c) Innovative stormwater management systems that are used that do not meet Sections 16.07, (1), (2) or (3) of this ordinance were reviewed.

(9) General Considerations for On-site Stormwater Management Measures. The following considerations shall be observed in managing stormwater runoff.

(a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

(b) Overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(c) Overland flow paths from adjoining properties to an offsite facility must be maintained.

(d) Stormwater management measures used in developing the stormwater management plan should be considered according to the following order of preference. Limitations to this order of preference that may be recognized include natural site characteristics, type of development, legal rights in redirecting stormwater flows, and other restrictions specified in Sections 16.07, (2) and 16.07, (3), of this ordinance and the current version of The Wisconsin Stormwater Manual, Part Two: Technical Design Guidelines for Storm Water BMP's or the WDNR's website.

(i) On-site infiltration for rooftop, sidewalk, parking lot and driveway runoff;

(ii) On-site and off-site infiltration style conveyance measures;

(iii) Off-site wet detention measures;

(iv) On-site wet detention measures;

(v) Extended detention measures; and,

(vi) Off-site infiltration measures.

(e) Low impact development techniques should be included to the extent possible. These techniques include: increasing the time of concentration by lengthening the flow path and increasing the roughness of the flow path, using native, deep rooted vegetation instead of turf grasses, and deep tilling onsite compacted soil.

16.08 Permitting Requirements, Procedures and Fees.

(1) Permit Required. No one may undertake a land development or redevelopment activity subject to this ordinance without receiving a permit from the Town of Sheboygan prior to commencing the proposed activity.

(2) Permit Application and Fee. Unless specifically excluded by this ordinance, any land owner or operator desiring a permit shall submit to the Town of Sheboygan a permit application made on a form provided by the Town of Sheboygan for that purpose.

(a) Unless otherwise excepted by this ordinance, a permit application must be accompanied by the following information as set forth in Table 1.

Land Development Activity	Permit ^a	Stormwater Management Plan	Grading Plan ^b	Maintenance Agreement ^c	Fee
Agricultural Use	--	--	--	--	--
Non-Residential	X	X	X	X	X
1 & 2 Family Residential	X	--	X	--	X
Multi Family Residential	X	X	X	X	X
Subdivision Development	X	X	X	X	X

^a Combined grading and drainage plan to be reviewed by Town staff.

^b Unless previously provided by CSM, subdivision design, or other.

^c If stormwater management plan requires maintainable structures.

(b) The stormwater management plan shall be prepared to meet the requirements of Section 16.09 of this ordinance, the maintenance agreement shall be prepared to meet the requirements of Section 16.10 of this ordinance, and fees shall be those established by the Town of Sheboygan.

(c) Fees for the above noted permits shall be in such amount as may be established by the Town of Sheboygan Town Board from time to time by separate resolution.

(3) Review and Approval of Permit Application. The Town of Sheboygan shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(a) Within 30 business days of the receipt of a complete permit application, including all documents as required by Section 16.09, (2), (a), of this ordinance, the Town of Sheboygan shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The

Town of Sheboygan shall base the decision on requirements set forth in Sections 16.07, 16.09, and 16.10 of this ordinance.

(b) If the stormwater permit application, plan and maintenance agreement are approved, and any fees, or if an agreed upon payment of fees in lieu of stormwater management practices are paid, the Town of Sheboygan shall issue the permit.

(c) If the stormwater permit application, plan, or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement, or may appeal the decision of the Town of Sheboygan as provided for in Section 16.12 of this ordinance.

(d) If additional information is submitted, the Town of Sheboygan shall have 30 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

(e) Failure by the Town of Sheboygan to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal.

(4) Stormwater Practice Installation and Maintenance Performance Security. The Town of Sheboygan may, at its discretion, require the submittal of a cash escrow, letter of credit, or performance security prior to issuance of the permit to insure that the stormwater practices are installed and maintained by the permit holder as required by the stormwater management plan. The amount of the installation performance security shall be determined by the Town of Sheboygan, not to exceed the total estimated construction cost of the stormwater management practices approved under the permit unless otherwise specified in the permit.

The amount of the maintenance performance security shall be determined by the Town of Sheboygan, not to exceed the maintenance costs estimated in the stormwater plan for the period during which the permit holder has maintenance responsibility. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. Conditions for the release of performance security are as follows:

(a) The installation performance security shall be released in full only upon submission of "as built plans" by a registered professional engineer in the State of Wisconsin. The Town of Sheboygan may make provisions for a partial pro-rata release of the performance security based on the completion of various development stages including the final inspection of landscaping material.

(b) The maintenance performance security, minus any costs incurred by the Town of Sheboygan to conduct required maintenance, design, engineering, preparation, checking and review of designs, plans, and specifications; supervision and inspection to insure that construction is in compliance with applicable plans, specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance, shall be released at such time that the responsibility for practice maintenance is passed on to another private entity, via an approved maintenance agreement, or to the Town of Sheboygan.

(5) Permit Conditions. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Town of Sheboygan may suspend or revoke a permit for violation of a permit condition, following written notification of the permittee. An action by the Town of Sheboygan to suspend or revoke this permit may be appealed in accordance with Section 16.12 of this ordinance.

(a) Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state, and local laws and regulations.

(b) The permit holder shall design, install, and maintain all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan, stormwater management guide, maintenance agreement, and this permit.

(c) The permit holder shall notify the Town of Sheboygan at least 3 business days before commencing any work in conjunction with the stormwater management plan, and within 5 business days upon completion of the stormwater management practices. If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the Town of Sheboygan so that practice installations can be inspected during construction.

(d) Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan, stormwater management guide and ordinance. The inspection must be made by the Town of Sheboygan, or other competent professionals identified by the Town of Sheboygan. The Town of Sheboygan shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. The permit holder is further required to submit a certificate of completion, stating the completion of the permitted work in accordance with the plans, Town of Sheboygan, state and federal requirements. The certificate must be signed by the permit holder, the contractor, the design engineer, and authorized Town representative.

(e) The permit holder shall notify the Town of any significant modifications it intends to make to an approved stormwater management plan. The Town of Sheboygan may require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and execution.

(f) The permit holder shall maintain all stormwater management practices specified in the approved stormwater management plan until the practices either become the responsibility of the Town of Sheboygan, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(g) The permit holder authorizes the Town of Sheboygan to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to placing associated costs upon the tax roll as a special lien against the property which may be collected as special charges pursuant to Wisconsin Statutes § 66.0627 by the Town of Sheboygan or to charging such costs against the letter or credit, or cash posted for the project.

(h) If so directed by the Town of Sheboygan, the permit holder shall repair at the permit holders own expense all damage to adjoining municipal facilities and drainage ways caused by stormwater runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(i) The permit holder is subject to the enforceable actions detailed in Section 16.11 of this ordinance if the permit holder fails to comply with the terms of this permit.

(j) Where necessary, it shall be the responsibility of the permit holder to obtain from adjacent property owners any easements or other required property interests concerning flowage of water. Issuance of this permit does not create or affect any such rights.

(k) The permit holder is subject to the enforceable actions detailed in Section 16.11 of this ordinance if the permit holder fails to comply with the terms of this permit.

(6) Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date the Town of Sheboygan notifies the permit holder that all stormwater management practices (including landscaping materials) have passed the final inspection required under Section 16.08, (5), (d), of this ordinance.

(7) Fee In Lieu of On-site Stormwater Management Practices. Where the Town of Sheboygan waives all or part of the minimum on-site stormwater management

requirements of this ordinance, or where the waiver is based on the provision of adequate stormwater facilities provided by the Town of Sheboygan downstream of the proposed development or redevelopment, as provided for under Section 16.07, (8) of this ordinance, the applicant shall be required to pay a fee in an amount as determined by the Town of Sheboygan pursuant to Wis. Stat. § 66.0821 and any other applicable law.

16.09 Stormwater Management Plans.

(1) Plan Requirements. The stormwater management and grading plan required under Section 16.09 of this ordinance shall contain any such information the Town of Sheboygan may need to evaluate the environmental characteristics of the area affected by land development activity, the potential impacts of the proposed development upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage systems, and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this ordinance. Unless specified otherwise by this ordinance, stormwater management and grading plans shall contain at a minimum the information described within the stormwater management permit application provided by the Town of Sheboygan.

(2) Certification. All site investigations, plans, designs, computations, and drawings for stormwater management measures shall be certified by a registered professional engineer in the State of Wisconsin and be prepared in accordance with accepted engineering practice and in accordance with criteria set forth by the Town of Sheboygan.

(3) Minimum Content. The stormwater management plan shall contain at a minimum the following information:

(a) Name, address, and telephone number for the following and their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.

(b) A proper legal description of the property proposed to be developed in Sheboygan County Coordinate System and referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(c) Pre-development site conditions, including:

(1) One or more site maps of current site conditions at a scale of not less than 1-inch equal 100-feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic

contours of the site; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to NR 811.16, Wisconsin Administrative Code.

(2) Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(d) Post-construction site conditions, including:

(i) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

(ii) Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.

(iii) One or more site maps at a scale of not less than 1 inch equals 100 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

(iv) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(v) Results of investigations of soils and groundwater required for the placement and design of storm water management measures.

(vi) Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

(e) A description and installation schedule for the storm water management practices needed to meet the performance standards in Section 16.07 of this ordinance.

(f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.

(g) Other information requested in writing by the Town of Sheboygan to determine compliance of the proposed storm water management measures with the provisions of this ordinance.

(4) Alternative Requirements. The Town of Sheboygan may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 16.07 of this ordinance.

(5) Modifications. When a change in land or stormwater management practices occurs at a site with an approved stormwater management plan, a modified stormwater management plan must be submitted to the Town before those changes in practices occur.

(6) Exceptions. The Town of Sheboygan may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Section 16.07 of this ordinance.

16.10 Maintenance Agreement.

(1) Maintenance Agreement Required. The maintenance agreement required for stormwater management practices under Section 16.09 of this ordinance shall be an agreement between the Town of Sheboygan and the permittee. The agreement shall be recorded as a property deed restriction by the permit applicant with the Sheboygan County

Register of Deeds so that it is binding upon all subsequent owners of land served by the stormwater management practices.

(2) Agreement Provisions. The maintenance agreement shall contain the following provisions:

(a) The responsible party(s) shall maintain stormwater management practices in accordance with the stormwater practice maintenance provisions contained in the approved stormwater management plan submitted under Section 16.09, (2) of this ordinance.

(b) Identification of the storm water facilities and designation of the drainage area served by the facilities.

(c) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan.

(d) Identification of the responsible party(s), organization or city, county, town or Town responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan.

(e) Requirement that the responsible party(s) or organization shall maintain stormwater management practices in accordance with the schedule included in Section 16.09 of this ordinance.

(f) The Town of Sheboygan is authorized to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved stormwater management plan.

(g) The Town of Sheboygan shall maintain public records of the results of the site inspections, shall inform the responsible party(s) for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition and a reasonable time frame during which the corrective action must be taken.

(h) The Town of Sheboygan is authorized to perform the corrected actions identified in the inspection report if the responsible party(s) does not make the required corrections in the specified time period. The Town of Sheboygan shall charge the landowner(s), agent(s), or assign(s) for the cost of such work and shall place a lien on the property which may be collected as special charges pursuant to Wis. Stat. § 66.0627 by the Town of Sheboygan.

(3) Modification of Agreement. This maintenance agreement may be modified by mutual agreement of the responsible party and the Town of Sheboygan. The modification date shall be the date the responsible party records the modified maintenance agreement with the Sheboygan County Register of Deeds, as a property deed restriction so that the modified agreement is binding upon all subsequent owners of the land served by the stormwater management practices.

The maintenance agreement shall be modified when there are changes in land use or stormwater management practices at the site. The modified plan shall be submitted and approved by the Town before changes in practices occur.

(4) Termination of Agreement. The maintenance agreement shall be terminated at such time that responsibility for maintenance of the stormwater management practice is legally transferred to the Town of Sheboygan or an agency acceptable to the Town of Sheboygan, through a written, binding agreement. The termination date of the maintenance agreement required under Section 16.10, (1) of this ordinance shall be the date upon which the legal transfer of maintenance responsibility to the Town of Sheboygan or an agency acceptable to the Town made effective.

16.11 Enforcement and Penalties.

(1) Any land development or redevelopment activity initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with said provisions.

(2) The Town of Sheboygan shall notify the responsible owner or operator in writing of any non-complying land development or redevelopment activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(3) Upon receipt of written notification from the Town of Sheboygan, the permit holder shall correct work which does not comply with the stormwater management plan or other provisions of this permit within 30 days. The permit holder shall make corrections as necessary to meet the specifications and schedule set forth by the Town of Sheboygan in the notice.

(4) The Town of Sheboygan is authorized to post a stop work order on all land development or redevelopment activity in violation of this ordinance, or to request the Town of Sheboygan attorney or corporation counsel to obtain a cease and desist order.

(5) The Town of Sheboygan may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(6) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Town of Sheboygan or by a court of competent jurisdiction.

(7) The Town of Sheboygan is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the Town of Sheboygan attorney for the commencement of further legal proceedings.

(8) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to the general penalty provisions of the Town of Sheboygan Municipal Code Chapter 11. Each day that the violation exists shall constitute a separate offense.

(9) Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by injunctive order at the suit of the Town of Sheboygan pursuant to Wis. Stat. § 60.62 and 61.35. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.

(10) When the Town of Sheboygan determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan submitted and approved pursuant to Section 16.09 of this ordinance, or has failed to comply with schedules set forth in said stormwater management plan, the Town of Sheboygan or a party designated by the Town of Sheboygan may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Town of Sheboygan shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any performance or maintenance security posted pursuant to Section 16.09 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

16.12 Appeals.

(1) Board of Zoning Appeals. The Board of Zoning Appeals, created under Chapter 7 of the Town of Sheboygan Municipal Code, pursuant to Wis. Stat. § 60.62, 61.35, and 62.23, shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Town of Sheboygan in administering this ordinance. The Board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals.

Upon appeal, the Board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship.

(2) Who May Appeal. Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the Town of Sheboygan affected by any decision of the Town of Sheboygan.

16.13 Severability.

The several sections of this ordinance are declared to be, severable. If any section or portion thereof shall be declared by a decision of 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 not affect the validity of all other provisions, sections or portion thereof of the ordinance which shall remain in full force and effect. Any other ordinance whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

3.5 Subdivision Regulations

All existing, undeveloped parcels of land of record in the County Register of Deeds Office, and any new land divisions or subdivisions as defined in the SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, and the TOWN OF SHEBOYGAN REGULATIONS OF SUBDIVISION AND PLATTING OF LAND, shall conform in full with the provisions of those Regulations and Ordinance. No Building Permit shall be issued for any lot until such compliance is assured.

- a. Septic Tank and Holding Tank. In any area where public sewer service is available, no septic system, mound or otherwise, or holding tank, shall be allowed in said areas.
- b. County Sanitary Permit. No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without a County Sanitary Permit and without full compliance with the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN. No Building Permit shall be issued until any required installation of a safe and adequate water supply and sewage disposal system is assured and a Sanitary Permit is issued.
 - (1) Mound. The base of the mound must be a minimum of twenty-five feet (25') from the nearest lot line.
 - (2) Filter Field. The edge of a filter field must be a minimum of twenty-five feet (25') from the nearest lot line.

3.6 Reduction or Joint Use

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space, shall be reduced in area of dimension so as not to meet the provisions of this Ordinance or other applicable local, county, or state regulations. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structural use, shall be used for any other structure or use.

3.7 Performance Standards

- a. Compliance. This Ordinance permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.
- b. Air Pollution. No activity shall emit any fly ash, fumes, vapors, mists, or gases in such quantities as to cause danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding .03 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718; except for no more than four (4) minutes during any six (6) hour period, each stack or chimney in an industrial district may emit smoke of Ringlemann No. 3. No hour per stack or chimney, except that once during any 6 hour period each stack or chimney in an industrial district may emit up to twenty (20) smoke units when blowing soot or cleaning fires. No activity shall violate DNR air pollution regulations and standards.
- c. Water Quality Protection. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials, into any water, public sewer, public highway, or drainage ditch of such nature, quantity, obnoxiousness, toxicity,

AN ORDINANCE REPEALING AND RECREATING
SUBSECTION 2.19 OF SECTION 7.02 OF THE SUBDIVISION
CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY,
WISCONSIN, AMENDING THE DEFINITION OF SUBDIVISION SO AS
TO COMPLY WITH WISCONSIN STATUTES § 236.02(12)

WHEREAS, it has come to the Town of Sheboygan Plan Commission's attention that the Town's definition of subdivision contained in Subsection 2.19 of Section 7.02 of the Subdivision Code of the Town of Sheboygan, is not consistent with that used in Wisconsin Statutes § 236.02(12); and,

WHEREAS, the Town of Sheboygan Plan Commission does hereby recommend to the Town Board of the Town of Sheboygan that the Town's definition of subdivision, as contained in Subsection 2.19 of Section 7.02 of the Subdivision Code of the Town of Sheboygan be amended so as to comply with the State's definition of subdivision;

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

Section 1. Repealing and Recreating Code. Subsection 2.19 of Section 7.02 of the Subdivision Code of the Town of Sheboygan is hereby repealed and recreated to read as follows:

"2.19 SUBDIVISION

'Subdivision' is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:

- A. The act of division creates five (5) or more parcels or building sites of 1-1/2 acres each or less in area; or
- B. Five (5) or more parcels or building sites of 1-1/2 acres each or less in area are created by successive divisions within a period of five (5) years."

Section 2. Effective Date. The herein Ordinance shall take effect upon adoption.

Adopted this 5 day of September, 2000.

TOWN OF SHEBOYGAN

By 
DANIEL W. HEIN, Chairman

SUBDIVISION APPROVAL PROCEDURE

I. PRELIMINARY PLAT.

1. Sub Divider submits copies and proper fees to Clerk for agency reviews and approvals. If this method is used, a list of agencies and their addresses must be included with the copies and fees, or the Sub Divider may directly send the number of copies and fees necessary to the Department of Development for mailing to the respective agencies.
2. Agencies have twenty (20) days to submit approvals or objections (236.12).
3. Application for subdivision approval should be completed and attached to that application and a copy of all written approvals received from each agency or if none received, a letter from the sub divider that he/she submitted, as required under Chapter 236 and the Town Subdivision Ordinance, copies of the preliminary plat with proper fees and that twenty (20) days has expired since that time.
4. Within thirty (30) days from the filing of the application, the Town Plan Commission will review and give its approval or rejection of same.
 - (a) Notice Necessary:
Notice of the Town Plan Commission revision must be given by publication at least one (1) time in the Sheboygan Press and posted in three (3) public places at least seven (7) days prior to the meeting. Also, a notice should be sent to the owners of lands within two hundred (200) feet of the subdivision. A fee of \$200.00 to cover publication costs must be filed with the application.
5. Town Board shall approve within sixty (60) days of filing application with the Town Clerk unless time is extended by Sub Divider. Failure to act by the Town Board within sixty (60) days means approval (216.11 (2)).

6. Written Notice:

- (a) A written notice of the rejection or conditional approval giving reasons must be submitted to applicant and placed in the Town Board minutes.

II. FINAL PLAT:

1. Final plat with corrections or conditions as required by approving agencies, Plan Commission or Town Board filed with Clerk.
 - (a) Clerk certifies on the plat copies:
 - (1) Where certified.
 - (2) Date certified.
 - (3) That no objection has been filed or if filed, that they have been met.
 - (b) Clerk must give ten (10) days prior to written notice of intent to approve to any municipality within one thousand (1,000) feet (236.11(2)).
2. Physical Improvements:
6.3 of the Town's Ordinance requires security in either of two (2) forms as directed by the Town Board to guarantee the installation of proper improvements.
 - (a) Security bond.
 - (b) Contracts for the installation of those improvements.
3. A Plan Fee in the amount of \$200.00 per residential unit is due and payable upon the filing of the final plat to be used for plan purposes.

APPLICATION FOR SUBDIVISION APPROVAL

TO THE TOWN BOARD AND PLAN COMMISSION OF THE TOWN OF SHEBOYGAN:

1. I/we, the undersigned, being owners of all the area herein described, hereby petition the Town Board of the Town of Sheboygan, Sheboygan County, Wisconsin to approve a plat of lands described herein.

2. Description of Property:

Section: _____, Township: _____, Range: _____
Please indicate location in laymen terms, the general vicinity of plat.

3. Date of previous application (if any): _____

(a) Disposition of previous petition: _____
(If previous petition has been denied, state fully on a separate attached sheet of paper what change in circumstances or conditions would warrant reconsideration).

(b) Current zoning classification: _____

Do you intend to request a zoning change? _____ Yes ___ No ___

4. Does the Plat conform to the following: (Please circle or check "Yes" or "No")

- | | | |
|--|---------|--------|
| (a) Chapter 236 of the Wisconsin Statutes: | Yes ___ | No ___ |
| (b) Town of Sheboygan Zoning Ordinance: | Yes ___ | No ___ |
| (c) Town of Sheboygan Subdivision Ordinances: | Yes ___ | No ___ |
| (d) Are all road right-of-ways at least 66 feet wide? | Yes ___ | No ___ |
| (e) Have all utility easements of at least 12 feet been provided? | Yes ___ | No ___ |
| (f) Do any blocks exceed 1,500 feet in length, or 270 feet in width? | Yes ___ | No ___ |

5. Have copies of the Plat been filed and approved by all agencies under Section 7.02 (4.2) of the Ordinances of the Town of Sheboygan? Yes ___ No ___

6. Have you provided for any plan or open space area in the plat? Yes ___ No ___

7. Under the Town's Subdivision Ordinance you may be required to dedicate 5% of the total land or 5% of the market value (after platting). Which do you prefer? Land ___ Cash ___

8. Do you understand that among other items, the following improvements will have to be installed by you at your cost within the time set by the Town Board, but not to exceed two (2) years:

- | | | |
|---|---------|--------|
| (a) Sanitary and storm sewers (where applicable). | Yes ___ | No ___ |
| (b) Streets shall be graded and surfaced under Town specifications. | Yes ___ | No ___ |
| (c) Sidewalks where necessary. | Yes ___ | No ___ |
| (d) Install all utilities underground. | Yes ___ | No ___ |

9. What is the estimated cost of each of the improvements that you are required to make?

- | | |
|-----------|----------|
| (a) _____ | \$ _____ |
| (b) _____ | \$ _____ |
| (c) _____ | \$ _____ |
| (d) _____ | \$ _____ |

10. What assurance can be given to the Town of Sheboygan that these and any other required improvements will be completed and paid for as required. A bond may be required to assure completion or restrictions may be required on the plat before any lots are sold.

11. Can sanitary sewer be installed in the area? Yes ___ No ___

If so, have you received permission for the Sanitary District for the installation of same? Yes ___ No ___

Explain: _____

12. Please give the names and addresses of all owners of real estate within two hundred (200) feet of the boundaries of the plat.

13. Other comments: _____

Date Filed: _____

Hearing Date For:

Plan/Comm. _____

Town Board: _____

Date of Notice: _____

Disposition: _____

Applicant: _____

Address: _____

Date: _____

Telephone Number: _____

Cell Phone Number: _____

Fax Number: _____

SUBDIVISION CHAPTER 7

CHECK LIST

- Section 5.1 (a) _____ Street width 66 feet
(b) _____ Grade 6%
(c) _____ Alignment & visibility 300 major street; 100 minor street
(d) _____ Cul de sac (100 diameter) no more than 500 feet
(e) _____ Intersections: Right Angles.
(f) _____ Intersections: Alignment.

5.2 EASEMENTS:

- (a) _____ Utilities (minimum 12 feet), (Should be 30).
(b) _____ Storm water or drainage.

5.3 BLOCKS

- (a) _____ Maximum, 1500 feet
(b) _____ Minimum, 270 feet

5.4 LOTS

_____ Dimension, Set Backs, Etc.

5.6 _____ Public Sites & Open Spaces, _____ Cash

- 6.2 (a) _____ Water, _____ Sewer
(b) _____ Streets (graded & surfaced)
(c) _____ Sidewalks
(d) _____ Trees Needed
(e) _____ Street Lights
(f) _____ Storm Drainage
(g) _____ Underground Service

6.3 _____ Security for Improvements

SUBDIVISION APPROVAL PROCEDURE

I. PRELIMINARY PLAT.

1. Subdivider submits copies and proper fees to Clerk for agency reviews and approvals. If this method is used, a list of agencies and their addresses must be included with the copies and fees, or the subdivider may directly send the number of copies necessary to the Department of Development for mailing to the respective agencies.
2. Agencies have twenty (20) days to submit approvals or objections (236.12).
3. Application for subdivision approval should be completed and attached to that application a copy of all written approvals received from each agency or if none received, a letter from the subdivider that he submitted, as required under Chapter 236 and the Town subdivision ordinance, copies of the preliminary plat with proper fees and that twenty (20) days has expired since that time.
4. Within thirty (30) days from the filing of the application, the Town Park Commission will review and give its approval or rejection of same.
 - (a) Notice necessary. Notice of the Town Park Commission review must be given by publication at least one (1) time in the Sheboygan Press and posted in three public places at least seven (7) days prior to the meeting. Also a notice should be sent to the owners of lands within two hundred (200) feet of the subdivision. A fee of \$200.00 to cover publication costs must be filed with the application.
5. Town Board shall approve within sixty (60) days of filing application with the Town Clerk unless time is extended by subdivider. Failure to act by the Town Board within sixty (60) days means approval (216.11(2)).
6. Written Notice.
 - (a) A written notice of the rejection or conditional approval giving reasons must be submitted to applicant and placed in the Town Board minutes.

II. FINAL PLAT.

1. Final plat with corrections or conditions as required by approving agencies, Park Commission or Town Board is filed with Clerk.
 - (a) Clerk certifies on the plat copies:
 - (1) Where certified.
 - (2) Date certified.
 - (3) That no objection has been filed or if filed, that they have been met.
 - (b) Clerk must give ten (10) days prior written notice of intent to approve to any municipality within one thousand (1000) feet (236.11(2)).
2. Physical Improvements. 6.3 of the Town's ordinance requires security in either of two (2) forms as directed by the Town Board to guarantee the installation of proper improvements.
 - (a) Security bond.
 - (b) Contracts for the installation of those improvements.
3. A Park Fee in the amount of \$200.00 per residential unit is due and payable upon the filing of the final plat to be used for park purposes.

APPLICATION FOR SUBDIVISION APPROVAL

TO THE TOWN BOARD AND PARK COMMISSION OF THE TOWN OF SHEBOYGAN.

1. I/we, the undersigned, being owners of all the area herein described, hereby petition the Town Board of the Town of Sheboygan, Sheboygan County, Wisconsin to approve a plat of lands described herein.

2. Description of Property: Section _____, Township _____, Range _____
Please indicate location in laymen terms, the general vicinity of plat.

3. Date of previous application (if any): _____

(a) Disposition of previous petition: _____
(If previous petition has been denied, state fully on separate attached sheet of paper what change in circumstances or conditions would warrant reconsideration.

(b) Current zoning classification: _____
(Do you intend to request a zoning change? _____)

4. Does the plat conform to the following:

- | | | | | |
|--|--------------------------|-----|--------------------------|----|
| (a) Chapter 236 of the Wisconsin Statutes | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| (b) Town of Sheboygan Zoning Ordinance | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| (c) Town of Sheboygan Subdivision Ordinance | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| (d) Are all road right-of-ways at least 66 ft. wide? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| (e) Have all utility easements of at least 12 ft. been provided? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| (f) Do any blocks exceed 1500 ft. in length or 270 ft. in width? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

5. Have copies of the plat been filed and approved by all agencies under Section 7.02 (4.2) of the ordinances of the Town of Sheboygan? Yes No

6. Have you provided for any park or open space area in the plat? Yes No

7. Under the Town's subdivision ordinance you may be required to dedicate 5% of the total land or 5% of the market value (after platting). Which do you prefer? Land Cash

8. Do you understand that among other items, the following improvements

will have to be installed by you at your cost within the time set by the Town Board, but not to exceed two (2) years:

- (a) Sanitary and storm sewers (where applicable) Yes No
- (b) Streets shall be graded and surfaced under Town specification Yes No
- (c) Sidewalks where necessary Yes No
- (d) Install all utilities underground Yes No

9. What is the estimated cost of each of the improvements that you are required to make?

- (a) _____ \$ _____
- (b) _____ \$ _____
- (c) _____ \$ _____
- (d) _____ \$ _____

10. What assurance can be given to the Town of Sheboygan that these and other required improvements will be completed and paid for as required (a bond may be required to assure completion or restrictions may be required on the plat before any lots are sold):

11. Can sanitary sewer be installed in the area? Yes No
If so, have you received permission from the Sanitary District for the installation of same? Yes No
Explain: _____

12. Give the names and addresses of all owners of real estate within two hundred (200) feet of the boundaries of the plat.

13. Other comments: _____

Date Filed: _____
Clearing Date: _____
Park Comm. _____
Town Board _____
Date of Notice: _____
Disposition: _____

Applicant: _____
Address: _____
Date: _____
Phone: _____

SUBDIVISION CHAPTER 7

CHECK LIST

- Sec. 5.1 (a) Street width 66 ft. _____
(b) Grade 6% _____
(c) Alignment & visibility 300 maj. st.; 100 minor _____
(d) Cul de sac (100 dia.) no more than 500 ft. _____
(e) Intersections: Rt. Angles _____
Alignment _____

5.2 Easements.

- (a) Utilities (min. 12 ft.) (30 should be) _____
(b) Storm water or drainage _____

5.3 Blocks

Max. 1500 ft. _____ Min. 270 ft. _____

5.4 Lots - Dimension, set backs etc. _____

5.6 Public Sites & Open Spaces _____ Cash _____

- 6.2 (a) Water _____ Sewer _____
(b) Streets (graded & surfaced) _____ (c) Sidewalks _____
(d) Trees needed _____ (e) Street Lights _____
(f) Storm Drainage _____ (g) Underground Service _____

6.3 Security for Improvements _____

CHAPTER 7

ZONING AND SUBDIVISION CODE

7.01 Zoning Code. See separate publication.

7.02 Regulations of Subdivision and Platting of Land.

7.03 Certified Survey Procedures

CHAPTER 7
7.02 Regulations of Subdivision and
Platting of Land.

INTRODUCTION.

SECTION 1

1.1 TITLE

This ordinance, shall be known and may be cited and referred to as the Town of Sheboygan Subdivision Regulation and is adopted pursuant to applicable provisions of the Wisconsin Statutes.

1.2 PURPOSE

The purpose of this ordinance is to promote the public health, safety, and general welfare of the community and these regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate adequate provision of transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the town with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the town.

1.3 ABROGATION AND GREATER RESTRICTIONS

It is not intended by these regulations to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted, or issued pursuant to previous laws. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

1.4 INTERPRETATION

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

1.5 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.

1.6 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.

1.7 EFFECTIVE DATE

This ordinance shall be in effect from and after its passage, approval and publication as provided by law.

1.8 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS

Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this ordinance, the Town Board may in lieu thereof order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes and may assess the costs thereof as provided in this section, or to the subdivider. Regardless of the type of plat filed, any such subdivision shall comply with all the provisions of this ordinance to the extent that they may be reasonably applied.

SECTION 2

DEFINITIONS

2.1 ARTERIAL STREET

A street used, or intended to be used, primarily for fast or heavy traffic.

2.2 BUILDING LINE

A line parallel to a lot line and at a distance from the lot line sufficient to comply with the yard requirements of the Town of Sheboygan's zoning law.

2.3 BLOCK

A parcel of land bounded on at least one side by a street and on the other side by a natural manmade barrier.

2.4 CERTIFIED SURVEY MAP

A map of not more than two parcels or a lot split prepared in accordance with Section 236.34 of the Wisconsin Statutes.

2.5 COLLECTOR STREET

A street used and intended to be used to carry traffic from minor streets to the major system or arterial streets, including the principal entrance streets of a residential development.

2.6 COMPREHENSIVE PLAN

The extensively developed plan, also called a master plan, and/or official street plan adopted by a municipality having extra-territorial jurisdiction within the Town of Sheboygan or such plan adopted by the Town of Sheboygan, including proposals for future land use, transportation, redevelopment and public facilities.

2.7 COUNTY PLANNING AND RESOURCES DEPARTMENT

Department of the County employing a full-time professional planner charged with the duties of administering zoning and other planning legislation.

2.8 DEVELOPMENT

The act of building structures and installing site improvements.

11/70

2.9 EASEMENT

A legal right to use land belonging to another for purposes of access, utility extension or similar land use.

2.10 EXTRA-TERRITORIAL PLAT APPROVAL JURISDICTION

Means the area within three miles of the corporate limits of a first, second or third class city, or within one and one-half miles of a fourth class city or village that has exercised said jurisdiction for platting or planning purposes according to the Wisconsin Statutes.

2.11 MINOR STREET

A street used, or intended to be used primarily for access to abutting properties.

2.12 MARGINAL ACCESS STREET

Minor streets parallel to abutting properties and protection from through traffic.

2.13 MUNICIPALITY

Means an incorporated city or village

2.14 PLAT

A map of a subdivision.

2.15 PRELIMINARY PLAT

A map showing the salient features of a proposed subdivision submitted to an approving authority for the purpose of preliminary consideration.

2.16 PUBLIC WAY

Any public road, street, highway, walkway, drainageway or part thereof.

2.17 REPLAT

The changing of the boundaries of a recorded subdivision plat or part thereof according to State Law.

2.18 RESUBDIVISION

The combination or division of platted lots so as to promote better land use and implement the objectives of the comprehensive plan and zoning law.

2.19 SUBDIVISION

The division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates three or more parcels or building sites of five acres each or less in area or where the act of division creates three or more parcels or building sites of five acres each or less in area by successive division within a five-year period.

2.20 RECORDING A PLAT

Means filing the original of the final plat with the Register of Deeds.

11/70

2.21 CUL DE SAC

A short minor street having one end open to motor traffic and the other end terminated by a vehicular turn-around.

2.22 RIGHT OF WAY

The width of an easement between properties for street, alley, crosswalk or highway purposes.

2.23 SET BACK

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

~~2.24 TOWN PLANNING AGENCY~~

~~The Town of Sheboygan Park Commission.~~

deleted
Added 2/26/08
Ord. No. — 2007/08
ATTACHED

2.25 MASTER PLAN

See Comprehensive Plan 2.6.

2.26 SHARED-USE PATH
SECTION 3.0

GENERAL PROVISIONS.

3.1 JURISDICTION

These regulations shall apply to all divisions of land and subdivisions of land within the Town of Sheboygan.

3.2 COMPLIANCE

No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, or replat as defined herein or no street shall be laid out or improvements made to land without the compliance with all requirements of these regulations.

- (A) Any division of land which results in the subdivision as herein defined shall be in compliance with all the provisions of this ordinance, Chapter 236 of the Wisconsin Statutes and the Sheboygan County ordinance, including review procedures by state agencies having authority to object to plats.
- (B) When a replat of a recorded subdivision or plat thereof is proposed, the subdivision shall be vacated or altered according to the provisions of Section 236.40 through 236.445 of the Wisconsin Statutes.
- (C) Any division of land under five (5) acres in size, other than a plat, shall require a certified survey in compliance with Section 236.34 of the Wisconsin Statutes and subdivision regulations of Sheboygan County.

3.3 EXCEPTIONS

In no instance shall the provisions of this section relating to subdivisions or certified surveys apply to:

- (A) Transfers of interest in land by will or pursuant to court order.
- (B) Leases for a term not to exceed ten (10) years, mortgages or easements.

AN ORDINANCE AMENDING SECTION 7.02 OF THE MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN, CONCERNING REGULATIONS OF SUBDIVISIONS (SHARED-USE PATHS)

WHEREAS, the Town Board of the Town of Sheboygan does declare its intent to promote bicycling, walking, jogging, roller-blading, and similar non-motorized activities as healthy and environmentally friendly forms of recreation and transportation; and

WHEREAS, requiring the construction of bicycle and pedestrian paths within and between new residential subdivisions, roadways, and other development would promote pedestrian and other non-motorized forms of recreation and general transportation; and

WHEREAS, the Town Board has determined that amending the Town's General Code of Ordinances 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 Sheboygan does hereby ordain as follows:

Section 1. Amending Code. Section 7.02 of the Municipal Code of the Town of Sheboygan entitled "Regulation of Subdivision and Platting of Land" is hereby amended to read as follows (additions indicated by underscoring; deletions indicated by ~~strikeouts~~):

2.0: DEFINITIONS

~~2.26 SHARED-USE PATH~~

A path of asphalt, crushed limestone, or similar hard surface for use by pedestrians and non-motorized vehicles such as bicycles, skateboards, and rollerblades.

5.0: REQUIREMENTS

5.7 SHARED-USE PATHS

The layout of subdivisions shall provide for the installation and connection of current and future shared-use paths to serve the needs of pedestrians, bicyclists, and similar non-motorized travelers within, to, from, and through the proposed subdivision, to provide adequate circulation or access to schools, commercial centers, churches, places of employment, and recreational facilities, as determined by the Town Board upon the recommendation of the Plan Commission.

3.3 Exceptions

In no instance shall the provisions of this section relating to subdivisions or certified surveys apply to:

- a. Transfers of interest in land by will or pursuant to court order.
- b. Leases for a term not to exceed ten (10) years, mortgages or easements.
- c. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Town ordinance.

3.4 Land Suitability

No land shall be subdivided which is held unsuitable for the proposed use for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The Town Board or the County Planning and Resource Department 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 the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability if he so desires at a public hearing. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability.

3.5 Variance

Where, upon recommendation of the Town Plan Commission and in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good without impairing the intent or purpose of these regulations or the desirable general development of the township in accordance with good planning and economic development of the township.

3.6 Conditions

In granting variances and modifications, the Town Board may require such conditions as will, in its judgment, secure substantially the objectives of these regulations.

SECTION 4.0

PROCEDURE

4.1 Preliminary Consultation

- a. Prior to subdivision, the subdivider shall submit a sketch to the Plan Commission, Town Board and County Planning and Resource Department of sufficient scale and reasonable accuracy so that the following information is indicated: The boundaries of the property being considered for subdivision; proposed roads and general lot layout, including proposed dedications; areas with slopes over 15°; general description of soil conditions, including lakes, streams, wet areas and rock out crops; proposed filling, grading, lagooning, dredging; and delineation of any flood plain area; and a description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only a part of the area is proposed for immediate development.

- b. It is recommended that, prior to the filing of the application for the approval of a preliminary plat, the subdivider consult with the Plan Commission and County Planning and Resource Department or its staff and utilities serving the area, in order to obtain their advice and assistance. At this meeting, the subdivider and agency or staff should discuss the general sketch and plan in order to best explain his ideas. This consultation is neither formal nor mandatory, but is intended to explain these regulations and the comprehensive plan. Such discussions may promote mutual conclusions between the parties regarding the general program and objectives of the proposed development and its effects on the neighborhood or area within which it will be located. The subdivider will also gain a valuable understanding of the subsequent required procedures.

4.2 Preliminary Plat Review

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat, and letter of application. Such plat and letter and soil test data (where applicable) will be prepared in accordance with these regulations and shall be filed as follows:

- a.
- (1) To the County Planning and Resource Department two copies of the preliminary plat and one copy of the soil test data.
 - (2) The State Department of Commerce shall receive two copies of the preliminary plat and one copy of the soil test data (where applicable).
 - (3) To the State Department of Transportation (where applicable) two copies of the preliminary plat.
 - (4) To the State Department of Administration two copies of the preliminary plat.
 - (5) To the City of Sheboygan Planner two copies of the preliminary plat (where applicable).
 - (6) To the Town of Sheboygan two copies of the preliminary plat and one copy of the soil test data.
 - (7) And all other agencies or departments as may be required from time to time by State Statutes, County ordinance or the Town Board of the Town of Sheboygan. Where applicable, hillside street plans and profile as required by Section 4.3 should be presented with the preliminary plat to the County Planning and Resource Department, City of Sheboygan Planner and the Town of Sheboygan.
 - (8) To each utility serving the area one copy of the preliminary plat. Such copy shall be returned to the Plan Commission within ten (10) working days from the receipt of the said copy showing the location and width of utility easements needed.
- b. Filing Fees. The preliminary plat must be accompanied by the applicable fees indicated in the Town's Fee Schedule (Section 11.05 of the Municipal Code) and shall not be considered filed until such fees are paid.
- c. Plan Commission Review.
- (1) Public Hearing. After review and approval of the preliminary plat by all other agencies required to approve or review, the Town Clerk shall schedule a public hearing on the plat before the Plan Commission, and give notice thereof by publishing a Class 2 notice pursuant to Ch. 985, Wis. Stats. Written notice of the hearing shall be given to the applicant, any interested parties, and all landowners within 200 feet of the applicant's land.

- (2) Recommendation. No more than sixty (60) days after the filing of a preliminary plat, the Plan Commission shall recommend to the Town Board that the plat be approved, conditionally approve, or rejected.
- d. Board Action. The Town Board shall, after receipt of the Plan Commission's recommendation and within ninety (90) days of the date the plat was filed, unless the time is extended by agreement with the subdivider, approve, approve conditionally, or reject such plat and shall state, in writing, conditions of approval or reasons for rejection. Failure of the Board to timely act shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Town Clerk shall communicate to the subdivider the action of the Town Board. If the preliminary plat is approved, the Town Chairperson shall endorse it for the Town Board.
- e. Effect of Approval. Approval of a preliminary plat shall be valid for six (6) months from the date of approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.
- f. Conditional Approval. Where a plat is approved conditionally, which conditions call for layout changes, the subdivider shall provide the Town with corrected copies of the preliminary plat for distribution to each approving and objecting authority for their files and possible further comment. If the approving authorities approve a preliminary plat subject to certain conditions and such conditions are not identical, then the more restrictive conditions shall apply. If the subdivider or the approving authority may request a joint meeting of the subdivider and the other approving authorities for the purpose of clarifying or, if need be, amending the conditions so as to clarify the applicable conditions.
- g. Amendment. If the subdivider desires to amend the preliminary plat as approved, the subdivider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which case it shall be refilled.

4.3 Preliminary Plat Requirements

- a. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and a plat prepared on tracing cloth or paper of good quality drawn with waterproof, nonfading black ink, or legibly drawn with pencil, on a scale of not more than one hundred (100) feet to the inch, and shall correctly exhibit the following data:
- (1) Title: The title under which the proposed subdivision is to be recorded.
 - (2) Location of the proposed subdivision by section, township and range, or as otherwise officially designated by the Register of Deeds. Such location shall be graphically presented on a preliminary plat as a small scale legend map, the location of the proposed subdivision with respect to surrounding area, streets, roads and such geographical features as exist contiguous to the plat.
 - (3) Date, scale, names and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (4) Lot width and depth.
 - (5) Existing and proposed street, parks, public access and utility services.

- (6) Available community facilities and utilities.
- (7) Easements.
- (8) Land characteristics, including soil information, wetlands, and topography survey of the area being subdivided showing contours of ten (10) foot intervals.
- (9) Proposed filling, grading, lagooning, dredging.
- (10) Delineation of any flood plain area with topographical mapping showing two (2) foot contour intervals to an elevation of ten (10) feet above the normal water elevation of the lake, stream, pond or other water course.
- (11) Identification of proposed improvements such as grading, paving, installation of facilities, including water and sewage disposal facilities, if applicable, and dedications or reservations of land which the subdivider proposes to make and shall indicate when the improvements will be provided.
- (12) Any proposed restrictive covenants for the land involved.
- (13) Approximate radii of all curves of existing or proposed roads or cul-de-sac in the proposed subdivision and surrounding areas.
- (14) Affidavits: The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with these regulations.
- (15) Soil testing: Soil tests shall be required where the subdivision will not be served by public sanitary sewers and is required by State Statutes or the Plan Commission, Town Board, or county planning agency, and shall be shown upon the preliminary plat or filed separately indicating, among other things, the location of each hole and the percolation and a certification of the date and results.

4.4 Final Plat Review

- a. Submission. The final plat and such copies thereof as shall be required shall be submitted to the Plan Commission within six (6) months of the approval of the preliminary plat. However, if approval of the preliminary plat must be obtained from another approving authority subsequent to approval by the Town, the final plat shall be submitted within six (6) months of such approval. The Town Board may waive failure to comply with this requirement.
- b. Town Board Approval. The Plan Commission shall refer the final plat with its recommendations to the Town Board within sixty (60) days of its submission unless the time is extended by the Board. The Board shall approve or reject the final plat within sixty (60) days of its submission to the Plan Commission, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Town Board meeting and a copy thereof or a written statement of such reasons shall be supplied the subdivider.
- c. Substitute Copies.
 - (1) If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Board will be inscribed on the original of the final plat, the surveyor or the subdivider shall certify the respects in which the original of the final plat

differs from the true copy, and all modifications must be approved. The subdivider shall send a copy of the final plat to each affected utility to make any necessary changes in the utility easements shown on the preliminary plat.

- (2) The subdivider shall provide sufficient copies of the plat at the request of the Town Board, Plan Commission or County Planning and Resource Department for distribution to various affected agencies and utility companies.
- (3) The final plat shall be accompanied by detailed construction plans of all improvements to be provided by the subdivider.

4.5 Recording Final Plat

The approved final plat shall be recorded in accordance with the requirements of Wis. Stat. § 236.25 before lots are sold and within six (6) months of the first approval.

4.6 Final Plat Requirements

a. The proposed subdivision shall conform to:

- (1) The preliminary plat as approved and to the requirements of all applicable ordinances and State laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Wis. Stat. § 236.12.
- (2) The provisions of Chapter 236, Wisconsin Statutes.
- (3) All applicable ordinances of the Town.
- (4) The comprehensive plan, the master plan or official street map of the Town of Sheboygan or any municipality having official extraterritorial jurisdiction over part or all of the Town.
- (5) Lot size and lot elevation if the subdivision is not served by a public sewer and provisions for such services have not been made, except where the Town has placed greater restrictions on the size and elevation of the lot.
- (6) The rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.

4.7 Plat Data

The final plat shall exhibit on its face, among other things, the following information:

- a. Primary control points or ties to such control points to which all dimensions, angles and bearings of the plat shall be referred.
- b. Exact dimensions and bearings of all boundary lines of the whole tract and of each lot within the tract to be subdivided.
- c. Name, exact right-of-way width, and exact centerline and arc length and bearing of every street included in the subdivision.

- d. Location, dimension and purpose of each easement.
- e. Identification number of every lot and block of the subdivision.
- f. Setbacks or building lines required by the Plan Commission.
- g. All reserved lands for future public acquisition or for common use of the property owners within the subdivision.
- h. All special restrictions, or directives required or dictated by the Plan Commission relating to access, utilities, or landscaping.
- i. Title, scale, north indicator, location plan, date and surveyor's certification.
- j. Detailed construction plans of all improvements to be provided by the subdivider.

4.8 Deed Restrictions

The Town Board may require that deed restrictions be filed with the final plat.

4.9 Certification

The surveyor shall certify on the plat that he has fully complied with all provisions of these regulations.

SECTION 5.0

REQUIREMENTS

5.1 Streets

- a. All streets shall be of the width specified on the official map or, if no width is specified there, the width shall be determined by the Town Board and shall not be less than sixty-six (66) feet.
- b. Grades. Streets shall not exceed six percent (6%) unless necessitated by topography and approved by the Town Board.
- c. Alignment and Visibility. Clear visibility, measured along the centerline, shall be provided for at least three hundred (300) feet on major streets, and one hundred (100) feet on minor streets.
- d. Street Names. New street names shall not duplicate the names of existing streets, and shall be approved by the Town Board, but streets that are continuations of others already in existence and named shall bear the name of existing streets.
- e. Cul-de-sac, or dead end streets, designed as permanent installation shall not be longer than five hundred (500) feet in length, except where at the discretion of the Town Board topographical or particular conditions warrant an extension. All permanent cul-de-sac streets shall terminate in a circular turn around having a minimum diameter of one hundred (100) feet.
- f. Intersection.
 - (1) Street shall intersect as nearly as possible at right angles and their alignment shall be continuous, and street jobs or off-center intersections shall be avoided.

- (2) Not more than two (2) streets shall intersect at one point unless approved by the Town Board.
 - (3) Property lines at street intersections shall be rounded with a radius of twelve (12) feet or of a greater radius where the Town Board considers it necessary.
 - (4) Street jogs with centerline off-sets of less than one hundred twenty-five (125) feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.
- g. Alleys. Alleys shall not be allowed in the Town of Sheboygan.
- h. Half Streets. Half streets shall be prohibited, except where the Town Board finds it reasonable and practical to require the dedication of the other half when the adjoining property is subdivided or will soon be subdivided.

5.2 Easements

- a. Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least twelve (12) feet wide and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line, the width of the easement in each lot can be added together to meet the width requirement.
- b. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

5.3 Blocks

- a. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated. Block lengths in residential areas shall not be more than one thousand five hundred (1500) feet, nor less than two hundred seventy (270) feet between street lines. Pedestrian crosswalks or not less than ten (10) feet wide may be required by the Town Board through the center of blocks more than nine hundred (900) feet in length where deemed essential to provide circulation and access to community facilities.
- b. Blocks should have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate traffic from residential development.
- c. Pedestrian ways of not less than six (6) feet in width may be required where necessary in the opinion of the Town Board to provide pedestrian access to schools, churches, shopping centers or other such facilities, requiring increased pedestrian circulation.

5.4 Lots

- a. In General. The size, shape and facing of lots in the minimum building setback line shall be appropriate for the topography of the subdivision and for the type of development and use contemplated, and shall conform to the Town zoning ordinance.

- b. Lot Dimensions. Lot dimensions shall conform to the requirements of the zoning ordinance.
- c. Corner Lots. Corner lots shall have added widths so as to provide satisfactory setback requirements from both streets.
- d. Access to Public Street. Every lot shall front or abut on a public street.
- e. Lots at Right Angles. Lots at right angles to each other should be avoided wherever possible, especially in residential areas.
- f. Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
- g. Large Lots. In case a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the resubdivision of any parcels into normal lots in accordance with the provisions of this ordinance.
- h. Municipal Boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.
- i. Double frontage and reverse frontage lots shall be avoided, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

5.5 Hillside Development Streets

Street grades of over six percent (6%) shall be given special consideration. Such plans shall include street profiles and plans showing cuts, fills, construction, and other pertinent data. The following considerations shall be included:

- a. Excessive cuts in ridges or excessive fills in valleys shall not be allowed.
- b. Water runoff ditches shall be adequately designed and paved where required to serve as drains, rock catches, bicycle lanes or walks. Such surfaces shall be at least two and one-half (2-1/2) feet wide and shall be widened intermittently for emergency turnoffs.
- c. Retaining walls shall be installed where necessary.
- d. All banks, cuts and fills shall be planted with erosion retardant cover. Hill slopes exceeding grades allowed by these regulations for building development shall be presented for special study, when such development is not in contradiction to the comprehensive plan, master plan or official street plan. Such proposals should be accompanied by detailed plans prepared by a competent engineer, architect, or planner for a logical, workable development of problematic areas.

5.6 Public Sites and Open Spaces

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for public schools, parks, playgrounds, drainage ways, and other public purposes. If the design on the comprehensive plan, master plan, plan component or neighborhood development plan, such areas shall be made part of the plan as stipulated in Section 4.5, a., (4), of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees or foliage, lake frontage, and other such aesthetically valuable natural or man-made features.

5.7 Shared-Use Paths
2/26/08 Ord. - 2007/2008 Attached.

AN ORDINANCE AMENDING SECTION 7.02 OF THE
MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN,
SHEBOYGAN COUNTY, WISCONSIN, CONCERNING
REGULATIONS OF SUBDIVISIONS (SHARED-USE PATHS)

WHEREAS, the Town Board of the Town of Sheboygan does declare its intent to promote bicycling, walking, jogging, roller-blading, and similar non-motorized activities as healthy and environmentally friendly forms of recreation and transportation; and

WHEREAS, requiring the construction of bicycle and pedestrian paths within and between new residential subdivisions, roadways, and other development would promote pedestrian and other non-motorized forms of recreation and general transportation; and

WHEREAS, the Town Board has determined that amending the Town's General Code of Ordinances 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 Sheboygan does hereby ordain as follows:

Section 1. Amending Code. Section 7.02 of the Municipal Code of the Town of Sheboygan entitled "Regulation of Subdivision and Platting of Land" is hereby amended to read as follows (additions indicated by underscoring; deletions indicated by ~~strikeouts~~):

2.0: DEFINITIONS

2.26 SHARED-USE PATH

A path of asphalt, crushed limestone, or similar hard surface for use by pedestrians and non-motorized vehicles such as bicycles, skateboards, and rollerblades.

5.0: REQUIREMENTS

~~5.7 SHARED-USE PATHS~~

The layout of subdivisions shall provide for the installation and connection of current and future shared-use paths to serve the needs of pedestrians, bicyclists, and similar non-motorized travelers within, to, from, and through the proposed subdivision, to provide adequate circulation or access to schools, commercial centers, churches, places of employment, and recreational facilities, as determined by the Town Board upon the recommendation of the Plan Commission.

SECTION 6.0

REQUIRED IMPROVEMENTS

6.1 SURVEY MONUMENTS

The subdivision shall be monumented as required under Wis. Stat. § 236.15, which is hereby adopted by reference.

6.2 Required Installations

Before the final plat of the subdivision located within the Town of Sheboygan will be approved, the subdivider shall provide and dedicate the following facilities and improvements according to standards established by the Town Board, all of which facilities and improvements must be installed within the time required by the Town Board, but in no event exceed two (2) years:

- a. Water and Sewage. Water, sanitary and storm sewer mains and laterals installed to the lot line in those cases where the subdivision has been designed to be served by such utility systems, where connections can be reasonably provided to existing systems or to systems to be constructed in the reasonably near future, and where the installation of such facilities is deemed necessary by the Town Board.
- b. Streets. Streets shall be graded and surfaced according to established standards of the Town of Sheboygan. (See Streets Graded and Surfaced, Section 3.01, Municipal Code of the Town of Sheboygan.)
- c. Sidewalks. Sidewalks where deemed necessary by the Town Board and curb and gutter or such other facilities necessary to provide adequately for surface water drainage as directed by the Town Board.
- d. Street Trees. The subdivider shall provide, when directed by the Town Board, for the planting of street trees on both sides of the roadways. Such trees shall have a trunk diameter of not less than one and one-half (1-1/2) inch at a point one foot above the root system. The planting plan, species and quality of trees to be planted by the subdivider shall be approved by the Town Board.
- e. Fire Cisterns. Where public water is not provided and where deemed necessary for the public safety, fire cisterns may be required to be provided. The necessary number, size and location of which shall be determined by the Town Board upon recommendation of the Fire Chief. A paved roadway providing reasonable access to such cisterns shall also be provided.
- f. Erosion Control. All open cuts of ground shall be returned in a satisfactory manner. Sod shall be provided for any open cuts subject to excessive erosion, which sod shall be laid in strips at intervals and at right angles to the flow of the water in order to prevent erosion.
- g. Street Lights. Where deemed necessary for public safety, the provision of street lights may be required, the necessity, location, and type of which shall be determined by recommendation of the Plan Commission and approval of the Town Board.
- h. Storm Drainage. Storm drainage facilities where needed shall be designed to permit the unimpeded flow of natural watercourses; insure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess runoff on adjacent property. The Town Board may require that easements or drainage ways of widths sufficient to accommodate present and future storm water runoff be provided.

i. Other Utilities. The subdivider shall cause electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. 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 plat shall be approved by the respective utility agencies and the Town Board.

j. Street Landscaping. Screen planting strips, and open space planting shall be accomplished by the subdivider as required by the Town Board.

6.3 **Security for Improvements** k. *shared-use paths - Adopted 2/26/08 Ord. No. - 2007/08 Attached*

a. In the event the aforesaid facilities and improvements have not been fully installed at the time the plat is submitted for final approval, the subdivider shall either:

(1) File with the Town Clerk a surety bond approved by the Town to amply cover the cost of completing said facilities and improvements, in such an amount as the Town Board shall determine to be adequate, which surety bond shall be executed by the subdivider as principal and a responsible bonding company duly licensed and authorized to do business in the State of Wisconsin as surety, the same to be payable to the Town of Sheboygan and to be conditioned upon the faithful performance and payment of any and all work to be performed by the subdivider pursuant to this ordinance; or,

(2) Submit contracts for the installation of said facilities and improvements which contracts shall first be approved by the Town Board and the performance of said contracts be secured by performance and payment bonds of the contractors. Said bonds shall be filed with the Town Board and approved by the Town Attorney, in such an amount or amounts as the Town Board shall determine to be necessary and adequate to complete all of said facilities and improvements. Each bond shall be executed by the contractors as principal and a responsible bonding company duly licensed and authorized to do business in the State of Wisconsin, as surety. Said bond shall be payable to the Town of Sheboygan, and shall be conditioned upon the faithful performance and payment of any and all work required by this ordinance to be performed by said contractors.

b. The adequacy of such facilities and improvements and their proper installation shall be subject to approval of the Town Board.

c. In all instances where it shall appear to the satisfaction of the Town Board of the Town that the whole of a platted subdivision cannot immediately be fully improved with respect to the installation of all storm and sanitary sewers and related facilities, water mains and related facilities and street improvements, by reason of unavoidable delay in the acquisition of lands necessary for such improvements or by reason of the unavoidable delay in obtaining necessary engineering data and information or for other good reason or cause, the Town Board may, in its sole discretion, authorize the subdivider to proceed with the installation of improvements required under this ordinance on a portion or part of said subdivision. In such event, the requirements of this ordinance shall apply to that portion, or part thereof, authorized for immediate improvement.

6.0: REQUIRED IMPROVEMENTS

6.2 REQUIRED INSTALLATIONS

~~(K)~~ Shared-use Paths. Shared-use paths shall be required within subdivisions, between subdivisions, and between subdivisions and other areas, subject to the following standards:

1. Right-of-way width of at least twenty (20) feet.
2. A paved lane of asphalt, crushed limestone, or similar hard surface at least ten (10) feet wide on top of a prepared and compacted base, with a five (5) foot buffer on each side.
3. Paths in wooded and wetland areas shall be designed and constructed so as to minimize the removal of vegetation and to preserve the natural beauty of the area.
4. Any portion of the site that abuts a highway, an arterial street, or a collector street may require a shared-use path adjacent to the roadway; however, paths which are extensions of the roadway pavement are not to be for pedestrian use, and must be at least five (5) feet wide.
5. Signage shall be installed according to standards and specifications established by the Town Board.

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. The herein Ordinance shall take effect upon posting or publication.

Enacted this _____ day of _____, 2008.

TOWN OF SHEBOYGAN

By _____
DANIEL W. HEIN, Chairperson

SECTION 7.0

DEDICATION AND RESERVATION OF LAND

7.1 Streets

Whenever a tract of land to be subdivided embraces all or any part of any street, drainage way or other public way, said public way shall be made part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated by the Town Board or City Master Plan.

7.2 Parks and Open Space

All subdividers shall dedicate to the Town of Sheboygan an area at least five percent (5%) of the total area of the subdivision for parks playgrounds, public access and open spaces, or an amount equal to five percent (5%) of the total market value of said subdivision after platting:

- a. The Plan Commission may recommend that the Town Board of the Town of Sheboygan shall require at its choice dedication or contribution.
- b. That said dedicated area dedicated and reserved for future public use such as parks, playgrounds, and public access, may be used for such purposes upon the direction of the Town Board.
- c. That funds paid in lieu of said dedication or upon sale of any dedicated land under this section shall be placed in a special park and open space fund for future public use such as parks, playgrounds, public access and open spaces.
- d. The total market value after platting shall mean the market value of the land as divided into lots, including required improvements.

7.3 Lake Access

Subdivisions abutting on a navigable lake or stream shall, according to the provisions of Wis. Stat. § 236.16(3) and the provisions of this ordinance provide public access at least one hundred (100) feet wide to the low watermark so that there will be public access to fifty (50) acres or larger bodies of water, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Department of Natural Resources, County Planning Agency, Town Board, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. Public access to navigable bodies of water fifty (50) acres or less in size may provide, at the discretion of the Town Board or the County Planning Agency, an access less than one hundred (100) feet wide based upon the size and quality of the body of water and the space available for access.

7.4 Flood Plain

The lands lying between the meander line established in accordance with Wis. Stat. § 236.20(2)(g) and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge, shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which the holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

7.5 Reservation of Land

Whenever a proposed playground, park, school site or other public land, other than streets or drainage ways, designated on any comprehensive plan, master plan or official map or other official planning document is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made part of the plat and shall be dedicated to the public or reserved for periods not exceeding three (3) years, unless extended by mutual agreement, for acquisition by the government at undeveloped land cost. When the size of the tract being subdivided is large enough in the opinion of the Town Board to necessitate a percentage of public land as part of a plat for convenience and pleasure of the public, said dedication shall be effective as a requirement for plat approval.

7.6 Sales of Lands Abutting on Private Way

No person shall sell any parcel of land of five (5) acres or less in size, located outside the corporate limits of a municipality, if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or county.

SECTION 8.0

CONSTRUCTION

8.1 Commencement

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved.

8.2 Building Permits

No building permit shall be issued for erection of a structure on any lot of record until all the requirements of these regulations have been met.

SECTION 9.0

PENALTY

9.1 Penalty

Any person, firm or corporation who fails to comply with any provision of this ordinance shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00), no more than Two Hundred Dollars (\$200.00), together with the costs of prosecution for each violation and in default of payment thereof, shall be imprisoned in the County Jail of Sheboygan County, Wisconsin, until payment of such forfeiture and costs, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Wis. Stat. §§ 236.30 and 236.31 shall be available to the Town.

SECTION 10.0

SEVERABILITY

10.1 Severability

If any section, subsection, paragraph, clause, or provision of this Ordinance would be adjudged invalid, such adjudication shall apply only to the section, subsection, paragraph, clause or provision involved, and the remainder of this Ordinance shall remain valid, effective, and in full force.

CHAPTER 7: ZONING AND SUBDIVISION CODE

PART 7.03: Certified Survey Approval Procedure

(1) **Approval of Other Authorities.**

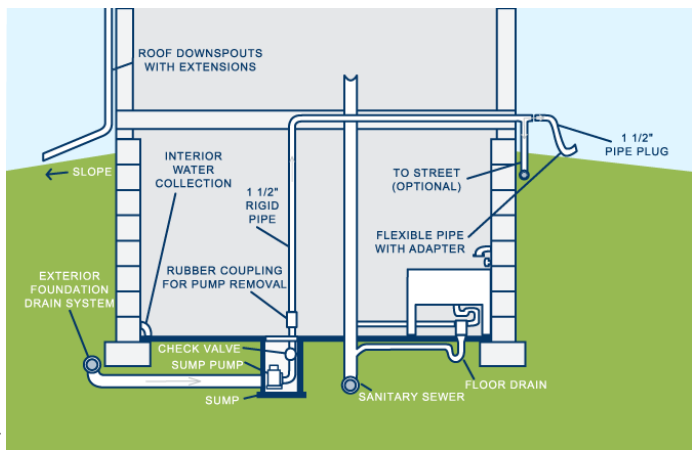
Prior to submitting a certified survey map for approval, the subdivider shall obtain approval from all other approving or reviewing authorities.

(2) **Plan Commission Review.**

Upon receipt of a certified survey map and the applicable fees indicated in the Town's Fee Schedule (Section 11.05 of the Municipal Code) the Town Clerk shall schedule the map on the next available Plan Commission meeting agenda for its review and consideration. No more than forty (40) days after the filing of a map, the Plan Commission shall recommend to the Town Board that the map be approved, conditionally approved, or rejected.

- (3) **Board action.** The Town Board shall, after receipt of the Plan Commission's recommendation and within sixty (60) days of the date the map was filed, unless the time is extended by agreement with the subdivider, approve, approve conditionally, or reject such map and shall state, in writing, conditions of approval or reasons for rejection. Failure of the Board to timely act shall constitute an approval of the map, unless other authorized agencies object to the map. The Town Clerk shall communicate to the subdivider the action of the Town Board. If the map is approved, the Town Chair shall endorse it for the Town Board.

No changes required to subsections (4) to (6).



Correct Installation



**Town of Sheboygan
Sanitary District No. 2 Sewer
Sump Pump
Inspection Program**

The Town of Sheboygan has implemented a Sump Pump Inspection Program to reduce the volume of clear water that is being directed into the sanitary sewer system. This mandatory program involves the inspection of every home and business in the community and will result in reduced waste water treatment fees.

**Town of Sheboygan Public Works
1512 N 40th St
Sheboygan, WI 53081
920-451-2320**

**Town of Sheboygan
Sanitary District No. 2 Sewer
Sump Pump Inspection Program**

- Informational Postcards will be mailed to Town Residents
- Field Inspections will be done randomly, by area/neighborhood.
- Non-compliant properties will receive a 30-day notice to make necessary corrections (property owner will be required to contact the Town Hall to schedule a re-inspection).
- If a property is not brought into compliance within the 30-days, fine(s) will be issued and District Ordinance will be enforced.

If you have any questions or concerns regarding the Sump Pump Inspection Program please contact the Town of Sheboygan at 920-451-2320.

Town of Sheboygan Sanitary District No. 2(Sewer)
1512 N 40th St
Sheboygan, WI 53081



Background of the Problem

WHAT IS THE PROBLEM:

Wastewater from homes and businesses in the Town of Sheboygan is collected in 42 miles of sewerage system operated by the Town of Sheboygan Sanitary District No. 2 (Sewer) and treated by the City of Sheboygan Wastewater Treatment Plant. Our sewer system is aging, requiring more maintenance repairs. The goal of Sanitary District No. 2 (Sewer) is to continue operations and maintenance without having to increase sewer rates, but we need your help to minimize clear water inflow that drives up treatment costs.

During heavy rains the clear water inflow to the sewer system can more than double normal flows. In some events clear water inflow has resulted in over two million gallons per day which exceeds the system capacity. The cost to treat this additional clear water sewage is very high. A major source of this inflow is illegal sump pump connections that puts excessive strain on the collection system and adds costs.

WHAT IS SANITARY DISTRICT NO. 2 SEWER DOING?

Excessive clear water inflow increases the cost of wastewater treatment and is straining the capacity of our pumps and the collection system. To reduce inflow, Sanitary District No. 2 (Sewer) has completed major costly repairs including:

- Sewer Re-lining
- Main Lift Station Repairs & Retrofit
- Interceptor Repairs

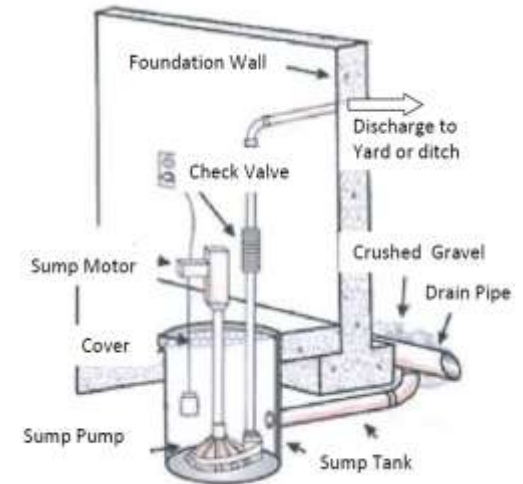
- Manhole Cover Replacement and Seals
- Televising 15% of the System Each Year

In addition to reduce costs for unnecessary repairs, the Town of Sheboygan Sanitary District No. 2 (Sewer) will be implementing a systematic inspection of residential and commercial structures to check for illegal sumps. Inspections may be unannounced and *could* be done during or immediately after rainstorms.

WHAT YOU CAN DO!

When properly installed, sump pumps remove clear water from around your building and discharge away from the building. It is illegal to connect sump pumps to floor drains or sewers. To minimize water collected in your sump pump you can do the following:

- Be sure grading around the house directs storm water away from the dwelling.
- Extend downspouts well away from the building.



Typical Sump Pump Installation

- **DO NOT** connect downspouts to the sanitary sewer lateral.
- It is illegal to connect sump pumps to floor drains or sewer connections.
- Keep culverts and drainage ditches on your property clear, it is your responsibility. Water from neighboring properties must flow unimpeded across your property.

By reducing these unnecessary costs, Sanitary District No. 2 (Sewer) can hope to maintain its level of service and avoid the necessity to increase sewer rates to all property owners.

If there is a reason that sump water cannot be discharged on the owner's property (example: flooding) contact the Town of Sheboygan for help in resolving the problem (920-451-2320).

**SECTION 1.07
OF THE MUNICIPAL CODE OF THE
TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY WISCONSIN
CONCERNING TAX COLLECTION**

1.07 Tax Collection

1. Purpose. Pursuant to Wis. Stat 66.0301 the Town of Sheboygan is authorized to collect first installments of property tax payments. The Town of Sheboygan 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 of Sheboygan.

The Town of Sheboygan will act in a fiduciary capacity in the billing and collection of general property taxes, special assessments and special charges. The Town of Sheboygan shall be vested with all powers and shall be subject to all responsibilities, duties and obligations conferred and imposed upon the Town of Sheboygan by state statutes, including Chapters 70, 74 and 75.

2. Tax Bill Preparation. In consideration of the time necessary for Sheboygan County to print the large volume of Sheboygan County tax bills, the Town of Sheboygan 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 of Sheboygan will be billed separately by Sheboygan County for actual postage expense and shall reimburse Sheboygan County within thirty (30) days after billing.

3. Collection Procedures. The Town of Sheboygan will collect all tax payments beginning in December through January 31 of each year. Tax payments can be made at the Town of Sheboygan Hall, 1512 No. 40th Street, Sheboygan, WI 53081 or at any Community Bank Sheboygan location. All payments will be immediately deposited into Town of Sheboygan bank accounts. All payments received by Sheboygan County will be immediately forwarded to the Town of Sheboygan with the taxpayer's postmarked envelope. The postmark verifies timeliness of such payment.

Payments options include:

***In-person (Check ONLY)** payments will be accepted at the Town of Sheboygan Hall, 1512 No. 40th Street, Sheboygan, WI

***In-person (Cash or Check)** payments will be accepted at any Community Bank Sheboygan location. You must bring a copy of your tax bill with you to make a payment at Community Bank.

***Drop-box** payments can be made at the front entry to the Town of Sheboygan Hall, 1512 No. 40th Street

***U.S. Mail** payments can be mailed to the Town of Sheboygan Hall, 1512 No. 40th Street, Sheboygan, WI 53081.

***Online e-check** payments, an electronic fund transfer from the property owner's checking or savings account to the Town of Sheboygan is available at www.officialpayments.com. There are fee's involved for this service.

***Online credit card** payments can be made at www.officialpayments.com. There is a convenience fee for this service.

***Telephone credit card** payments can be made at 1-800-272-9829. The Town of Sheboygan Jurisdiction Code is 6829. There are fee's involved for this service.

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

***Cash or check payments will be accepted at any Community Bank Sheboygan location.**

4. Receipts and Refunds. The Town of Sheboygan will provide receipts to all taxpayers making payments in person at either the Town Hall or Community Bank. Mailed tax payments will be provided a receipt if a self-addressed stamped envelope is provided. Taxpayers may obtain a receipt at any time from the Sheboygan County Treasurer, once payments have been processed.

Refunds of payments made at the Town Hall will be mailed within 15 working days after receipt of the payment. Payments made at Community Bank with a refund balance will be processed and issued at the time of payment.

Refunds under one Dollar (\$1.00) will not be refunded.

5. Bank charges. The Town of Sheboygan will charge a returned check fee of Fifty Dollars (\$50.00) for each check that is returned to the Town of Sheboygan for insufficient funds.

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

7. Obligation. The Town shall be obligated to pay, in case the Town Treasurer fails to do so, all taxes of any kind required by law to be paid by the Town Treasurer to the County Treasurer.

8. Certification. A certified copy of this Ordinance shall be filed with the County Treasurer and shall be accepted in lieu of the bond required by Section 70.67(1) Wisconsin Statutes. This Ordinance shall remain in effect until a certified copy of its repeal shall be filed with the County Clerk and the County Treasurer.

Effective Date: This Ordinance shall be in effect upon adoption and posting or publication.

Adopted this 15th day of November 2011.

TOWN OF SHEBOYGAN
DANIEL W. HEIN, Chairman

SECTION 2.01
OF THE MUNICIPAL CODE OF THE
TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY,
WISCONSIN, ENTITLED MEMBERSHIP OF THE TOWN BOARD

WHEREAS, an advisory referendum concerning the membership of the Town Board was submitted to the electors of the Town of Sheboygan at the annual spring election on April 6, 2004; and

WHEREAS, the electors of the Town of Sheboygan directed the Town Board to increase the membership of the Town Board from three (3) supervisors to five (5) supervisors by ordinance pursuant to Wis. Stat. § 60.21(1) (2001-2002).

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

Section 1. **Repealing and Recreating Code.** Section 2.01 of the Municipal Code of the Town of Sheboygan is hereby repealed and recreated to read as follows:

2.01 **Membership of the Town Board.**

- (1) The elected Town Officers shall be five (5) supervisors. The Town shall elect three (3) supervisors to numbered positions at the annual spring election in odd-numbered years and two (2) supervisors to numbered positions at the annual spring election in even-numbered years. One of the three (3) supervisors elected in odd-numbered years shall be designated on the ballot as Town Board Chairperson.
- (2) Every elected Town Officer shall hold the office for two (2) years. The regular term of elected Town Officers commences on the second Tuesday of April in the year of their election.
- (3) Notwithstanding sections 2.01(1) and (2) of this Code, the two Supervisors that are to be elected in even numbered years shall be elected for the initial term at the 2005 annual spring election. The term for these two new supervisor positions shall be one year and thereafter shall be elected to full two year terms in even-numbered years as provided in sections 2.01(1) and (2) of this Code.

Section 2. **Effective Date.** This Ordinance shall take effect upon enactment and posting as required by law.

Enacted this 18th day of May 2004.

TOWN OF SHEBOYGAN

by **DANIEL W. HEIN**, Chairperson

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 18th day of May 2004.

CAROL J. HOLFELTZ, Clerk

Posted May 19, 2004

**AN ORDINANCE CREATING SECTION 5.13 OF THE MUNICIPAL
CODE, OF THE TOWN OF SHEBOYGAN REGULATING
FIREARMS IN TOWN BUILDINGS**

WHEREAS, with the enactment of 2011 Wisconsin Act 35 which takes effect on November 1, 2011, citizens of Wisconsin are allowed under certain circumstances to carry concealed weapons, and

WHEREAS, prior to the enactment of 2011 Wisconsin Act 35, it was unlawful for any persons other than law enforcement or military personnel to go armed with a firearm in any building owned or leased by the Town of Sheboygan pursuant to Wis. Stat. § 941.235, and

WHEREAS, with the enactment of 2011 Wisconsin Act 35, the prohibition against going armed in Town buildings no longer would apply in Town buildings in certain circumstances related to in-state or out-of-state persons having licenses to carry concealed weapons, and

WHEREAS, in light of the legislative changes, it would be prudent to enact an ordinance to limit the circumstances in which persons could go armed in Town buildings, whether with a concealed or non-concealed firearm.

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

Section 1 **Creating Code.** Section 5.13 of the Municipal Code of the Town of Sheboygan, Sheboygan County, Wisconsin is hereby created to read as follows:

"5.13 **Regulating Firearms in Town Buildings.**

(1) **Authority and Purpose.**

This Ordinance is enacted pursuant to the authority provided by Wis. Stat. § 60.23(23), 175.60(15m), 175.60(16), and 943.13(1m)(c) as modified by 2011 Wisconsin Act. 35. Its purpose is to refine and clarify the circumstances in which firearms are permitted or prohibited in Town of Sheboygan buildings.

(2) **Firearms Prohibitions.**

(a) Except as otherwise provided herein, no person may go armed with a firearm in any Town of Sheboygan building in the manner which is the same or similar to that prohibited by Wis. Stat. § 941.235(1).

(b) Any person not subject to the applicability of Wis. Stat. § 941.235(1) as adopted under Subsection (1) hereof by operation of Wis. Stat. § 941.235(2)(e) is prohibited from entering or remaining in any Town building while carrying a firearm if the building is posted with the notification as required by Wis. Stat. § 943.13(2)(bm) as set forth in Subsection (3) hereof, and such persons shall be subject to prosecution as having violated Wis. Stat. § 943.13, as amended by 2011 Wisconsin Act 35, and as adopted by the Town of Sheboygan.

(3) Trespass Prohibitions.

(a) No person while carrying a firearm may enter or remain in any building owned, occupied, or controlled by the Town of Sheboygan, if the Town of Sheboygan has notified the actor not to enter or remain in the building with a firearm by posting a notification that meets the requirements of Wis. Stat. § 943.13(2)(bm).

(b) The Director of Public Works is directed to post the Town Hall, Firehouse, DPW Buildings, Firehouse Park Shelter and Bathrooms with a notification that meets the requirements of Wis. Stat. § 943.13(2)(bm). The Town Board may from time to time review the inventory of Town buildings and determine which buildings the carrying of firearms will be restricted as set forth in this Section 5.13(2)(b) of this Code.

(4) Exceptions.

(a) Nothing contained herein is intended to prohibit the otherwise lawful possession of firearms on Town owned lands or grounds as distinguished from Town owned, occupied, or controlled buildings.

(b) Nothing contained herein is intended to prohibit the otherwise lawful possession of firearms by any person in that person's own motor vehicle, whether or not the vehicle is driven or parked on property, including parking lots owned, occupied, or controlled by the Town.

(c) Nothing contained herein is intended to prohibit the possession of firearms by persons for whom the provisions of Wis. Stat. § 941.235(2)(a), 941.235(2)(c), or 941.235(2)(d) would apply.

(5) Penalties.

Any person who violates any provision of this Section, upon conviction thereof, shall forfeit as follows:

(a) First Offense. Five Hundred Dollars (\$500.00) plus penalty assessment and court costs.

(b) Second and subsequent Offenses. One Thousand Dollars (\$1,000.00) plus penalty assessment and court costs.

The Town Attorney shall enforce this Ordinance.

(6) State Law and Interpretation Adopted.

Wisconsin Statutes §§ 941.235 and 943.13 including any future amendments, revisions, or modifications are hereby adopted and incorporated into this Code. All provisions of this Ordinance shall be construed in the same manner as the corresponding state law."

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 upon enactment and posting or publication as required by law. The enforcement of Section 5.13(3) shall take effect upon the later of November 1, 2011, or upon the posting or publication of this Ordinance.

Enacted this 18th day of October, 2011.

TOWN OF SHEBOYGAN

By: 

DANIEL W. HEIN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 18th day of October, 2011.



CATHERINE A. CONRAD, Clerk

Published/Posted this 15th day of November, 2011.

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.

(1) 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.

(2) 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.

(3) Accumulation Unlawful: It shall be unlawful to park, stand, store or accumulate disassembled or unoperable 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:

(a) Properly licensed and equipped junk yards or motor vehicle salvage dealers.

(b) Operable motor vehicles displayed for resale by properly licensed used and new car dealers.

(c) 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.

(d) 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 shall they be permitted in public view in excess of thirty (30) days.

(4) Notice: The Town Board, upon discovering a violation of this ordinance, shall 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 shall be charged to the owner or occupant or both of said land, and that failure to remove said motor vehicle shall subject him to fines for each day said violation continues.

(5) Removal by Town:

(a) 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.

(b) 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.

(c) 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.

(6) 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, shall upon conviction thereof, be penalized as provided in Section 11.04(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 An Ordinance Prohibiting a Minor's Misrepresentation to Procure, Possess or Consume Intoxicating Liquor.

(1) Misrepresentation of Age: No minor shall represent that he is of age for the purpose of asking for or receiving any intoxicating liquors from any keeper of any place or any name whatsoever for the sale of intoxicating liquors, except in cases authorized by law.

(2) Consumption or Possession by Minors:

(a) No person under the age of eighteen (18) years shall consume fermented malt beverage or intoxicating liquors in the township, nor shall possess or carry any container containing fermented malt beverage or intoxicating liquor in the township.

(b) There is no violation of the above section if such person is consuming fermented malt beverage under the direct supervision of his or her parent, legal guardian or spouse who is an adult.

(3) Penalty: The penalty for this violation of this section shall be not more than Twenty-five (\$25.00) Dollars, and the Court shall also restrict or suspend the motor vehicle operating privileges as provided in Section 343.30(6) of the Wisconsin Statutes.

5.03 Mobile Homes and Mobile Home Parks.

(1) Purpose: An ordinance enforcing minimum standards for mobile home parks; establishing requirements for the design, construction, alteration, extension and maintenance of mobile home

TOWN OF SHEBOYGAN FEE SCHEDULE

The following fees shall be charged for permits or licenses unless otherwise set forth in the Town of Sheboygan Code of General Ordinances. All fees set forth hereunder are annual fees unless otherwise indicated:

- (1) Lost or destroyed license or permit \$ 50.00
- (2) Class "A" Malt Beverage 155.00
- (3) Class "B" Malt Beverage 100.00
- (4) One-Year Bartender or Operators License 50.00
- (5) Provisional Bartender License 15.00
- (6) Replacement Bartender or Operators License 10.00
- (7) Background Check Fee 20.00
- (8) Class A Liquor 500.00
- (9) Class B Liquor 500.00
- (10) Class B Beer (picnic) 25.00
- (11) Reserve "Class B" - Initial Issuance Fee 10,000.00
- (12) Temporary Operator License (see § 4.03)
[14 day non-profit] 25.00
- (13) Dog License (4.04)
 - (a) Female or un-neutered male 20.00
 - (b) Neutered male or spayed female 10.00
 - (c) Late fee for licenses after March 31 20.00
- (14) Transient Merchant Permit 50.00
- (15) Cigarette License 100.00
- (16) Park Shelter Reservation/Rental

	Reservation/ Rental Fee	Refundable Security Deposit	Total Owed with Application
Residents	100.00	50.00	\$ 150.00
Non-residents	200.00	50.00	\$ 250.00

- (17) Permit for Use of the Community Center (based on number of guests).
Permit Applicant must be a Town Resident.

Number of Guests	Permit Cost	Refundable Security Deposit	Total Owed with Application
75 or less	\$300.00	300.00	\$600.00
76-150	600.00	600.00	\$1,200.00
151-299	900.00	900.00	\$1,800.00

- (18) Building Permit Fees [See Tables 1, 2, 3, 4, 5, 6, 7, 8 and 9 attached]
- (19) Public Records Fees [See § 1.05(2)]
- (20) Razing Permit 50.00

(21)	Street Opening [Actual cost; permit deposit required.].....	750.00
(22)	Permit to Construct, Maintain and Operate Utilities in R.O.W.	100.00
(23)	Fireworks	50.00
(24)	Approval of Survey Maps	200.00
(25)	Title Reports (Special Assessment Letters)	40.00
(26)	Clearwater Inspections	50.00
(27)	Subdivision Approval	500.00
(28)	Rezoning	500.00
(29)	Conditional Use	500.00
(30)	Variance	500.00
(31)	Photocopies [Color Per page]	1.00
(32)	Photocopies [Black and White Per page]50
(33)	Driveway (Culvert) Permit Fee	300.00
(34)	Dumping (Fill) Permit Fee	200.00
(35)	Building Relocation Permit	150.00
	[Actual damage reimbursement deposit required]	1,000.00
(36)	Erosion Control Permit as Required by § 15.10.....	300.00
(37)	Stormwater Management Permit as Required by § 16.08 ..	300.00
(38)	Insufficient Funds	50.00
(39)	Large Wind Energy Permit (plus costs)	500.00
(40)	Small Wind Energy Permit (plus costs)	500.00
(41)	As-Built/Site Plan/Elevation review by Town Engineer	750.00
(42)	Certified Survey Maps	200.00
(43)	Special Meeting Charge	250.00
(44)	Interest Charge. The Town shall charge interest at the rate of 1.5% per month, or any portion thereof, which is 18% per year, on any fees, charges, or other sums past due and owing to the Town of Sheboygan. Unpaid fees may be levied as special charges against the real property served pursuant to Wis. Stat. § 66.0628.	

Table 1

**BUILDING PERMIT FEES
NEW HOME CONSTRUCTION**

I. NEW ONE AND TWO-FAMILY DWELLINGS OF NOT MORE THAN 2000 SQUARE FEET:

(1)	Administration Fee	\$200.00
(2)	Building Permit and Inspections	350.00
(3)	HVAC Permit and Inspections.....	150.00
(4)	Plumbing Permit and Inspections.....	300.00
(5)	Electric Permit and Inspections.....	210.00
(6)	Energy Worksheet Review.....	75.00
(7)	Plan Review/WI Building Permit Seal/Occupancy Permit.....	200.00
(8)	Highway and Town Office [Erosion control and miscellaneous work.]	500.00
(9)	As-Built/Site Plan/Elevation review by Town Engineer	750.00
(10)	Sewer Connection Fee	2,000.00
(11)	Driveway (Culvert) Permit	300.00
(12)	Reinspection Fee (to clear failed inspections).....	150.00

II. **PLUS:** \$20.00 per each 100 square feet of construction in excess of 2,000 square feet.

III. "AS BUILT" SURVEY, ROAD AND DITCH INSPECTION DEPOSIT

A \$3,000.00 refundable "as built" survey, road and ditch inspection deposit shall be collected at the time of building permit issuance. The "as built" survey and inspection deposit shall be refunded to applicant when an "as built" survey, road and ditch inspection as required by § 3.03(3) of the Town Code, has been approved by the Town Building Inspectors and Public Works Director or Engineer and placed on file with the Town Clerk's office and all inspections have been completed. In the event applicant fails to provide the required "as built" survey, road and ditch inspection within six (6) months of occupancy of the subject property or occupies the property before final inspections have been successfully completed, the Town may in its discretion (i) authorize its surveyor and/or engineer to prepare same and deduct the costs therefore from the "as built" survey, road and ditch inspection deposit or (ii) retain the "as built" survey, road, and ditch inspection deposit as a forfeiture for failure to provide the required "as built" survey or for occupying the property before final inspections have been successfully completed. In addition, the Town may deduct all extra building inspection fees and costs required to complete the building inspection as required by this Code. The balance of said deposit, if any, shall be refunded to the applicant within sixty (60) days of the satisfactory completion of all building permit requirements.

Table 2

**BUILDING PERMIT FEES
ALTERATIONS, REPAIRS, REMODELING WITH NO STRUCTURAL CHANGES, ROOF
REPLACEMENT, SIDING, DOWNSPOUTS & GUTTERS, WINDOW AND DOOR
REPLACEMENT
(no inspections required)**

Permit required if cost/value exceeds \$1,000

Building Permit Fee for alterations, repairs, remodeling with no structural changes, roof replacement, siding, downspouts & gutters, window and door replacement shall be a flat fee of:

Permit Fee	\$75.00**
Electrical Permit (if applicable)	
Plumbing Permit (if applicable)	
HVAC Permit (if applicable)	

**This permit fee is a per individually owned address fee for residential properties including condominiums. Apartment buildings, townhouses or multi-unit dwellings under one ownership shall be charged commercial permit fees.

Table 3

**BUILDING PERMIT FEES
ADDITIONS, ALTERATIONS AND REPAIRS WITH STRUCTURAL CHANGES,
DECKS, FINISHING BASEMENTS, SHEDS, AND GARAGES
(inspections required)**

Building Permit Fees for additions, alterations and repairs with structural changes including decks, basements, sheds and garages shall be the greater of the following:

(1)	Administration Fee	\$75.00
(2)	First \$3,000 of Construction Cost	35.00
	Plus \$15.00 for each additional \$1,000.00 of construction cost	
(3)	Plus actual Inspection Costs Incurred by Town	35.00 per inspection*
(4)	Building Permit Plan Review.....	20.00
(5)	Razing Permit (if applicable).....	50.00
(6)	Reinspection Fee (to clear failed inspection)	150.00
(7)	Plumbing Permit (if applicable)	
(8)	Electrical Permit (if applicable)	
(9)	HVAC Permit (if applicable)	

* Number of inspections to be determined by inspector.

Table 4

**BUILDING PERMIT FEES
FENCES AND SWIMMING POOLS**

Building Permit Fees for fence shall be \$75

Building Permit Fees for all spas, hot tubs and swimming pools shall be \$15 per \$1,000 of cost (minimum \$75). All spas, hot tubs and swimming pools require an electrical permit with work completed by a licensed electrician or by the property owner that occupies the property as a residence. The number of electrical inspections shall be determined by the Building Inspector. Inspections are charged at the rate of \$35.00/inspection.

A Plumbing Permit is required for an in-ground pool.

If pool is intended to be a permanent structure a permit is required and will be considered an accessory use. Please see Chapter 7, Section 10 regarding Nonconforming Uses, Structures and Lots Accessory Uses.

If pool is intended to be a temporary structure, to be removed seasonally, no permit is required.

Table 5

**COMMERCIAL PLAN REVIEW AND PERMIT FEES
FOR ALL COMMERCIAL CONSTRUCTION INCLUDING APARTMENTS AND
MULTI-FAMILY**

The Town of Sheboygan adopts the State of Wisconsin Safety & Professional Services fees for Commercial Plan Review Fees for Buildings Located in Municipalities that Perform Inspections (Wis. Admin. Code § SPS Table 302.31-2). A form SBD-118, Application for Review – Buildings, HVAC, Fire and Components, is required for each commercial building project.

Table 6

COMMERCIAL BUILDING PERMIT FEES

Administration Fee	\$500
Erosion Control Fee	\$500
Building Permit Fee	\$15 per \$1,000 based on cost of project
Electrical Permit Fee	\$15 per \$1,000 based on cost of project
HVAC Permit Fee	\$15 per \$1,000 based on cost of project
Plumbing Permit Fee	\$15 per \$1,000 based on cost of project
Fire Alarm Inspection Fee	\$300
Fire Suppression System Fee	\$300
Stormwater Management Review	\$300 (Review and approval by Town Engineer)
As-Built/Site Plan/Elevation Review	\$750 (Review and approval by Town Engineer)

All Fee's Payable to the Town of Sheboygan

Plan Review and Conditional Approval-allow 7 working days for Plan Review and Issuance of Conditional Permit after ALL necessary documents have been submitted.

EARLY START PERMITS

Early Start Permits will be granted for the moving of soils only, no excavation or utilities work, upon payment of a \$500 early start permit. An Early Start Plumbing Permit for underground plumbing only, can be issued after approval by the Town Building Plan Reviewer. Early Start Permit fee is \$500.00.

Table 7

COMMERCIAL PLUMBING REVIEW & PERMIT FEES

The Town of Sheboygan adopts the State of Wisconsin Safety & Professional Services fees for Plumbing Plan Review Fees for Buildings Located in Municipalities that perform Inspections. (Wis. Admin. Code § SPS Tables 302.64-1, 382.20-2; & 302.64-2 are incorporated herein by reference.) A form SBD-6154, Application for General Plumbing Plan Review and Cross Connection Assembly Registration, is required for each commercial building project.

All Fees Payable to the Town of Sheboygan

Plan Review and Conditional Approval-allow 7 working days for Plan Review and Issuance of Conditional Permit approval after ALL necessary documents have been submitted.

****SMALL COMMERCIAL PERMITS FOR ELECTRICAL AND PLUMBING REPAIRS WITH A COST LESS THAN \$5,000 WILL BE CHARGED AT THE RATE OF \$75 ADMINISTRATION FEE PLUS \$35 PER INSPECTION (as determined by the inspectors).**

ADDITIONAL INSPECTION CHARGES

Reinspection (to clear failed inspection), extra or missed inspections \$150.00

(this includes inspections that were scheduled and the inspector could not access the property, for whatever reason.)

EXPEDITED INSPECTIONS

In the event an owner or contractor requests an expedited inspection with less than the notice required by Wis. Admin Code § SPS 320.10 and the Town inspector is willing and able to accommodate the expedited request then the inspection may be done upon payment of an expedited inspection fee of \$138.00.

NO STRUCTURES ARE ALLOWED TO BE BUILT WITHIN REQUIRED ZONING CODE SETBACK AREAS OR EASEMENT AREAS.

Table 8

**PLUMBING PERMIT FOR TOWN OF SHEBOYGAN FALLS
CONNECTION TO TOWN OF SHEBOYGAN SANITARY DISTRICT NO. 2 SANITARY
SEWER**

Connection Fee	\$2,000.00
Plumbing Permit and Inspections	500.00

Table 9

**ELECTRICAL, PLUMBING, HVAC PERMITS
IF NOT SUBMITTED WITH A BUILDING PERMIT**

Administration Fee.....	\$	75.00
Plus \$15 per \$1,000 based on cost of project		
Inspection Fee (minimum 2 at \$35 each).....		70.00

NEW FACILITIES

Electrical, Plumbing, and HVAC permits are required for all new facilities in addition to Administration fee with additional \$15.00 based on project cost and Inspection fees.

REPLACEMENT FACILITIES

No permit fees or inspection fees are required for replacement facilities.

Enacted this 17th day of January, 2023.
TOWN OF SHEBOYGAN by DANIEL W.
HEIN, Chairperson
CERTIFICATE OF ENACTMENT I hereby
certify that the foregoing Ordinance was duly
enacted by the Town Board of the Town of
Sheboygan on the 17th day of January,
2023.
PEGGY FISCHER, Town Clerk Date of
Publication in the Sheboygan Press:
1.25.2023

- History:
- Amended 1-17-2023
 - Amended 9-24-2019
 - Amended 8-21-2018
 - Amended 11-15-2016
 - Amended 6-21-2016
 - Amended 11-3-2015
 - Amended 5-19-2015
 - Amended 5-20-2014
 - Amended 11-21-2011
 - Amended 8-16-2011
 - Amended 6-21-2010