

## **Section 1. Introduction**

1.1 Authority. This Ordinance is adopted under the authority granted by Sections 59.97, 60.18 (12), 60.29 (21), 60.74 (7), 61.35 and 62.23 of the WI Statutes. The Town Board of the Town of Black Wolf, Winnebago County, Wisconsin, do ordain as follows:

1.2 Purpose. The purpose of this Ordinance is to promote the health, safety, morals, beauty, aesthetics and general welfare of this Town.

1.3 Intent. The general intent of this Ordinance is to produce a uniform zoning format for the Town of Black Wolf.

1.4 Abrogation and Greater Restrictions. It is not intended by this Ordinance to interfere with, abrogate or annul any existing easements, covenants or other agreements between parties, nor is it intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or rules, regulations or permit previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises. However, whenever this Ordinance, or The Town of Black Wolf Subdivision Ordinance imposes greater restrictions, the provisions of this Ordinance shall control. In addition, the provisions of the Winnebago County, Wisconsin, Shoreland/Flood Plain, Subdivision and Airport Zoning Ordinances, as adopted by said County as of the date of this Ordinance and as they may later be amended are incorporated by reference. Whenever the Winnebago County Shoreland/Flood Plain, Subdivision or Airport Zoning Ordinances conflict with applicable underlying provisions of this Zoning Ordinance or the Town of Black Wolf Subdivision Ordinance, the more restrictive combinations of such ordinances shall govern.

1.5 Interpretation. The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, beauty, aesthetics and general welfare of the Town of Black Wolf, Winnebago County, Wisconsin, and shall be liberally construed in favor of the Ordinance.

1.6v 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.

1.7 Effective Date. This Ordinance shall be effective as of 12:01 A.M., on the day after the last to occur of: enactment by the Town Board of the Town of Black Wolf; approval by the County Board of Winnebago County; referendum approval by the electors of the Town of Black Wolf, pursuant to §60.74(7) of the Wisconsin Statutes, of the exercise of Town zoning; and publication.

1.8 Title. This Ordinance shall be known as, referred to, or cited as the "Town of Black Wolf Zoning Ordinance."

1.9 Definitions. For the purpose of this Ordinance, the definitions set forth in this section shall be used. Words used in the present tense include the future. The singular number includes the plural number; the plural number includes the singular. The word "shall" is mandatory and not permissive. For technical terms not defined in this section, the definitions of ASPO Report No. 322 are incorporated by reference. Shoreland definitions set forth in Chapter NR 116 of the Wisconsin Administrative Code are incorporated by reference.

#### ACCESSORY USE OR STRUCTURE

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

#### ADVERTISING SIGN

A sign, including, but not limited to, a billboard, which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located.

#### AIRPORT

The Wittman Field Airport and all County land area associated with same as located in Sections 34 and 35, T18N, R16E and Sections 2 & 11, T17N, R16E, Winnebago County, Wisconsin.

#### AIRPORT HAZARD

Any structure object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

#### ALLEY

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

#### ANIMAL GROOMING

Where not involving any kennel uses, shall be the equivalent of a barbershop, or beauty salon for animals.

### BOARDING HOUSE

A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

### BOATHOUSE

Any structure designed for the purpose of protecting or storing boats for non-commercial purposes and without provision for human habitation.

### BUILDABLE AREA

The space remaining on a lot after the minimum open-space requirements and yard setbacks have been met.

### BUILDING

Any structure having a roof supported by columns or walls used or intended to be used for shelter or enclosure of persons, animals, equipment, machinery or materials.

### BUILDING AREA (synonymous with floor area)

The total living area bounded by the exterior walls of a building at each floor level, but not including basement, garages, porches, breezeways, and unfinished attics.

### BUILDING HEIGHT

The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges or gable, gambrel, hip and pitch roofs, or to the deck line of mansard roofs except where otherwise specified in other sections of this ordinance.

### BULKHEAD LINE

A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Section 30.11 of the Wisconsin Statutes. Filling and development is only permitted to the landward side of such bulkhead line.

### BUSINESS SIGN

A sign pertaining to goods sold or manufactured or services rendered on the premises upon which the sign is located.

#### BY-PASS CHANNEL

A channel formed in the topography of the earth's surface to carry storm water runoff through a specific area.

#### CAMPGROUNDS

As defined in Wisconsin Administrative Code Chapter HFS 178.

#### CERTIFICATE OF COMPLIANCE

Official certification that a premise conforms to the provisions of the zoning ordinance (and, if applicable, the town building code).

#### CHANNEL

Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well established banks.

#### CLINIC - MEDICAL OR DENTAL

A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

#### CLOTHING STORES

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

#### CONDITIONAL USES

Use of a special nature as to make impractical their predetermination as a principal use in a district.

#### CONDOMINIUM

A structure having two (2) or more dwelling units, each assigned to individual ownership, but located on a lot having common ownership and use arrangement.

#### CONSERVATION STANDARDS

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

### CONVERSION

Changing the original purpose of a building to a different use.

### CORRIDORS, ENVIRONMENTAL

Those contiguous lands which contain a significant grouping of sensitive lands, such as wood lots; streams; wildlife areas such as wetlands, marshes, bogs, native vegetation, etc. which form an elongated pattern that tie these lands together into broad corridors having outstanding quality for the enhancement of the scenic and natural environment of the Town of Black Wolf.

### DEVELOPMENT

Any activity which results in an alteration of either land or vegetation, except farming and normal grading and filling, for purposes of changing to or intensifying existing uses in agricultural, residential, business, recreational, institutional, or industrial property.

### DIGITAL COMPILATION

An electronic method of mapping and storing map and text data in a raster, vector, text, or similar format within a computerized records system.

### DIRECTIONAL SIGN

An on-premises sign for the purposes of directing patrons or attendants to a business establishment, club, church, or other such organization, off the main traveled highway (without advertising, text, or art).

### DITCHING

The creation or maintenance of a channel-like land area designed or used for carrying surface water runoff, including snow melt, from one location to

another. Ditching does not include municipal work within public rights-of-way, nor such things as vegetation removal or planting.

### DRAINAGE

A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied herein to surface water.

### DWELLING UNIT

A structure having provisions for living, cooking, sanitary and sleeping facilities, arranged for the use of one (1) person or by two (2) or more persons maintaining a common household, to the exclusion of all others. If two living areas have separate exiting and no common use areas, then they are separate dwelling units.

### DWELLING - SINGLE (ONE) FAMILY \*

A permanent structure - placed on a permanent foundation, having one (1) or more rooms with provisions for living, sanitary and sleeping facilities arranged for the use of one (1) person or by two (2) or more persons maintaining a common household, to the exclusion of all others. The structure shall be located on a private lot and surrounded on all sides by a private yard. These dwellings shall include site built, manufactured, and modular homes. In no event shall a mobile home be considered as a single family dwelling.

### DWELLING - TWO FAMILY (DUPLEX)\*

A permanent structure having two (2) dwelling units combined into one structure. The structure shall be located on one (1) private lot and surrounded on all sides by a private yard. These dwellings shall include site built, manufactured, and modular homes. In no event shall a mobile home be considered as a two family dwelling.

### DWELLING - MULTI-FAMILY (APARTMENT)

A permanent structure having three (3) or more dwelling units - combined into one structure - for occupancy by three (3) or more families.

### EFFICIENCY

A single family dwelling unit consisting of one (1) principal room with no separate sleeping rooms.

### ESSENTIAL SERVICES (On-site or Public)

Services provided by public and private utilities, necessary for the reasonable exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam and water services, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water pumps, lift stations, and hydrants, but not including buildings used or intended to be used for human habitation.

### EXCAVATION

Any act by which organic matter, earth, sand, gravel, rock or any other material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

### FAMILY

Any number of persons living together and cooking on the premises as a single house - keeping unit together with all necessary employees of the family.

### FENCE

Any artificially constructed barrier or berm of any material or combination of materials erected to enclose or to screen areas of land.

### FILL/FILLING

Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

### FLOATING ZONE (unmapped)

A zoning district whose requirements are fully described in the text of the ordinance but which is unmapped. It is "anchored" to the land in response to an application for a zoning permit when the standards of the floating district are met. It then overlays the previous zoning designation.

### FLOOD PLAIN

The land adjacent to a body of water which has been or may be hereafter covered by flood water, as defined by chapter NR115 of the WI Administrative Code.

#### FLOODWAY

The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream.

#### FRONTAGE

The smallest dimension of a lot abutting a public street measured along the street lines.

#### GRADE/GRADING

The alteration of the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.

#### GRADE (HOUSE)

The final ground surface elevation, after construction, at the point where the exterior walls of the structure either meet, or emerge from the ground except where floodplain requirements apply. Sloping sites will have more than one grade as appropriate. This point shall normally be the highest elevation of the building site.

#### GARAGE (PRIVATE)

A structure primarily intended and used for the enclosed storage or shelter of the private motor vehicles, recreational vehicles, boats, yard equipment, etc., of the families residing at the premises upon which the garage is located. Carports shall be considered garages within this definition.

#### GARAGE (Attached)

A private garage sharing a common wall with the principal structure, or being attached to the principal structure with a fully enclosed breezeway.

#### GARAGE (Public or Commercial)



Any garage not falling within the definition of "private garage" as herein established, and used for storage, repair, rental or servicing of motor vehicles, recreational vehicles, boats, and yard equipment.

#### HIGH WATER ELEVATION (Ordinary high water mark)

The average annual high water level of a pond, stream, lake, flowage, or wetland referred to on an established datum plane or, where such elevation of the line up to which the presence of the water is so continuous as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic or vegetative characteristics.

#### HOUSEHOLD OCCUPATION

Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed fifty (50) percent of the area of only one floor of the residence, and uses only household equipment. A household occupation does not include display of goods.

#### KENNEL, COMMERCIAL AND ANIMAL HOSPITALS

An establishment where animal pets not part of the actual household on the lot on which the facility is located are raised, bred or boarded and/or medically treated.

#### LIVING ROOM

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

#### LOADING AREA

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

#### LOT

A contiguous parcel of land having a minimum of thirty three (33) feet of frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.

## LOT LINES AND AREA

The peripheral boundaries of a parcel or lot and the total area lying within such boundaries.

## LOT WIDTH

The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth of such lot from its road or street frontage or other access to a public right of way. On irregularly shaped lots, the width shall be the average width of the lot within five (5) percent of the minimum required width. (Average width according to Ch. H65 Wisconsin Administrative Code.)

## MANUFACTURED HOME

A structure substantially constructed off-site meeting minimum provisions for dwellings and meets all of the following criteria:

- (a) Transportable in one or more sections.
- (b) Built on a permanent chassis.
- (c) Placed on a permanent foundation.
- (d) Connected to utilities (plumbing, heating, gas, electrical).
- (e) Constructed on or after June 15, 1976 in accordance with U.S. Housing and Urban Development standards and identified with a HUD seal of approval.

## MINOR STRUCTURES

Any small, movable accessory erection or construction such as tool houses, pet houses, play houses, ice shanty, and arbors, no more than eight (8) feet in height with no more than one hundred (100) square feet of building area. Not to exceed a total of three (3) per lot.

## MOBILE HOME\*\*

Constructed prior to June 15, 1976, a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of forty five (45) feet.

### MOBILE-MOUNTED SIGN

A temporary sign which is mounted or designed for mounting on wheels or a temporary platform.

### MODEL HOME, GARAGE

A building which is constructed, or located and used as an example of other such buildings which are offered for sale. The model itself is customarily not currently for sale or occupancy and may in some instances be only temporarily positioned on the site. The model differs from a "spec" building which is one that is permanently positioned on a site and is or will be available for immediate sale and occupancy.

### NON-CONFORMING USES OR STRUCTURES

Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a non-conforming structure and not a non-conforming use; provided, however, that an existing principal structure and attached garage(s) that is located 30 feet or more from road right-of-way and 7 feet or more from side lot lines shall be deemed a legal use for purposes of determining the area setback requirements contained in this Ordinance.

### OBSTRUCTION

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

### OPEN SPACE

An unoccupied space open to the sky on the same lot as the principal structure or development which is in addition to other required yard areas and which is not used for parking or driveway purposes.

### OUTDOOR STORAGE

The keeping of materials, equipment, product(s) or their components, outside of a structure. Customary accessory storage such as waste receptacles, or business vehicle parking shall not be considered outside storage provided the principal structure is present and said storage is directly associated with the principal use.

#### OVERLAY ZONE

Zoning requirements that are described in the ordinance text, mapped, and are imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

#### PARKING LOT

A structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.

#### PARKING SPACE

A graded and surfaced area of not less than one-hundred eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

#### PARTIES IN INTEREST

Includes all abutting property owners, all property owners within one-hundred (100) feet, and all property owners of opposite frontages.

#### PIERHEAD LINE

A boundary line established along any section of the shore or any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Section 30.13 of the Wisconsin Statutes. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to Section 30.12 (2) of the Wisconsin Statutes.

#### PRINCIPAL USE

The main use of land or structures as distinguished from a secondary or accessory use.

#### PRIVATE OR QUASI-PUBLIC CLUB

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

#### PRIVATE ROAD

Any road or drive other than a public street or highway which serves two (2) or more principal structures.

#### PROFESSIONAL HOME OFFICES

Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct such professions in which the office does not exceed one-half (1/2) the area of only one (1) floor of the residence and no more than two (2) nonresident persons are employed for the conduct of such profession.

#### REAR YARD

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 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.

#### RECREATIONAL VEHICLE

Recreational vehicle means any of the following, whether it is "dependent" -requires camp facilities for toilet and lavatory, or "self-contained" - can operate independent of connections to sewer, water and electrical systems:

- (a) Camping trailer. A canvas or folding structure mounted on wheels and designed for travel, recreation and vacation use.
- (b) Motor-home. A portable temporary dwelling to be used for travel, recreation and vacation, constructed as a integral part of a self-propelled vehicle.
- (c) Pick-up Coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

- (d) Travel trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.
- (e) Tent. A portable lodge of canvas or strong cloth, stretched and sustained by poles.
- (f) Any similar vehicle, unit, etc., which is less than forty-five (45) feet in length.

#### RETENTION BASIN

A pond-type facility which provides for storage or storm-water runoff and controlled release of this runoff during and after a flood or storm.

#### ROAD

A public right-of-way providing primary access to abutting properties.

#### RUNOFF

The portion of precipitation on the land which reaches a drainage system.

#### SETBACK LINES

The interior limits of the minimum required yard areas of a lot.

#### SHORE YARD

A yard extending across the full width or depth of a lot the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the high water elevation of a pond, stream, lake, or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

#### SHORELANDS

Those lands lying within the following distances: One thousand (1,000) feet from the high-water elevation of navigable lakes, ponds, and flowages and three hundred (300) feet from the high-water elevation of navigable streams, or the landward side of the floodplain, whichever is greater.

#### SHORELINES

The intersection of the land surfaces abutting lakes, ponds, streams, flowages, and wetlands with the average annual high-water elevation.

### SIDE YARD

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

### SIGNS

Any words, letter, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, professions, business, commodity or product and which is visible from any public street or highway but not including:

- (a) usual board notices in or about church property or any educational or public institution;
- (b) legal notices required to be posted by municipal, state or federal law;  
or
- (c) highway or traffic signs authorized to be erected by municipal, state or federal law.

### SMOKE UNIT

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

### STORAGE CAPACITY

The volume of space available above a given cross section of a floodplain for the temporary storage of flood water. The storage capacity will vary with stage.

### STREET

A public right-of-way providing primary access to abutting properties.

### STREET YARD

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. Corner lots shall have two (2) such yards.

### STRUCTURE

Any erection or construction, such as buildings, towers, masts, booms, signs, decorations, carports, machinery and equipment, and opaque fences.

Structure, Accessory - A building or portion of a building used for a purpose customarily incidental to the permitted principal use of the lot, or to a principal building, and located on the same lot as the principal use.

Structure, Principal - The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

### STRUCTURAL ALTERATIONS

Any change which would increase or decrease the floor area or height of a building.

### SUBSTANDARD LOT

Any lot, with or without structures, having lesser dimensions and/or area than required by the districts of this ordinance.

### SURFACE WATER RUNOFF

Water that results from precipitation which is not absorbed by the soil or plant material.

### TEMPORARY SIGN

Any sign which pertains to auctions, bazaars, festivals, or other similar events or to any aspect of a political campaign.

### TEMPORARY STRUCTURE

A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

### TREE



Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than five feet.

### 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, gas regulation stations and sewage disposal plants, but not including municipal incinerators, warehouses, shops and storage yards.

### WETLANDS

Those lands which are level or nearly level and, based upon SWCD soil mapping data, are poorly drained. Such lands are flooded frequently and/or covered with water throughout most of the year. Such lands may be marked by old drainage channels and often may contain small bodies of water in places. The native vegetation was mainly sedges, rushes, reeds and other water tolerant plants. Both mineral and organic material are in these lands. These lands occur within the following soil series: Houghton, Willette, Palms, Edwards, Adrian, Udorthents, Fluvaquents.

### YARD

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

### ZONING ADMINISTRATOR

A person designated by the Town Board to administer and enforce this Ordinance. Reference to the Zoning Administrator shall be construed to include duly appointed assistants responsible for enforcing and administering all requirements of this Zoning Ordinance.

### ZONING PERMIT

An official finding that a proposed use of a property, as indicated by an application, complies with the requirements of the zoning ordinance or meets special conditions of a variance or conditional use permit; the ordinance will specify the building activities that need to have such a permit.

\* However, in no case shall mobile homes be considered as single-family or two-family dwellings under these definitions.

\*\* See definition of "Dwelling -- Single Family" and "Dwelling -- Two-Family".

## SECTION 2: GENERAL PROVISIONS

- 2.1 Jurisdiction. The provisions of this Ordinance shall apply to all structures, land, water and air within the Town of Black Wolf, Winnebago County, Wisconsin.
- 2.2 Compliance. Unless otherwise provided by this Ordinance or applicable State or Federal Law, after the effective date of this Ordinance no structure, land or water shall be developed, and no structure or part thereof shall be located, erected, moved, reconstructed, enlarged, extended, converted or structurally altered without a Zoning Permit and without full compliance with this Ordinance and all other applicable Town, County and State regulations; provided, however, that this Ordinance shall not govern normal farming operations on farmland, or normal filling, grading or landscaping of land which is incidental to land use and development otherwise permitted under this ordinance.

The Town Board, or any owner of property within the Town who are affected by a particular regulation, variance or conditional use under this Ordinance may sue to enforce, compliance with this Ordinance through injunctive relief in addition to any other remedy which may be available.

### (1) Building Inspector; Duties.

- (a) A Building Inspector shall be appointed by the Town Board at a rate of compensation and for a term of office which is established by the Town Board at the time of such appointment. When practicable, the Building Inspector shall be a resident of the Town; provided, however, that the Building Inspector shall possess such certification of skill or experience as may be required from time to time by the State of Wisconsin.
- (b) The Building Inspector shall examine all plans and/or blueprints of all structures to be located, erected, moved, reconstructed, enlarged, extended, converted or structurally altered, in order to insure compliance with the Building Code of the Town and other applicable town, county and state regulations.
- (c) The Building Inspector shall accept applications for permits and issue all permits.

### (2) Zoning Administrator; Duties.

- (a) A Zoning Administrator shall be appointed by the Town Board at a rate of compensation and for a term of office which is established by the Town Board at the time of such appointment. When practicable, the Zoning Administrator shall be a resident of the Town.

- (b) The Zoning Administrator shall accept applications, issue or deny Zoning Permits, give notice of violations and enforce the provisions of this Zoning Ordinance.
  - (c) The Zoning Administrator and Building Inspector shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by them, or either of them, to ensure compliance with this Ordinance, applicable building codes and town, county and state regulations. They each shall have the authority to procure special inspection warrants in accordance with Wisconsin Statutes.
  - (d) The Zoning Administrator and Building Inspector each shall have the authority to halt any location, erection, moving, reconstruction, enlargement, extension, conversion or structural alteration of a structure, or use of land, which is not in compliance with this Ordinance or applicable building codes and town, county and state regulations. In furtherance of this authority, the Building Inspector may revoke any building permits then issued which pertain to any non-conforming matter by notice in writing to the holder of such permit.
  - (e) Building permits issued for any matter shall be posted in a prominent place on the premises for which the permit has been issued prior to and during the terms of the permit.
  - (f) Notwithstanding any other provision of this Ordinance, where a Zoning Permit has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months after such effective date and diligently pursued to completion, the subject of such permit may be completed in accordance with the approved plans on the basis on which the permit was issued. Upon completion such premises may be occupied under a Certificate of Compliance for the use designated in the permit. Thereafter, however, the premises shall be subject to all provisions of this Ordinance.
- (3) Planning and Zoning Committee
- (a) The Town of Black Wolf Planning and Zoning Committee shall be appointed by the Town Chairman and confirmed by the Town Board. The Committee shall consist of seven (7) members, who shall reside in the Town. Vacancies shall be filled by appointment by the Town Chairman with confirmation by the Town Board for the un-expired term of the member whose position has become vacant. Committee members shall be removable by the Town Chairman for cause upon written charge and after a public hearing conducted by the Town Board.

- (b) A Chairperson shall be appointed by the Town Chairman with confirmation by the Town Board.
- (c) The Town Board shall appoint a secretary, who shall receive compensation according to the Town's Salary rate.
- (d) Terms of service shall be for three (3) years and shall be staggered.
- (e) The Committee shall conduct all public hearings for Zoning applications, Conditional Use Permits, and Land Use planning.
- (f) The Committee shall make recommendations to the Town Board for action on the above applications and public hearings.
- (g) The Committee shall review and make recommendations on the Zoning and Land Use/Subdivision Ordinances and the Land Use Plan.
- (h) The Committee shall review matters as directed per this Ordinance.
- (i) The Committee shall receive compensation at a rate set by the Town Board.

### 2.3 Zoning Permit.

- a) Applications for a Zoning Permit shall be made in writing to the Zoning Administrator on forms which he or she shall provide, and shall include the following information, if applicable about the subject site:
  - (1) Names and addresses of the applicant, owner of the site, and architect, professional engineer and contractor, if any;
  - (2) Description of the subject site by its legal description according to the Winnebago County, Wisconsin, Registry or land survey in accordance with Town of Black Wolf, Wisconsin, Subdivision Ordinance;
  - (3) Address of the subject site;
  - (4) Zoning district in which the subject site is located;
  - (5) Zoning district for which the applicant is applying for the subject site;
  - (6) Type of structure to be constructed on the subject site, if known;
  - (7) Existing and proposed use and operation of the subject site and if known, the structure;

- (8) Number of proposed or anticipated employees and/or occupants of the subject site and structure;
- (9) Plot plan showing the location, property boundaries, and dimensions, uses and sizes of the following: subject site; existing and proposed structures; existing and proposed sanitary facilities and well; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed yards; and finished grades.
  - (a) The proposed finished grade for a principal structure at its center or other highest grade elevation on any such plot plan, shall be a grade which is not less than twelve (12) inches above the crown of any adjacent improved public or platted road
  - (b) Where an alternate finished grade elevation would better suit the existing or proposed uses surrounding the subject site, or would better facilitate orderly surface water drainage on and off the subject site, the Building Inspector shall have the authority to set an alternative finished grade elevation at the time of application for a building permit; provided, however, that such alternative grade shall be noted on the zoning application and permit by the Building Inspector at the date of issue of the permit.
- b) A Zoning Permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days after receipt of a complete application. Where public sewer is unavailable, no permit shall be issued without the prior approval of sanitary plans and if applicable issuance of a Sanitary Permit by the Winnebago County, Wisconsin, Sanitary Inspector. Where public sewer is available no permit shall be issued without the prior approval of sanitary plans and, if applicable, issuance of a sanitary permit by the Town of Black Wolf Sanitary District #1. Except for barns, silos and similar farm buildings, no zoning permit shall be issued for any addition, reconstruction, enlargement or conversion of a principal structure where sanitary facilities are not provided either by the Town of Black Wolf Sanitary District #1 or otherwise in accordance with the Winnebago County, Wisconsin Sanitary Ordinance and Chapter H 62.20 of the Wisconsin Administrative Code as amended from time to time.
- (c) A Zoning Permit is issued in anticipation of proposed construction. It shall lapse and become void six months after date of issue unless substantial work on said construction has been commenced and diligently pursued within that period.

2.4 Building Permits. A Building Permit shall be required as per the Town of Black Wolf Building Permit Ordinance

- a) Applications for a Building Permit shall be made in writing to the Building Inspector on forms which he or she shall provide and which shall include the following:
  - (1) Names and addresses of the applicant, owner of the site, and architect, professional engineer and contractor, if any;
  - (2) Description of the subject site by its street address or, if there is none, by its legal description according to the Winnebago County, Wisconsin Registry or other land survey;
  - (3) Type of structure or work proposed to be done and statement of cost of work proposed to be done or, where not known, good faith estimate of such cost.
- b) A Building Permit shall be granted or denied in writing by the Building Inspector within thirty (30) days after receipt of a complete application. Where public sewer is unavailable, no permit or new construction intended to be occupied by human beings shall be issued without the prior approval of sanitary plans and issuance of a Sanitary Permit by the Winnebago County, Wisconsin, Sanitary Inspector or the Town of Black Wolf Sanitary District #1. Except for barns, silos and similar farm buildings, no permit shall be issued for any addition, reconstruction, enlargement or conversion of a principal structure where sanitary facilities are not provided in accordance with the Town of Black Wolf Sanitary District #1 or Winnebago County, Wisconsin, Sanitary Ordinance and Chapter H. 62.20 of the Wisconsin Administrative Code as amended from time to time.
- c) Building Permits shall recite the information set forth in the application and shall be displayed at the subject site and shall lapse and become void six months after date of issue unless substantial work has been commenced and diligently pursued within that period.
- d) All building permits shall expire 24 months from date of issue. Any work not completed at the end of this time shall require a new permit.

## 2.5 Certified Survey Maps (CSM)

Submittal. Combining parcels or creation of a Minor Land Division shall be by certified survey map. The certified survey map shall be submitted to the Town of Black Wolf Zoning Administrator (or designee). The certified survey map shall be prepared according to 236.34, Wisconsin Statutes, and shall show clearly on its face the following:

- 1. Whole Parent Parcel(s) must be shown on CSM when combining or dividing parcel parcel(s).

- a. All existing buildings.
  - b. Setbacks
  - c. Water Courses
  - d. Drainage ditches
  - e. Setbacks to structures to adjacent property and other features pertinent to division of property should be shown.
  - f. D.O.T. approval when parcel is abutting a State of Wisconsin Highway or Federal Highway.
  - g. Acreage to right-of-way spelled out.
  - h. Location of access to road.
2. Prior CSM Number (if applies)
    - a. Put at top.
  3. Tax Parcel Number
    - a. Put in a box
    - b. On proper parcel or pointing to proper parcel
  4. Existing parcel boundaries that fall within new parcel(s) shall be identified with dashes (---) or periods (...).
  5. Date of Map With a Graphic Scale
  6. Other Pages
    - a. Surveyor's Certificate, recorded survey description, surveyor signature and date.
    - b. Owner(s) Certificate of Approval, signature(s) and date with Notary Public's signature, date and commission expiration date.
    - c. Town of Black Wolf Treasurer's Certificate of Approval, signature and date verifying that there are no unpaid taxes or special assessments in accordance with 236.21(3).
    - d. town of Black Wolf Board Certificate of Approval, Town Chairman's signature and date after board approval.

Certified Survey Map after approval of all required authorities shall be recorded in the Winnebago County Register of Deeds Office.

- 2.6 Certificate of Compliance. Where a Zoning Permit is required under this Ordinance, no development or structure shall be used or occupied until a Certificate of Compliance has been issued by the Zoning Administrator. Such Certificate shall state that the development or structure is in compliance with the applicable standards of this Ordinance. An application for a Zoning Permit is deemed an application for a Certificate of Compliance.



A Certificate of Compliance also shall be required before the use of, or change in use of any non-conforming use. However, upon written request of the owner, the Zoning Administrator shall issue a Certificate of Compliance for any building or premises existing at the time of the adoption of this Ordinance, which Certificate shall state the extent and kind of use made of the building or premises and the manner in which it may not conform to the provisions of this Ordinance. Residential lots which are plotted or otherwise identified by certified survey map or similar legal description on the effective date of this amended ordinance and which comprise less than one (1) acre in sewer areas and two (2) acres in unsewered areas are not non-conforming lots or uses.

2.7 Site Restrictions.

- a) The following requirements shall apply to all land use sites:
- (1) All lots shall abut upon a public street, and each lot shall have a minimum frontage of thirty-three (33) feet. All lots shall also have a minimum width at the minimum required street yard setback as prescribed for the particular zoning district in which the lot is located.
  - (2) All principal residential structures shall be located on a lot; and only one principal residential structure shall be located, erected, or moved onto a lot.
  - (3) No construction of accessory structures or accessory uses shall be permitted prior to construction of the primary residential, commercial, or business structure.
  - (4) No Zoning Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width.
  - (5) Lots abutting more restrictive district boundaries than those of the district in which it is located, shall provide side and rear yards not less than those required in the more restrictive abutting districts. The street yards on the less restrictive district shall be modified for a distance of not more than seventy-five (75) feet from the district boundary lines so as to equal the average of the street yards required in both districts.
  - (6) All street setbacks shall be measured from the affected road right-of-way line, road easement or from any road widths shown on a duly adopted street width map
- b) No land shall be used or structure erected where the land is determined to be unsuitable for such use or structure by the Town Board and the Town Of Black Wolf Planning and Zoning Committee, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, aesthetics, and general welfare of the Town.

- c) "Aesthetics" may only constitute grounds for prohibiting a use of land or structure if such use will substantially and adversely affect the value of property in the vicinity or impose an odor, noise, or visual effect, upon neighbors or passersby which is clearly obnoxious to the prevailing aesthetics of the community. In all cases the Town Board shall serve as the Aesthetic Review Board.
- d) The Town Board, Building Inspector, Zoning Administrator and the Black Wolf Planning and Zoning Committee, in applying the provisions of this section, shall itemize in writing the particular facts upon which is based a conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/or she so desires. Thereafter the Town Board, Building Inspector, Zoning Administrator and the Black Wolf Planning and Zoning Committee may affirm, modify, or withdraw its determination of suitability.

2.8 Surface Water Drainage. Controlled storage and release of surface water runoff shall be required for all commercial and industrial developments and for residential developments that contain an area in excess of 5 acres in order to eliminate the accumulation or transportation of excess surface water runoff on or through other land or habitable structures.

It is not the intent of this section to take land areas out of use for the sole purpose of storing excess surface water, nor to restrict land use or to increase development costs. The use of natural topographic paths of surface water runoff to form planned channels and the restriction of such channels to form storage areas is encouraged. Since political and ownership boundaries often make the use of natural topographic drainage patterns impractical, earth-moving that is done to develop land usage should also be planned to provide a bypass channel for surface water runoff that will not create a diversion of drainage or radically change applicable watershed boundaries.

(1) Surface Water Drainage Design Considerations - General.

- (a) Where required by Sec. 2.8, a complete surface water management system shall be provided in all areas within the development site for handling surface water runoff that flows into or across the site from the outside, or emanates from the site without undesired additional flooding of any other lands in the drainage basin. Soil types shall be coefficients within the basins involved.
- (b) Surface water drainage design shall consist of a drainage plan and report that demonstrates that peak post development flow rates shall be no greater than predevelopment flow rates for the 2, 25, and 100 year storms as determined by United States Department of Agriculture Technical Release 55 (TR-55), Urban Hydrology for Small Watersheds. The plan

and report will follow Chapter 20.58 of the Black Wolf Subdivision Ordinance.

- (2) Surface Water Design Considerations - Subdivisions & Planned Residential Areas. Subdivision plans and R-5 "Planned Residential District" shall not be approved unless all lands intended for use as building sites can be assured drainage within the site plan as approved by the Town. Unless other arrangements are made with the Town, the developer shall construct, install and furnish all necessary drainage structures including pipes, catch basins, ditches, and retention areas etc. Construction shall conform to all Town specifications.
- (3) The drainage system for such site plan shall be integrated with generally existing drainage facilities covered by Town easement and/or established drainage which serves the area within the development, and said drainage shall not cause damage to any property rights of others. Discharge onto adjacent properties where there is no existing drainage outlet or where no natural drains exist will not be permitted without the developer acquiring the necessary easements, as determined by the town.
- (4) Lots subject to Sec. 2.8 shall be developed to maximize the amount of surface water drainage which is percolated into the soil on site and to minimize direct overland runoff into adjoining property, streets, and water courses. Water runoff from roofs and other impervious surfaces shall be diverted into swales, or terraces on the lot. Where a positive outfall is unavailable or inadequate, and the installation or revision of the outfall is not economically practicable, a retention-seepage basin may be included in the drainage system. The basin shall be designed using accepted engineering practices. In all cases the basin shall be designed and located in such a manner as to cause the least amount of damage to the property of others when the design is exceeded. Sufficient drainage right-of-way shall be set aside to allow for egress, ingress, and continuous maintenance around the perimeter of the basin.
- (5) Sump Pump Discharge.
  - (a) Definition: "Sump pump discharge" means any clear water discharge from a building or other structure.
  - (b) Regulations:
    - i) In areas where storm sewer is not available, the sump pump shall discharge at least two (2) feet from the foundation of any building. Discharge from the sump pump shall be directed to the rear lot line, to the street, or to a drainage or road ditch. It shall not be closer than ten (10) feet to the property of adjacent owners. The place of discharge is the point where the water is discharged upon the ground from hoses, pipes, or other connections to the sump pump.

- ii) No discharge from any sump pump is permitted to create a nuisance.
  - a. The sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on a town street or sidewalk, damaging a street or sidewalk, creating ponds of standing water, and allowing discharged water to flow onto adjoining property.
  - b. If the sump pump creates or constitutes a nuisance, the Town shall require the owner of the property discharging the water to correct the problem so the water from the sump pump is discharged in such manner as not to interfere with the use of the adjacent properties by the adjacent property owners.

2.9 Use Restrictions. The following use restrictions and regulations shall apply, and unless otherwise specified, the basic standards of a district shall be minimum standards:

- (1) Principal Uses. Only those principal uses specified for a district, their on-site services and the following accessory uses and conditional uses shall be permitted in that district, except gardening shall be a principal use in all districts.
- (2) Accessory Uses. Unless otherwise specified in other sections, accessory uses and structures are permitted in any district, but not until their principal use and structure are present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; servant's, owner's itinerant agricultural laborers, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.
  - (a) Accessory Use Location. Unless otherwise specified in other sections of this ordinance, accessory uses and detached accessory structures are permitted within the buildable area or in the rear yard only; they shall not be closer than ten (10) feet to the principal structure; shall not exceed seventeen (17) feet in height; shall not occupy more than twenty (20) percent of the rear yard area of the particular site; shall not be closer than three feet to any lot line or five feet to any alley.
- (3) Conditional Uses. Conditional uses and their accessory uses are considered as special uses which require a public hearing and approval all in accordance with Section 4.0 of this Ordinance.

In addition to those stated elsewhere in this Ordinance, the following shall be conditional uses in all zoning districts of this Ordinance:

- (a) Utilities - and associated structures - provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
- (b) Governmental and cultural uses, except the town hall, town offices and town fire stations shall be considered principal uses - except in the A-1 Agri-Business District they shall require conditional use approval.
- (c) One-time disposal, except in Floodplain/Shoreland District, subject to receiving DNR permit. (According to. Sec. 4.4).

(4) Unclassified or Unspecified Uses. According to Section 10.7 (4) of this Ordinance.

(5) Temporary Uses. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Town Of Black Wolf Planning and Zoning Committee. Other temporary uses, e.g. mobile homes, emergency housing needed due to natural disaster, etc., shall be reviewed annually for continued use according to Section 10.7 (6) of this Ordinance.

(6) Animal Restriction. Unless otherwise specified, no premises in a Residential District shall be used to harbor more than three (3) dogs. Puppies whelped on any such premises as a result of fortuitous mating may be retained on the premises until they are six months old and shall not be taken account of in determining the number not in excess of three (3) dogs here-in-above permitted on such premises. No premises in a Residential District shall be used for breeding or rearing of dogs for sale or hire or for the boarding of dogs for pay. The raising or keeping of exotic reptiles shall be prohibited. (Effective 11-2011)

(7) Dog Day Care/Kennel Licensing. No dog day care/kennel shall be located

- i) In any zone except A-1;
- ii) Within 2000 yards of any residential dwelling unit, other than the residence of the owner of such dog day care/kennel, unless all residents within the 2000 yard setback consent in writing to a lesser setback.

2.10 Sanitary Regulations. The provisions of the Town of Black Wolf Sanitary District #1 Ordinance and of Chapters H62.20; H65 and NR112 of the Wisconsin Administrative Code, are incorporated by reference.

2.11 Reduction or Joint Use. After the effective date of this ordinance no lot, yard, parking area, building area, or other space shall be reduced in area or dimension below the requirements of this Ordinance. No part of any lot, yard, parking area, or other space required for a particular structure or use shall be used for any other structure or use.

- 2.12 Violations. It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Ordinance.

In case of any violation, the Town Board, the Zoning Administrator, the Town Of Black Wolf Planning and Zoning Committee, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Ordinance. Every structure, fill or development placed or maintained in floodplains in violation of this Ordinance is a public nuisance; and the creation thereof may be enjoined and maintenance thereof may be abated by an action instituted by the Town or any citizen who lives in or within five hundred (500) feet of the floodland.

2.13 Penalty:

- (1) General Penalty. Any person who shall violate any of the provisions of the Ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
  - (a) First Offense – Penalty. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than Fifty (\$50.00) nor more than Three Hundred Dollars (\$300.00), together with the cost of prosecution including reasonable attorneys’ fees and, in default of payment of such forfeiture and cost of prosecution including reasonable attorneys’ fees shall be added to the property tax, with an interest rate, with interest, at the current interest rate charged for delinquent property taxes.
  - (b) Second Offense – Penalty. Any person found guilty of violating any or part of this Ordinance who shall previously have been convicted of a violation of the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Three Hundred Dollars (\$300.00) nor more than One Thousand (\$1,000.00) for each such offense, together with the cost of prosecution including reasonable attorneys’ fees and, in default of payment of such forfeiture and cost of prosecution including reasonable attorneys’ fees, shall be added to the property tax, with interest, at the current interest rate charged for delinquent property taxes.
- (2) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

- (3) Other Remedies. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution, including reasonable attorneys' fees above.

TOWN OF BLACK WOLF  
WINNEBAGO COUNTY, WISCONSIN

ORDINANCE AMENDING ZONING ORDINANCE

The Town Board, after a public hearing and recommendation by the Plan Commission, preceded by a Class II Legal Notice, does hereby ordain the following amendments to the Town of Black Wolf Zoning Ordinance:

Section 2.9 is amended to create the following provisions:

(5)(a) Temporary Storage Structures, Portable Storage Structures, Temporary Tents, and Membrane Structures. A temporary or portable storage structure is any container, storage unit, shed-like container, portable car port, railcar type storage containers, semi-trailers, box truck or any portion thereof, membrane structure, or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements that can be or is used for the disposal or storage of personal property of any kind and which is located for such purposes outside an enclosed building. The use of portable and temporary storage structures, temporary tents and membrane structures is allowed under the following conditions:

- i. There shall be no more than one (1) portable or temporary structure per property.
- ii. The portable or temporary structure shall not remain on any property in excess of thirty (30) days per calendar year with the exception of structures used in conjunction with construction or remodeling in which case the portable storage or temporary structure shall be removed within fourteen (14) days of the end of construction or 180 days from the issuance of building permits for the associated project, whichever is less. Extensions may be granted by the Inspection Department if it is determined the project is progressing towards completion.
- iv. These structures shall comply with the International Fire Code.

(6) Grandfathering – Temporary Storage Containers that exist prior to the implementation of this section are subject to the requirements of Section 8 of the Town of Black Wolf's Zoning Ordinance.

(7) Agricultural exception exists for actively farmed land.



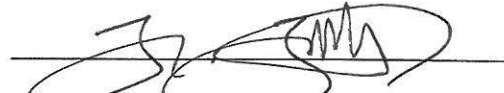
All other provisions of the Zoning Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are authorized and directed to make all changes to the Town Zoning Ordinance necessary to implement the amendments contained herein.

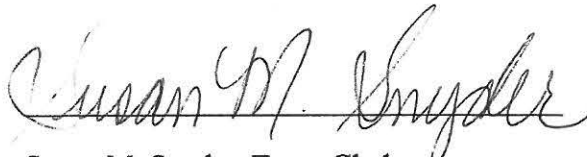
Dated this 14<sup>th</sup> day of OCT. 2019.

TOWN OF BLACK WOLF

By:

  
Frank Frassetto, Town Chairman

Attest:

  
Susan M. Snyder, Town Clerk

### SECTION 3: ZONING DISTRICTS

3.1 Residential Districts Interpretation. The residential zoning standards of this Ordinance are divided into those for home-sites with public sewer and those for home-sites dependent upon on-site private sewage disposal systems. Home-sites developed on a scattered basis, disassociated from any recorded subdivision or approved planned unit development shall conform to the lot size and associated standards of the appropriate residential district designated "non-subdivided". The smaller lot size and associated standards which accompany residential districts designated as "subdivided" shall be utilized in determining optimum land use in the process of establishing a duly recorded subdivision. "Subdivided" lot sizes and standards shall not be applied to any unplatted lands or assessor's plats, and when applied to existing plats shall not allow a change in recorded lot size without a certified survey map and replat of the affected subdivision, approved by the Town of Black Wolf Town Board prior to approval of the County.

3.2 Residential Conditional Uses. Residential conditional uses and their accessory uses are considered as special uses which require review, public hearing, and all in accordance with Section 4.0 of this Ordinance.

In addition to those stated under Sec. 2.9, the following shall be conditional uses in all residential districts of this Ordinance.

- (1) Public, private and parochial elementary and secondary schools and all churches.
- (2) Clubs, fraternities, lodges, and meeting places of a non-commercial nature.
- (3) Home occupations and professional offices which require on site customer access.
- (4) Model homes and accessory sign according to Sec. 2.9.
- (5) Bed and Breakfasts.
- (6) Community living arrangements greater than 8 (eight) persons as defined in Sec. 59.97(15), Statutes.

3.3 Residential Accessory Uses. In addition to those accessory uses specified under Sec. 2.9, or under a special district, the following accessory standards shall apply in all residential districts:

- (1) Fences.
  - (a) Fences will be permitted on or within the property line. On or within the side and rear yard the height shall not exceed six (6) feet. In the street yard, the fence shall be an open type (50% or less opaque) and shall not exceed four (4) feet in height; and shall be no closer than two (2) feet to a road R.O.W. In

those cases where the rear yard is a shore yard, fences located between the shore yard setback line and half the distance to the high water mark shall adhere to the rear yard standard, and shall comply with the street yard standards.

(b) Fences on the property line of a through lot abutting an access restricted right-of-way shall be allowed at the rear yard height and opacity standards.

(2) Outdoor Lighting. Outdoor lighting installations shall be permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(3) Parking. According to Section 5.0.

(4) Signs. According to Section 7.0.

(5) Accessory Buildings. Accessory buildings including garages (attached and detached), storage structures, pole buildings and other similar structures in all residential districts or on a lot where the principal use is residential, shall conform to the following:

(a) No detached accessory structure or garage shall exceed a height of twenty-two (22) feet, measured from floor to roof peak, on a parcel  $\frac{1}{2}$  acre or larger. A parcel under  $\frac{1}{2}$  acre shall not exceed a height of 17 feet, measured from floor to roof peak. Attached garages shall not exceed the height of the main structure.

(b) Allowed floor area:

- 1) Total floor area for accessory structures in R-1 Residential District With a lot size of less than one acre (43,560 sq.ft.) shall not exceed 1200 sq. ft.
- 2) Total floor area for accessory structures in a R-1 Residential District or A-2 Agriculture District with R-1 use with a lot size of one acre (43,560 sq. ft.) or larger shall not exceed 1500 sq. ft. plus 1% of the lot area in excess of the 43,560 sq. ft.
- 3) Total floor area for accessory structures in an R-2 Residential subdivided or MH-1 Mobile Home District shall not exceed 900 sq. ft., except where the lot size exceeds 10,000 sq. ft., the total accessory square footage may increase by 1% of the lot area in excess of the 10,000 sq. ft.

- 4) Total floor area for an accessory structure with an R-3 Two Family Residential use shall not exceed 900 sq. ft. for a single accessory structure nor shall any combined total exceed 1700 sq. ft
- 5) Total floor area for R-4 Multi Family District and R-5 Planned Residential District shall not exceed:
  - (a) Three units, 870 (eight hundred and seventy) sq. ft.
  - (b) Each additional unit, 265 (two hundred and sixty-five) sq. ft.
  - (c) Increased floor area may be granted by conditional use permit.
- 6) No more than three (3) detached accessory structures shall be permitted on a lot.
- 7) Accessory structure setbacks shall comply as follows in all above districts.
  - (a) Three (3) feet from side lot line
  - (b) Three (3) feet from rear lot line
  - (c) Ten (10) feet minimum from principal structure and abutting structures
  - (d) Fifty (50) feet street yard \*
  - (e) Seventy Five (75) feet shore yard

**\* 11/07: Properties east of Hwy. 45: Thirty (30) feet street yard setback, and Ten (10) & Seven (7) feet side yard setbacks.**

- (6) Boathouses. Boathouses shall be located within a shore yard but shall be no closer than five (5) feet to the average annual high-water elevation of the stream, lake, pond or wetland. In no case, however, shall boathouses be located below a high-water elevation, nor shall boathouses be used for human habitation. Furthermore, boathouses shall not exceed one (1) boathouse for each shoreland lot; shall not exceed a height of fifteen (15) feet (to peak) above the high-water elevation; shall not exceed five hundred (500) square feet in horizontal area covered and shall not be closer than three (3) feet to any side lot line. Boathouses shall not reduce the floor area or number of accessory structures allowed per lot.
- (7) Backyard Chickens.
  - (a) No More than 4 chickens may be kept
  - (b) The keeping of Roosters is prohibited
  - (c) The Slaughter of chickens is prohibited
  - (d) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.

- (e) The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.
- (f) The owner, operator, or tenant shall register the premises where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.

3.4 R-1 Rural Residential District (non-subdivided).

(1) Statement of Intent. The intent of this district is to provide a lot size and associated standards for home-sites developed on a scattered basis. The criteria of this district are designed to provide reliable, single-family home-sites in those areas where "neighborhood" and "community" facilities and services are of secondary significance to the location of the home-site itself.

(2) Principal Use.

- (a) One-family dwellings and Community Living Arrangements defined in 59.97(15), Statutes.
- (b) Incidental agricultural activities when the site is used as a farm home-site.
- (c) Dwellings shall measure a minimum of 24 ft. across from exterior edges of walls for:

50% of length/width without attached garage  
 66% of length/width with attached garage(s)  
 and a minimum of 1200 sq. ft.

(3) Basic District Standards. The basic lot standards in this district after the effective date of this ordinance shall be as follows:

Lot (un-sewered)	Width	Minimum	200 Ft.
	Area	Minimum	87,120 sq. ft. (2 Acres)
Lot (sewered)	Width	Minimum	120 Ft.
	Area	Minimum	43,560 sq. ft. (1 Acre)
Building	Height	Maximum	35 Ft.
Yards	Street	Minimum	50 Ft. *
	Rear	Minimum	25 Ft.
	Side	Minimum	10 Ft. both sides *
	Shore	Minimum	75 Ft.

**\* 11/07: Properties east of Hwy. 45: Thirty (30) feet street yard setback, and Ten (10) & Seven (7) feet side yard setbacks.**

(4) Conditional Uses. (according to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 2.9.
- (b) All uses specified under Sec. 3.2.
- (c) The following uses provided that they shall be of a non-commercial nature and exceed the standards set in 3.4 (5):
  - 1) Raising and keeping of stable animals and all other domestic livestock. Shall require a minimum parcel of 5 (five) acres.
  - 2) Raising and keeping of dogs in excess of animal restriction under Sec. 2.9 (6) not to include breeding or boarding.
  - 3) Raising and keeping of domestic fowl including gallinaceous birds.
  - 4) Smaller "hobby"-type animals not to include those animals of such size or character as to normally be considered to be big game, e.g. lions, tigers, bears, etc. and not to include fur bearing animals, e.g. mink, chinchilla, etc., except rabbits.
  - 5) Domestic Rabbits or Hares exceeding a total of 6 (six).

Furthermore,

- (d) Where the application is for raising and keeping of stable animals, or domestic livestock on a minimum of 5 acres, the applicant must reserve sufficient area for the relocation of the residential structure's drainfield. Such reserved area must be verified as suitable by a Certified Soil Tester, or by detailed soil maps. Furthermore, the reserved area must be safe-guarded from heavy traffic and shall be located so as to comply with the setback standards of ILHR 83 of the Wisconsin Administrative Code and the Winnebago County Sanitary Ordinance - both for existing and future structures.
  - (e) The number of animals to be kept shall be established in the conditional use approval. (See standard of animal/equivalency/acre 3.4 (5) ).
  - (f) The conditional use shall address disposal and/ or removal of animal waste and run off.
- (5) Non-Farming Animal Allowance. Permitted animal uses on 5 acres or greater shall include raising and keeping of domestic stable animal and other domestic livestock, the raising and keeping of domestic fowl, including gallinaceous birds, which shall be of a non-commercial nature.

- (a) One (1) acre shall be dedicated to residence/building use and shall be excluded from the formula.
- (b) A formula of one animal unit/equivalence/acre shall be used to determine the total number of allowable animals/fowl.

<u>Description</u>	<u>One Animal unit/equivalence/acre</u>
Horse per animal	0.5
Cattle per animal	1.0
Llama per animal	1.0
Sheep, goat per animal	2.0
Chicken, Duck, Turkey	5.0

(c) Animals or fowl not listed shall fall under Section 3.4 (4).

(6) Accessory Structures for Animal Uses. Permitted accessory structures in this district shall include stables, sheds and similar structures as accessory structures to conditional uses in Section 3.4 (4) or allowed use in 3.4 (5). Accessory structure standards for this district shall meet the standards for floor area set in 3.3(5) and shall meet the following:

<u>Yards</u>	Street	Minimum	150 Ft. or as specified in the Conditional Use Approval
	Side	Minimum	75 Ft.
	Rear		150 Ft.
Building	Height	Maximum	22 Ft.
	Sidewall	Maximum	18 Ft. High

Confinement. The permanent confinement of animals; the placement of pens, including fencing; and location of structures for same shall be a minimum of seventy five (75) Ft. from any adjoining residence. (Said adjoining residence shall have the right to expand, remodel or reconstruct without regard for this minimum distance.)

(7) Accessory Uses By Permit Only. Swimming pools (in-ground) shall be surrounded by suitable fencing. Fencing shall be a minimum of forty eight (48) inches above finish grade level, construction material shall be of a chain link or wood or similar strength material. Fencing shall be constructed to prohibit passage of a six(6) inch sphere between fence members, and the bottom of said fence shall be no more than two(2) inches above the existing ground elevation. Any gates installed shall be constructed so as to be capable of being locked, shall be self- closing, and shall be

closed and secured so as to prevent unlatching by persons outside the pool area when the pool is not in use. All electrical installations shall be in compliance with the National Electrical Code. All new and existing pools are required to comply with fencing standards.

3.5 R-2 Suburban Residential District (subdivided).

(1) Statement of Intent. The intent of this District is to provide a lot size and associated standards for home-sites in a duly recorded and legally maintained subdivision. The criteria of this district have been designed to provide reliable single-family home-sites which offer a "suburban arrangement of amenities, services, facilities, etc.

(2) Principal Uses

(a) Principal uses shall include one-family dwellings on lots which have been developed and recorded according to Chapter 236 of the Wisconsin Statutes, Town of Black Wolf Subdivision Ordinance, and Chapter ILHR83 or the Wisconsin Administrative Code for lots not served by public sanitary sewer.

(b) Dwellings shall measure a minimum of 24 ft. across from exterior edges of walls for:

- 50% of length/width without attached garage
- 66% of length/width with attached garage(s)
- and a minimum of 1200 sq. ft.

(3) Basic District Standards (Sewered and Un-sewered)

Lot	Width	Minimum	200 ft.
(un-sewered)	Area	Minimum	87,120 sq. ft. (2 acre)
Lot (sewered)	Width	Minimum	120 ft.
	Area	Minimum	43,560 sq. ft.
Building	Height	Maximum	35 ft.
Yards	Street	Minimum	50 Ft. *
	Rear	Minimum	25 ft.
	Side	Minimum	10 Ft. both sides *
	Shore	Minimum	75 ft.

**\* 11/07: Properties east of Hwy. 45: Thirty (30) feet street yard setback, and Ten (10) & Seven (7) feet side yard setbacks.**

(4) Conditional Uses (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

(a) All uses specified under Sec. 2.9.



(b) All uses specified under Sec. 3.2.

### 3.6 R-3 Two Family Residential District

(1) Statement of Intent. The intent of this district is to provide a lot size and associated standards for a home-site which will accommodate the use of a "duplex" housing type. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, duplex zoning - when desired - should be applied on a district basis, adjacent to, but not within the character of the single-family neighborhood in which it is to be located.

(2) Principal Uses. Two-family and single family dwellings and incidental agricultural activities when such a site is utilized as a farm home-site in an A-1, or A-2 district.

(a) Two-family dwellings shall contain a minimum length/width of 24 feet, both units included and measured from the narrowest part of the structure, and a minimum area of 1000 sq. ft. for each dwelling unit.

(b) Dwelling shall measure a minimum of 24 ft. across from exterior edges of walls for:

50% of length/width without attached garage

66% of length/width with attached garage(s)

and a minimum of 1200 sq. ft.

#### (3) Basic District Standards

Lot (un-sewered)	Width	Minimum	200 ft.
	Area	Minimum	87,120 Sq. Ft. (2 acres)
Lot (sewered)	Width	Minimum	120 ft.
	Area	Minimum	43,560 Sq. Ft. (1 acre)
Building	Height	Maximum	35 ft.
Yards	Street	Minimum	50 ft*
	Rear	Minimum	25 ft.
	Side	Minimum	10 ft. Both sides
	Shore	Minimum	75 ft.

**\* 11/07: Properties east of Hwy. 45: Thirty (30) feet street yard setback, and Ten (10) & Seven (7) feet side yard setbacks.**

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

(a) All uses specified under Sec. 2.9.

(b) All uses specified under Sec. 3.2.

(c) Rest homes, nursing homes, homes for the aged, day care centers, children's nurseries and medical clinics.

3.7 R-4 Multiple-Family Residential District (sewered).

(1) Statement of Intent. The intent of this district is to provide residential development of "walk-up" type apartment buildings which provide rental housing to be built within the economies of scale, while retaining a relatively low density pattern. The use of this district should be applied to those locations in the "neighborhood" in which it will be compatible with surrounding uses; where the increased density would not create a service problem; and where the use will accommodate both the existing or anticipated character of the surrounding area and the needs of the future of the multiple-family development itself.

(2) Principal Uses.

(a) Multiple-family dwellings, on lots served by public sanitary sewers.

(b) All dwelling units shall contain a minimum area of 800 Sq. Ft.

(3) Basic District Standards. The basic lot standards in this district shall be as follows:

Lot	Width	Minimum	200 ft.
	Area	Minimum	43,560 Sq. Ft. (1 acre) per dwelling unit
Building	Height	Maximum	36 ft.
Yards	Street	Minimum	50 ft.
	Rear	Minimum	40 ft.
	Side	Minimum	15 ft. each
	Shore	Minimum	75 ft
	Open Space	Minimum	500 Sq. ft per dwelling unit

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

(a) All uses specified under Sec. 2.9.

(b) All uses specified under Sec. 3.2.

(c) All conditional uses specified under R-3 Two Family Residential.

3.8 R-5 Planned Residential District (sewered).

(1) Statement of Intent. The intent of this district is to produce a total residential development area with standards designed to encourage creativity in the arrangement

and placement of residential dwellings. To this end, the district allows a diversity of dwelling types, open spaces, and uses conceived and planned as comprehensive and cohesive projects.

(2) Unified Control

(a) All land included for development as a PRD shall be under the legal control of the applicant, whether that applicant be an individual, partnership, a corporation or group of individual. Applicants requesting approval of a PRD shall present firm evidence of unified control of the entire area within the proposed PRD, together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provision of these regulations.

(b) The applicant shall state agreement to:

1. Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be required.
2. Provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans.
3. Bind their successors in title to any commitments made in the approval process.

(4) Basic District Standards. The basic lot standards in this district shall be as follows:

Development	Area	Minimum	10 acres in one ownership (recommended)
	Width	Minimum	None
Open Space	Area	Minimum	20% of the development area
Lot	Area	Minimum	43,560 (1 acre) per dwelling unit
	Width	Minimum	120 ft. (all lot areas to be designated by broken lines on plot plan when condominium ownership)
Building	Height	Maximum	35 ft.
Yards	Street	Minimum	None
	Rear	Minimum	None

Side	Minimum	15 ft. between single and two-family buildings
Other	Minimum	30 ft. from public street rights-of-way; from exterior property lines of the development and according to Conditional Use Permit.
Shore	Minimum	75 ft.

(5) Approval.

(a) Application. In addition to the requirements of Section 4.0 there shall be a preliminary plan provided with each application. The data on this plan shall conform to the standards of Section 5.0 of the Town of Black Wolf Zoning Ordinance and all provisions of the Black Wolf Subdivision Ordinance and shall also show:

- 1) The overall plan for development; including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open spaces;
- 2) Total development area (square feet);
- 3) Total proposed number of living units;
- 4) Total proposed building area at ground level including garages, carports, and other community facilities;
- 5) Total open space area (square feet);
- 6) Total number of parking spaces;
- 7) In the event the Town of Black Wolf Planning and Zoning Committee and the Black Wolf Town Board approves the preliminary plan, or tentatively approves it with condition, the applicant shall submit a final plan for final approval within six (6) months. (After six (6) months the applicant must resubmit an original application in order to be eligible for further consideration.)

(b) Permit. Issuance of a Conditional Use Permit shall be based upon the following evaluation of the final plan by the Planning and Zoning Committee with approval by the Town Board:

- 1) That the final plan conforms to the conditions for approval of the preliminary plan;
- 2) That all Basic District Standards are satisfied;
- 3) That the overall density of the project is in compliance with a comprehensive plan, or where no such plan has been duly adopted, is, in the Town of Black Wolf Planning and Zoning Committee's judgment, compatible with the surrounding area and/or within the capacity of the community's public services;
- 4) That public sewer and adequate water is present;
- 5) That landscaping and grading will be done to assure compliance with Sec. 2.6;
- 6) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snow plows, garbage and fire trucks, the loading and unloading of furniture, and other pickups and deliveries without blocking traffic;
- 7) That there will be a minimum number of conflicts between pedestrian and vehicular traffic;
- 8) That adequate lighting will be provided;
- 9) That the final plans include the planting of adequate trees and shrubs where not already present;
- 10) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood;
- 11) That adequate surety bonds and/or scheduling dates are provided to guarantee the improvements shown on the plans;
- 12) That deed restrictions are included, to assure the proper preservation, care, and maintenance, by the original and all subsequent owners of the exterior design and layout of the development and of all common structures, facilities, utilities, accesses, open spaces and park lands;
- 13) That the final plan shall be platted and duly recorded according to the standards and procedures of the Town of Black Wolf Subdivision Ordinance and Chapter 236 of the State Statutes.

(6) Conditional Uses. (According to Section 4.0 and Approval above)

- (a) Location, site, and operational plans for all structures and improvements which serve the principal use.
- (b) All principal, conditional, and Sec. 4.4 approval uses of the B-1 and B-2 Business Districts and any other business uses which will complement the density and setting of the residential development.
- (c) Elevator apartments in excess of thirty-five (35) feet in height when distance between subject building and other structures and/or from property lines is increased at a rate of two (2) feet for each additional five (5) feet of height of the building over the first thirty-five (35) feet of height.
- (d) All uses specified under Sec. 2.9.
- (e) All uses specified under Sec. 3.2.
- (f) All conditional uses specified under R-3 two Family Residential.
- (g) Patio, or zero side yard houses.
- (h) Single and two family residences with on-site sewage disposal systems; providing the overall density of the development does not exceed two (2) dwelling units/acre.
- (i) Private roads.

3.9 M H - 1 Mobile Home District. (subdivided, sewerred).

- (1) Statement of intent. The intent of this district is to provide a lot size and associated standards for mobile homes in a duly recorded and legally maintained subdivision. The criteria of this district have been designed to provide reliable home-sites in those developing areas which have public sanitary sewer, and which offer a "suburban" arrangement of amenities, services, facilities, etc. It is the intent of the Town of Black Wolf not to create or provide a Mobile Home District.
- (2) Principal uses. Shall include mobile home dwellings on lots which have been developed and recorded according to Chapter 236 of the State of Wisconsin Statutes, the Town of Black Wolf Subdivision Ordinance.
- (3) Basic District Standards The basic lot standards in this district shall be according to R-2 "Suburban Residential District".

(4) Conditional Uses. (according to Section 4.0). Permitted Conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 2.9.
- (b) All uses specified under Sec. 3.2.
- (c) Mobile home parks according to the procedures for application and Permit provided under the R-5 "Planned Residential District" providing:
  - 1) Each mobile home shall be located on a lot of not less than forty three thousand five hundred and sixty (43,560) square feet (one acre).
  - 2) Each mobile home lot shall contain a parking space upon which the mobile home shall be situated which parking space shall be paved with concrete or bituminous material.
  - 3) There shall be a system of roadways with a minimum of thirty-six (36) feet widths, surfaced as required by item 2) above, providing access from each and every trailer and automobile parking space within such mobile home park to the public street or highway; provided that there shall not be more than two (2) entrances from or exits to such street or highway from any one such park.
  - 4) Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces, or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs, or trees, which shall not be less than Fifteen (15) feet wide, except that there need not be more than a five (5) foot setback from an access driveway; provided, however, that such five (5) foot setback shall apply to the longest trailer to be accommodated within such park.
  - 5) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than fifteen (15) feet wide.
  - 6) Each mobile home park shall have an office constructed as a safe storm shelter to accommodate the residents and staff of the mobile home park and shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to town officials for inspection.



3.10 G-1 Garage Lot District. (Floating)

(1) Statement of intent. The intent of this district is to allow the establishment of "Garage" lots in conjunction with residential lots in existence on the effective date of this ordinance which do not have sufficient area, width, or depth to allow construction of a garage.

(2) Principal uses. Shall include One (1) detached garage as a garage. This district will allow the establishment of such a garage lot in direct proximity to an existing residential lot. (According to Sec. 2.9).

(3) Basic District Standards The basic lot standards in this district shall be as follows:

Lot	Width		As required to align directly with an existing residential lot, but shall not be less than 40 ft.
	Area	Minimum	As required to meet yard minimum requirements
Structure	Height	Maximum	17 Ft.
	Floor Area	Maximum	750 sq. ft.
Yards	Street	Minimum	30 ft.
	Rear	Minimum	25 ft.
	Side	Minimum	10 ft. One side 25 ft. total both sides
	Shore	Minimum	75 ft.

In addition, prior to the issuance of a zoning permit, the garage lot and existing related residential lot shall be deed restricted so as to require use and all transfers of ownership of the two lots as one (1) parcel.

(4) Approval of Building Site And Operational Plans. (according to Sec. 4.4) Boathouse. According to Sec. 3.3 (6).

3.11 Business Districts Interpretation. The uses within each of these districts have been grouped according to the expected intensity of the commercial activity. Also, lot sizes have been adjusted according to service by public sewer or on-site sanitary system.

3.12 Business Conditional Uses. Business conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval - if there is approval - all in accordance with Section 4.0 of this Ordinance.



(2) Principal Use. The following uses and similar stores and shops offering convenience goods and personal services, provided that they shall be retail establishments, selling and storing only new merchandise provided there is no outdoor storage yard, and provided that retail convenience or service facility does not exceed 1,500 Sq. Ft. of area for the principal structure:

- (a) Low traffic generating retail stores and shops offering convenience goods and services, e.g. mini-markets, bakeries, and beauty shops;
- (b) Business and professional offices;
- (c) Specialties, e.g. dance schools and art studios;
- (d) Customer service establishments, e.g. tailor shops and restaurants not to include drive in or drive up type.

(3) Basic District Standards. The basic lot standards in this district shall be as follows:

Lot(sewered)	Frontage	Minimum	100 ft.
	Width	Minimum	100 ft.
	Area	Minimum	15,000 sq. ft.
Lot (un-sewered)	Frontage	Minimum	100 ft.
	Width	Minimum	100 ft.
	Area	Minimum	30,000 sq. ft.
Building	Height	Maximum	15 ft.
Yards (sewered)	Street	Minimum	50 ft.
	Rear	Minimum	25 ft.
	Side	Minimum	10 ft. Both sides
	Shore	Minimum	75 ft.
Yards (un-sewered)	Street	Minimum	50 ft.
	Rear	Minimum	50 ft.
	Side	Minimum	10 ft. Both sides
	Shore	Minimum	75 ft.

(4) Conditional Uses. (according to Section 4.0) permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 3.12.



Office Supplies  
 Pet Shops For Indoor Sales Only

(3) Basic District Standards. The basic lot standards in this district shall be as follows:

Lot (sewered)	Frontage	Minimum	100 ft.
	Width	Minimum	100 ft.
	Area	Minimum	15,000 Sq. Ft.
Lot (un-sewered)	Frontage	Minimum	100 ft.
	Width	Minimum	100 ft.
	Area	Minimum	30,000 Sq. Ft.
Building	Height	Maximum	25 ft.
Yards(sewered)	Street	Minimum	50 ft.
	Rear	Minimum	25 ft.
	Side	Minimum	10 Ft. both sides
	Shore	Minimum	75 ft.
Yards(un-sewered)	Street	Minimum	50 ft.
	Rear	Minimum	50 ft.
	Side	Minimum	10 Ft. both sides
	Shore	Minimum	75 ft.

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

(a) All uses specified under Sec. 3.12.

(b) Supermarkets

Places of Entertainment

Small Engine Repair

Laundry/Dry Cleaning Establishments employing not over four (4) persons

Liquor Stores

Music Stores with no outdoor speakers or amplification

Night Clubs

Personal Service Establishments

(5) Approval of Building, Site and Operational Plans. (According to Sec. 4.4)

(a) Commercial recreational facilities, e.g.:

Clubs	Dance Halls
Driving Ranges	Lodges
Miniature Golf	Physical Culture
Skating Rinks	Bowling Alleys
Pool & Billiard Halls	Gymnasiums
Theaters	Turkish Baths
Arcades	

(b) Funeral Homes.

(c) Water-oriented commercial uses when on lakes and streams, e.g., bait shops, bath houses, bathing and fishing areas, boat and marine sales, boat launching areas, boat liveries, boat storage, repair and service marinas, sales, service and repair, dance halls, fishing equipment sales, hotels, resorts, restaurants, and campgrounds.

3.16 B-3 General Business District.

(1) Statement of Intent. The primary intent of this district is to provide for the special development needs of those wholesale and retail stores, shops and services and those professional offices which, by their nature, are dependent upon a community wide trade area and/or employee base. The secondary intent of this district is to provide for certain commercial activities which are uniquely oriented towards the service of highway traffic. Therefore, whether for use as a community wide retail district, or for use by highway businesses, this district should be utilized to produce a safe and orderly placement of facilities and activities along and/or with access to major traffic routes. Additionally, when applied as a community wide business district, its size and location should be in relationship to the needs and economy of the entire service area.

Recommended District Size:     12 - 20 Acres (un-sewered)  
   6 - 11 Acres (sewered)

(2) Principal Uses. Shall include all principal uses permitted in the B-1 and in the B-2 - Districts. Also, the following uses and similar wholesale and retail stores, shops and services provided that they do not have outdoor storage yards:

Automotive Part & Supply Stores  
Department Stores, (except Discount Dept. Stores & Discount Centers)  
Food Lockers  
Monument Sales  
Physical Culture & Health Studios  
Printing, Advertising & Publishing Shops

Private Clubs, Lodges & Indoor Court Facilities  
 Trade & Contractors Offices  
 Feed & Seed Stores  
 Vending Machine Sales, Service & Repair  
 Wholesale Establishments, except Vehicle Wholesale & Auction

(3) Basic District Standards. The basic lot standards in this District shall be as follows:

Lot (sewered)	Frontage	Minimum	100 ft.
	Width	Minimum	100 ft.
	Area	Minimum	15,000 Sq. ft.
Lot (un-sewered)	Frontage	Minimum	100 ft.
	Width	Minimum	100 ft.
	Area	Minimum	30,000 Sq. ft.
Building	Height	Maximum	35 ft.
Yards (sewered)	Street	Minimum	50 ft.
	Rear	Minimum	25 ft.
	Side	Minimum	10 ft Both sides
	Shore	Minimum	75 ft.
Yards (un-sewered)	Street	Minimum	50 ft.
	Rear	Minimum	50 ft.
	Side	Minimum	10 ft. Both sides
	Shore	Minimum	75 ft.

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this District shall be as follows:

- (a) All uses specified under Sec. 3.12.
- (b) All conditional uses specified under the B-2 District.
- (c) Vehicle Body Shops when accessory to sales, but not including the storage of junked or wrecked vehicles and parts.
- (d) Drive-in Theaters.
- (e) Commercial stables with a minimum of twelve (12) acres.
- (f) Model homes and garages.

- (g) Animal hospitals with or without boarding, with outdoor pens, providing all principal structures are at least three hundred (300) feet from any less restrictive zoning district.
- (h) Auction galleries (indoor only).
- (i) Auto, Truck & Heavy Equipment Sales, Service and Mechanical repair.
- (j) Automotive Upholstery Shops.
- (k) Boat Sales, Rental and Repair.
- (l) Building Material & Product Sales.
- (m) Exterminating Shops.
- (n) Motorcycle and RV Sales, Repair and Service.
- (o) Newspaper Offices and Press Rooms.
- (p) Radio Broadcast Studios.
- (q) Second Hand Shops and Pawn Shops.

(5) Approval of Building Site and Operational Plans. (According to Sec. 4.4)

- (a) All uses requiring Sec. 4.4 Review under the B-2 "Community Business District"
- (b) Highway Business Uses - (H.B.) - such as:
  - 1) Drive-in establishments serving food or beverages for consumption outside the structure.
  - 2) Motels, mini-warehouses.
  - 3) Tourist's homes provided such district is located on a State Trunk or U.S. numbered highway.
  - 4) Highway oriented recreation, e.g. driving ranges, miniature golf.
  - 5) Discount Department Stores and Discount Centers.
  - 6) Home building centers, including lumber yards.



- 7) Outdoor sales, e.g. garden centers, nurseries, greenhouses and landscaping supplies.
- 8) Any B-3 Principal Use to be developed in an area mapped as B-3 (H.B.).

(c) Outdoor Display Areas when accessory to a principal use.

(6) Adult Entertainment Overlay District (AEO)

(a) Statement of Intent. Mindful of the fact that it is the intent of this Ordinance to protect the health, safety and morals of the citizens of the Town of Black Wolf and to further preserve the quality of family life and to preserve the rural and urban characteristics of its neighborhood in the Town of Black Wolf and prevent adverse and deleterious effects contributing the blight and downgrading of neighborhoods, and also mindful of the effects of adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment and also mindful of the criminal activity and disruption of public peace associated with such establishments of adult entertainment. By the enactment of the Ordinance, the Black Wolf Town Board does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.

(b) Definitions. For the purpose of this section:

“Specified sexual activities” is defined as:

- 1) Human genital in a state of sexual stimulation or arousal.
- 2) Acts of human masturbation, sexual intercourse or sodomy.
- 3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

“Specified anatomical areas” is defined as:

- 1) Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the aureole.
- 2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

“Adult Establishments” includes bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios, cabarets and video rental and sales agencies, and are specifically defined as:

- 1) Adult Bookstore. An establishment having a substantial or significant portion of its stock and trade in books, magazines and other periodicals, videos, tapes, and other similar items, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
- 2) Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.
- 3) Adult Motion Picture Theater (Outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.
- 4) Adult Mini Motion Picture Theater. An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.
- 5) Adult Bath Houses. An establishment of business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.
- 6) Adult Massage Parlors. A business or establishment with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in “specified sexual activities” as defined in this ordinance.
- 7) Adult Modeling Studios. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

- 8) Adult Body Painting Studios. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For the purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
  - 9) Adult Cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.
  - 10) Adult Novelty Shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items including movies, tapes, videos, books, etc., which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.
  - 11) Adult Video Stores. An establishment or business that provides video rentals or sales which are distinguished or characterizes by their emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas” as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
- (c) Adult Entertainment District. So as to ensure a maximum benefit to the community and a minimum impact upon existing and future uses of land, there is hereby created an adult entertainment district which, subject to the standards set forth in the Ordinance, may be used for an adult establishment as defined herein.
- (d) Adult Entertainment District Overlay - General Standards. Adult bath houses, body painting studios, bookstores, cabarets, massage parlors, mini-motion picture theaters, modeling studios, motion picture theaters, motion picture theaters (outdoors), novelty shops and video stores in the AEO District.
- 1) The Adult Entertainment District shall only be established by Conditional Use Permit in situations in which the underlying district is a B-3 Business District.
  - 2) No more than one of the above adult uses may be established on any one parcel and the establishment of any one of the above adult uses shall be at least 1500 feet from the establishment of any other adult use. No adult shall be permitted within 2000 feet of any land zoned residential or institutional or within 2000 feet of a residential Planned Unit Development or Residential Property in Agricultural Zoning.

- 3) There shall be no sale of intoxicating beverages in the Adult Entertainment District.
- 4) Signs advertising any of the aforementioned adult uses shall conform with Section 7 of this Ordinance with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will not depict specified sexual activities and/or specified anatomical areas as defined in the Ordinance, and provided further that there shall be no flashing or traveling lights located outside the building.
- 5) Adequate parking shall be provided in a lighted area.
- 6) There shall be no display windows on the premises.
- 7) The owner and/or operator of the adult entertainment establishment shall agree to comply with all State, Federal and Local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further insure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- 8) In the case of adult cabarets, there shall be compliance with Section 3.15 (4) of this Ordinance relating to noise, and the hours of operations for such establishments shall be limited to the same hours of operation for bars and taverns within that community within which the district is located, it shall also comply with the Town of Black Wolf Cabaret Ordinance.
- 9) In the case of adult motion picture theaters (outdoors), the establishment shall comply with the same conditional use standards set forth for drive-in theaters in the B-3 District and shall furthermore comply with the standards set forth in Sections 3.16 (4) of this Ordinance pertaining to noise. Furthermore, outdoor adult motion picture theaters shall confine their hours of operation to those hours of operation established for bars and taverns within the community within which the establishment is located. Outdoor adult motion picture theaters shall also have a viewing screen located in such a fashion as to not be visible from any road, street, highway or residence and the premises shall be surrounded by solid fencing at least eight feet in height. All theaters shall be in compliance with Section 134.46 of the Wisconsin Statutes.
- 10) Prior to the establishment of an adult entertainment district, an inventory of the surrounding area and population shall be made by a Registered Land Surveyor or Planner, along with a study of proposed development and plans for the area so as to enable the Town of Black Wolf Planning &

Zoning Committee to make appropriate findings relating to the effect of the establishment of such a district in that area.

11) The owner of the parcel upon which the adult entertainment use is to be established and the operator of the establishment and owner of the establishment shall appear in person before the Town of Black Wolf Planning & Zoning Committee.

(e) Principal Uses. No principal uses shall be permitted as a matter of right in the Adult Entertainment Overlay District. All uses shall be conditional uses.

(f) Conditional Uses.

- 1) Adult Bath Houses
- 2) Adult Body Painting Studios
- 3) Adult Bookstores
- 4) Adult Cabarets
- 5) Adult Massage Parlors
- 6) Adult Mini-Motion Picture Theaters
- 7) Adult Modeling Studios
- 8) Adult Motion Picture Theater
- 9) Adult Motion Picture Theaters (Outdoors)
- 10) Adult Novelty Shops
- 11) All Accessory, Conditional, and Principal Uses of Underlying District
- 12) Video Rentals/Sales Agencies

(g) Underlying District Standards. Lot area and width, building height and area, yard requirements and sanitary sewer systems required in the underlying district shall be complied with in the Adult Entertainment Overlay District.

(h) Procedure for Establishing Adult Entertainment District.

- 1) An application for the establishment of an Adult Entertainment District petitioning for the issuance of a conditional use permit shall be made in accordance with Section § 4.
- 2) No application for an Adult Entertainment District shall be approved by the Town of Black Wolf Planning and Zoning Committee unless, however, the following findings have been made:
  - a) That all the standards and requirements in this Ordinance have been met.
  - b) That the proposed use will not be a detriment to the public welfare.
  - c) That the proposed zoning change is consistent with the general intent of any comprehensive plan in existence.

- d) That the existing streets and utility services are adequate for the proposed use.
  - e) That the establishment will in no way contribute to the deterioration of the surrounding neighborhood.
  - f) That the presence of the adult entertainment establishment will not have a harmful influence on children residing in or frequenting the area.
- 3) Approval of the application shall cause the official zoning map to be annotated as an Adult Entertainment District (AEO).

3.16-A B-4 Business Park District (Sewered Only)

- (1) Statement of Intent. The intent of this district is to provide for the development of an attractive and aesthetically pleasing mixed group of office uses and activities in a park-like setting. This district is further intended to promote the provision of ample off-street parking and loading areas, on-site open space, landscape plantings, and planting screens in areas adjacent to non-business or other incompatible land uses/zoning districts.
- (2) Principal Uses. The following and similar uses shall be permitted subject to the same process of application, except that a public hearing shall not be necessary. Upon written request by the Town of Black Wolf Town Board all site development plan review, approval, and enforcement within the B-4 district shall be done by the Town. When such review, approval and enforcement authority has been transferred to a Town, such authority shall remain with the Town for a period of not less than 12 months, after which time the Town may request the County take over this responsibility. When a Town has assumed the review, approval and enforcement authority, the plan review fee, if any, shall be as set forth by the Town.
- (a) Printing and publication
  - (b) Professional offices and services including, but not limited to, accounting, architectural, chiropractic, dental, medical, engineering and legal services.
  - (c) Business offices and services including, but not necessarily limited to, advertising agency, management consulting, manufacturing representatives, public relations, stenographic, travel agency and duplicating services.
  - (d) Financial, insurance and real estate offices and services including, but not necessarily limited to, financial institutions, security brokers, holding and investments, insurance agency, insurance carriers, governmental and public services.
- (3) Accessory Uses. Section 3.13 (1) - (6) shall not apply in the B-4 zoning district. The following accessory uses shall be permitted:

(a) Fences. Security fences are permitted on the side and rear property lines but no closer to the street yard property line than the principal structure. Security fences shall be of an open type (not more than 50% opacity) and shall not exceed eight (8) feet in height. Decorative and privacy fences (i.e. wooden wrought iron, etc. versus chain link) no more than six (6) feet in height shall be permitted on the side and rear property line but no closer to the street yard property line than the principal structure. Decorative fences four (4) feet in height or less shall be permitted with a ten (10) foot street yard setback.

(b) Outdoor Lighting. Outdoor lighting installation shall be regulated as follows:

- 1) No light fixture shall exceed twenty-five (25) feet in height.
- 2) All outdoor lighting fixtures shall be of a cut-off design (i.e. shall not emit light at an angle greater than 90 degrees from vertical).
- 3) All outdoor lighting fixtures shall be adequately shielded or directed so as to confine the area of light dispersion to the property and/or building area on which such fixture is located.
- 4) Use of wooden poles for outdoor lighting shall be prohibited.
- 5) The following types of lighting shall be prohibited except as otherwise approved by the Town of Black Wolf Town Board:
  - a) Festoon lighting, "string" lighting or any light source erected in such manner as to be subject to noticeable periodic movement as a result of wind pressure or atmospheric conditions.
  - b) Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather conditions.
  - c) Display of intermittent lights or flashing, blinking, moving, beacon or search lights except as follows:
    1. Where such lights are required by State or Federal Law.
    2. Where such lighting is a temporary nature including but not limited to holiday displays and grand opening events.

(c) Signs. Signs shall be permitted in accordance with Section 7 of the Town of Black Wolf Zoning Ordinance.

(d) Parking. Parking requirements shall be in accordance with Section 5 of the Town of Black Wolf Zoning Ordinance except as follows:

- 1) No driveway or parking area shall be located closer than ten (10) feet to a side or rear lot line or twenty-five (25) feet to a street yard lot line. That portion of

driveway required for roadway access shall not be subject to the aforesaid street yard setback requirement.

- 2) All parking and driveway areas shall be hard-surfaced (i.e. blacktop, concrete, etc.) within twelve months of receiving approval to occupy the principal structure.

(e) Garages and Storage Buildings. Detached garages and storage buildings for storage of vehicles, supplies, equipment used in conjunction with the operation of the premises or for use by the resident occupant of the premises subject to the following conditions:

- 1) No detached garage or storage building shall exceed twenty (20) feet in height.
- 2) No detached garage or storage building shall be situated closer than ten (10) feet to a side or rear lot line nor shall detached garage or storage building be situated closer to the street yard lot line than the principal structure.

(f) Radio and Television Antennas. Radio and television antennas not attached to the principal structure may be permitted to the sides and rear of the principal structure provided they are set back from the side and rear property lines a distance equal to or greater than the height of the antenna. No radio or television antenna shall be situated closer to the street yard lot line than the principal structure.

(g) Satellite Dishes. Satellite dishes shall be permitted subject to the following conditions:

- 1) Not more than one satellite earth station may be allowed per lot.
- 2) Satellite earth stations shall be allowed in rear and side yards, however, satellite stations may not be any closer to the streetline than the established setback of the principal building or structure.
- 3) Side and rear yard setbacks shall be equal to or greater than the required side and rear yard setbacks for the principal structure, but not less than the total vertical height of the satellite earth station.
- 4) Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be permitted subject to engineering calculations being prepared by a registered professional engineer certifying that the proposed satellite earth station is structurally sound. A building mounted satellite station where visible from the front lot line will be permitted only when reception would not be possible from a less conspicuous location as verified by appropriate test data.
- 5) The owner who proposes a building-mounted satellite earth station must also submit a plan for screening the satellite earth station from surrounding properties in a manner that is appropriate to the architecture of the building.



Building mounted satellite earth stations shall not exceed the maximum height regulation of the zoning district in which they are located.

- 6) Ground mounted satellite earth stations located where visible to adjacent streets or roadways or neighboring properties shall be of a dark color and effectively screened by the use of appropriate landscaping or a structure (i.e. 100% opaque screening).
  - 7) All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All installations shall meet a minimum wind load design velocity of eight (8) m.p.h.
  - 8) No form of advertising or identification is allowed on the dish or framework other than the customary manufacturer's identification plates.
  - 9) Portable or trailer mounted satellite earth stations are not allowed. Exception: Temporary installations for on-site testing and demonstration purposes may be allowed for periods not to exceed 46 hours with prior approval from the Town Building Inspector or his/her designee.
  - 10) Electrical installations in connection with earth satellite receiving stations including grounding of the systems shall be in accordance with the National Electrical Code Standards.
  - 11) All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground.
  - 12) Satellite earth stations that cause any interference with the radio and/or television broadcasting or reception on nearby properties shall be governed in accordance with Federal Communications Commission Standards.
  - 13) No satellite earth station shall be erected without first obtaining a building and zoning permit.
- (4) Conditional Uses. Section 3.12 shall not apply in the B-4 zoning district. The following and similar uses shall be permitted subject to application, review, and approval in accordance with Section 4 of the Town of Black Wolf Zoning Ordinance.
- (a) Health clubs, barber shops, beauty salons, florists, (not including greenhouses) and studios for photography, painting, music, dance and other recognized fine arts where such uses are situated in the building of an approved principal use.
  - (b) Commercial child day care facilities.
  - (c) Restaurants (not including drive-in or drive-thru facilities), when located in the building of an approved principal use.
  - (d) One residential living quarter when located within the building of an approved principal use and provided occupancy thereof is restricted to an owner,

manager, caretaker or employee of the principal business. Such living quarter shall not exceed 1000 square feet in floor space, or 1% of the total building floor space, whichever is less.

- (e) Outside storage yards accessory to an approved principal use, provided such storage is adequately screened from the surrounding view.

(5) General Regulations.

- (a) No use which is offensive by reason of odor, smoke, fume, dust, noise, vibrations, radioactive emissions, pollution, or which presents excessive danger for fire or explosion shall be permitted.
- (b) Site access shall be oriented toward internal circulation drives with limited access points to existing roads.
- (c) All business park developments shall be serviced by underground utilities and infrastructure.
- (d) No transformer, electric, gas or other meter of any type shall be visible from the surrounding roadways or neighboring properties. Curb, gutter and storm sewer shall be required in all business park developments.
- (e) All business, servicing, processing, or storage except for off-street loading and parking areas, shall be conducted within completely enclosed buildings unless otherwise permitted herein or specifically approved by the Town of Black Wolf Plan Committee and Town of Black Wolf Town Board.
- (f) To alleviate any potential off-site impacts due to increased storm water run-off attributes to the business park development, one or more storm water retention/detention areas may be required. If such retention/detention areas are required, it shall be the responsibility of the property owner, or if applicable, the Property Owner's Association, to provide maintenance and upkeep thereof.

(6) Basic District Standards

- (a) Lot size. All lots shall have a minimum area of not less than thirty thousand (30,000) sq. ft.
- (b) Lot Width. All lots shall have a minimum width, as measured at the street yard set back, of not less than one hundred (100) feet.
- (c) Lot Coverage/Open Space. Not more than 60 percent of the lot shall be covered by an impervious surface (i.e. buildings, structures, pavement, etc.).

The open space configuration shall be an important element in the site plan review process.

(d) Building Size/Floor Area Ratio. The building(s) floor area ratio shall not exceed 40 percent. The floor area ratio shall be calculated as the gross floor area of all buildings on a site divided by the gross site area.

(e) Building Height.

1) Principal structures. Principal structures shall not exceed 25 feet in height.

(f) Yards.

1) Street. All structures shall be setback a minimum of 60 feet from any public, private, or officially mapped street/right-of-way. All parking lots or drives shall be setback a minimum of 30 feet from any public, private or officially mapped street/right-of-way.

2) Rear. All structures shall be setback a minimum of 25 feet from the rear property line except as otherwise specified in this section.

3) Side. All structures shall be setback a minimum of 20 feet from the side property line except as otherwise specified in this section.

4) Shore. All structures shall be setback a minimum of 75 feet.

\* The above yards shall apply except where any portion of the development is adjacent to a residentially zoned property, in which case the Town of Black Wolf Planning and Zoning Committee and Town of Black Wolf Town Board may require an increased setback of up to 50 feet if deemed necessary to prevent an adverse impact of the residential site.

(g) Loading Docks. Loading docks shall generally not face a dedicated or reserved public street. Sufficient on-site space shall be provided for each principal use as will enable the maneuvering of trucks to and from the loading docks without using public streets.

(h) Roof-Mounted Equipment. All roof-mounted equipment shall be located, screened and/or painted using colors and architectural materials compatible with the principal building in order to minimize its visibility from streets and neighboring properties.

(i) Outside Storage.

- 1) All required setback yard areas shall be landscaped and kept clean and free from the accumulation of debris and/or refuse, and shall not be used for the storage or display of any equipment, materials, products, vehicles or supplies.
  - 2) All development sites shall provide a refuse storage area adequate in size to serve the business uses situated thereon. Refuse storage receptacles shall be entirely screened from the view of surrounding properties and streets and the screening shall be a height not less than the height of the refuse receptacle.
  - 3) Refuse storage areas shall be permitted only to the rear of the principal structure. In no case shall a refuse storage area be situated closer than 20 feet to a side or rear property line.
- (j) Landscaping. Within one year of receiving approval for building occupancy, all yard areas shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials. Landscaping shall relate to the paved and building areas of the site relative to massing, size, shape and color. At the time of planning, vegetation shall be of sufficient size as to noticeably enhance the site (i.e. elements). Plant material shall be of hardy quality, preferably native to Wisconsin.

(k) Architectural Control.

- 1) All exterior building walls shall be of the same color scheme and shall utilize the same architectural materials.
  - 2) The exterior building walls may be of metal except the lower one-third or lower seven feet (whichever is less) shall be of masonry, stone, glass or architectural precast concrete panels.
  - 3) Plain concrete blocks are prohibited on any exterior surface of a building.
- (l) Sanitation. In the interest of maintaining compact development patterns which in turn promotes efficiency in the delivery of public services such as police and fire safety, transportation, etc., B-4 (Business Park) developments shall be required to utilize municipal sewage disposal systems. Private on-site sewage systems such as septic, mound and holding tanks are expressly prohibited in the B-4 district.

(7) Basis for Approval.

- (a) To implement the intent of the B-4 district as set forth in Section 3.16 of the Town of Black Wolf Zoning Ordinance, site development plan review shall

take into consideration, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading areas, highway access, traffic generation and circulation, drainage, sewerage and water systems, and proposed operation. The Town of Black Wolf Planning and Zoning Committee or Black Wolf Town Board of Supervisors will approve said site plans only after determining that:

- 1) The proposed use(s) conform(s) to the uses permitted in that zoning district.
- 2) The dimensional arrangement of building and structures conform to the required area, yard, setback, and height restrictions of this section.
- 3) The proposed use conforms to all use and design provisions and requirements (if any) as found in this section for the specified uses.
- 4) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the projects in order to assure the safety and convenience of pedestrian and vehicular traffic.
- 5) The proposed on-site buildings, structures, and entryways are situated and designated to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water, drainage, erosion control, grading, lighting and parking, as specified by this section and any other codes or laws.
- 6) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
- 7) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this section.
- 8) Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped.
- 9) The site plan is consistent with the intent and purpose of this section, which is to promote the public health, safety and general welfare, to encourage the use of lands, in accordance with their character and adaptability, to avoid overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, and to facilitate existing community development plans.

### 3.17 P-1 Institutional & Recreational Park District.

- (1) Statement of Intent. The intent of this District is to provide an area for public and private institutional and recreational uses. The area utilized for such a district should be such that it is compatible with and is an asset to the surrounding land uses.
- (2) Principal Uses. Shall include public and private institutional uses such as: colleges and universities, parks and playgrounds, religious and charitable institutions, and schools.
- (3) Basic District Standards. The basic lot standards in this district shall be as follows:

Lot	Width	Minimum	200 ft.
	Area	Minimum	43,560 sq. ft. (1 acre)
Building	Height	Maximum	50 ft.
Yards	Street	Minimum	75 ft.
	Rear	Minimum	50 ft.
	Side	Minimum	15 ft.
	Shore	Minimum	75 ft.

- (4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) Airports, airstrips, and landing airfields with a minimum area of 20 acres.

- (b) Public and quasi-public cultural recreational facilities, e.g.:

- Golf Courses
- Driving Ranges
- Archery and Firearm Ranges (Outdoor)
- Sports Fields
- Zoological and Botanical Gardens
- Race Tracks
- Camp Grounds
- Exposition & Fair Grounds
- Riding Academies & Stables

- (c) The following shall require a minimum of twenty (20) acres:

- Camp Grounds
- Exposition & Fairgrounds
- Riding Academies and Stables
- Cemeteries

- (d) Penal Institutions

- (5) Accessory Uses. Permitted accessory uses in this district shall be as follows:

- (a) All accessory uses listed under Sec. 3.13.
- (b) Clubs, taverns, nightclubs, restaurants and convenience goods and services, etc. when supportive of the Principal Use.
- (c) All equipment and improvements used in conjunction with the Principal Use.

3.18 Agricultural Conditional Uses. Agricultural conditional uses and their accessory uses are considered as special uses which require review, public hearing, and approval - if there is approval - all in accordance with Section 4.0 of this Ordinance. In addition to those stated under Sec. 2.9, and unless otherwise specified, the following shall be conditional uses in all Agricultural districts of this Ordinance:

- (1) Airports, Airstrips and Landing Fields - agricultural and nonagricultural related, with a minimum of 20 acres and compliance with all FAA Regulations
- (2) Cemeteries and Colleges and religious and charitable institutions, Crematories, Universities
- (3) Condenseries, Creameries, Commercial butchering of animals, Commercial boarding of stable animals, Migratory Laborer Housing, Animal Hospitals
- (4) Sludge Disposal (Disposal must be in accordance with NR 113 of The Wisconsin Administrative Code.)
- (5) Storage and maintenance of construction equipment and vehicles is permitted as a conditional use if the storage area for all such equipment and vehicles is at least six hundred (600) feet from Residential, and Public and Semi-Public Districts. Except not allowed in A-1 "Agri-Business District".
- (6) Mobile home(s) which shall be occupied as an accessory use to the farm operation, except in the A-1 Agri-Business District, the occupant must earn a substantial part of his/her livelihood from farm operations on the parcel, providing:
  - (a) The Zoning Administrator verifies - in writing - said use of the proposed mobile home(s).
  - (b) The farm operator agrees - in writing - that discontinuance of the Mobile home occupancy as the specified accessory use will necessitate removal of the mobile home.
  - (c) The conditional use shall be renewed every two (2) years.
- (7) Farming operations, e.g. duck, turkey, mink farms, which involve potential nuisance conditions requiring special waste disposal and treatment facilities, e.g. lagoons and/or overhead irrigation disposal systems.

(8) Nurseries and Orchards for commercial use.

3.19 Agricultural Accessory Uses. In addition to those accessory uses specified under Sec. 2.9 (2) and 3.3, the following accessory standards shall apply in all Agricultural Districts:

(1) Security fences are permitted on the property line, but shall not exceed ten (10) feet in height and shall be of an open type or similar to woven wire or chain link fencing.

(2) Signs are permitted according to Sec. 7.0.

(3) One (1) roadside stand on any one (1) farm shall be permitted, providing it will be used only for the sale of the farm products raised on said farm.

(4) Outbuildings.

3.20 A-1 Agri-Business District.

(1) Statement of intent. The intent of this district is to identify and to establish those areas of the Town suited to the economics of large scale agricultural uses. In turn, the value of this land is to be maintained by protecting these areas from the intrusion of urban uses. The location of this district should encompass sufficient acreage where soil characteristics and/or existing operations will facilitate extensive production of crops; forest products; livestock, poultry and their products; and dairy products.

Identification of such districts should be by the use of detailed soil maps and by production records of the State of Wisconsin, Department of Agriculture. Principal uses shall include all farming and agricultural activities generally conducted on a large scale.

(2) Special Agri-Business Provisions. Establishment of a lot(s) for existing dwellings not accessory to any farm operation and farm dwellings remain after consolidation of neighboring farms are permitted, providing the lot shall comply with all the provisions of the applicable Residential District.

(3) Basic District Standards The basic lot standards in this district shall be as follows:

Farm	Frontage	Minimum	300 ft.
	Area	Minimum	80 acres
Structure	Height	Maximum	NONE
	Spacing	Minimum	10 ft. between each structure
Yards	Street	Minimum	75 ft.
	Rear	Minimum	50 ft.
	Side	Minimum	15 ft. each side



Shore Minimum 75 ft.

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 3.18.
- (b) Town halls, town offices and town fire stations.
- (c) Farm dwellings which are for those resident laborers who earn a substantial part of their livelihood from farm operations on the parcel, provided: the zoning administrator verifies in writing said use of proposed residential unit. (Yard standards according to the applicable Residential District.)

(5) Accessory Uses. Permitted accessory uses in this district shall be as follows:

- (a) All uses listed under Sec. 3.19.
- (b) Farm dwellings, (one and two family) for those resident owners who earn a substantial part of their livelihood from farm operations on the parcel. (Yard standards according to the applicable Residential District.)

3.21 A-2 General Farming.

- (1) Statement of intent. The intent of this district is to allow the development of small scale farming activities characterized by the mixed crop of the traditional "family farm" along with residential growth, although agriculture is to be recognized as the dominant activity in the district.
- (2) Principal uses. Shall include all uses permitted in the A-1 District and one and two family dwellings, whether or not accessory to farm operations. However, those residences which are not accessory to farm operations shall be restricted to the principal, accessory and conditional uses of the affected Residential uses.
- (3) Basic District Standards. The basic lot standards for residential uses in this district shall be those of the applicable Residential District, whether R-1 or R-3. The basic lot standards for farm uses shall be as follows:

Farm	Frontage	Minimum	300 ft.
	Area	Minimum	10 acres
Structure	Height	Maximum	NONE
	Spacing	Minimum	10 ft. between each structure

Yards	Street	Minimum	75 ft.
	Rear	Minimum	50 ft.
	Side	Minimum	15 ft. each side
	Shore	Minimum	75 ft.

(4) Conditional Uses. (According to Section 4.0) Permitted conditional uses in this district shall be as follows:

- (a) All uses specified under Sec. 3.18, when developed according to Basic District Standards - Farm.
- (b) All Conditional Uses specified under the applicable Residential Use: R-1 for single family; R-3 duplex when not according to Basic District Standards - Farm.

3.22 Industrial Conditional Uses. Industrial conditional uses and their accessory uses are considered as special uses which require review, Public hearing, and approval - if there is approval - all in accordance with Section 4.0 of this Ordinance. In addition to those stated under Sec. 2.9 (4), the following shall be conditional uses in all industrial districts of this Ordinance:

- (1) Public passenger transportation terminals, except airports, airstrips and landing fields, provided all principal structures and uses are not less than three hundred (300) feet from any Residential district boundary.
- (2) Animal hospitals provided all principal structures and uses are not less than three hundred (300) feet from any Residential, Business, or, Agricultural use.

3.23 Industrial Accessory Uses. In addition to those accessory uses and standards specified under Sec. 2.9 (2) and 3.3, the following accessory standards shall apply in Industrial districts:

- (1) Security fences are permitted on the property line, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or chain link fencing - unless other specified by the conditional use permit.
- (2) Outdoor lighting installations are permitted in all yard areas, but no closer than three (3) feet to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties, and shall meet all state electrical codes with height not to exceed 25 ft.
- (3) Signs are permitted according to Section 7.0.

- (4) Parking is required according to Section 5.0.
- (5) Storage facilities, power supply buildings and other uses normally supportive of the Principal Use.

3.24 M-1 Light Industrial District.

(1) Statement Of Intent. The intent of this district is to provide for the development of "clean" industrial employment centers within the immediate vicinity of residential neighborhoods. As with any activity which draws users from beyond the immediate population which surrounds it, suitable traffic routes and parking facilities must be integral to the location and plot plan design of the district.

(2) Principal Uses. The following and similar uses are permitted subject to approval by the Town of Black Wolf Planning and Zoning Committee as to location and operations (provided there is no outside storage of equipment or products):

- (a) Research and testing laboratories, and training centers.
- (b) Warehousing, food locker plants, cold storage warehousing, etc..
- (c) Light industrial plants such as required for production of millwork, machine tools, paper containers, light metal fabrication, and similar small industries.
- (d) Manufacture, fabrication, packing, packaging, processing & assembly of confections, cosmetics, electrical appliances, electronic devices, foods (except garbage, fish and fish products, meat and meat products, and pea vineries), instruments, jewelry, pharmaceuticals, tobacco and toiletries.
- (e) Wholesalers and distributors.
- (f) Painting, printing, publishing establishments.
- (g) Commercial bakeries and trade and contractor's offices.

(3) Basic District Standards. The basic lot standards in this district shall be as follows:

Building	Height	Maximum	45 ft.
Accessory Building	Height	Maximum	30 ft.
Lot	Area	Minimum	As necessary to comply with all district regulations
Yards	Street	Minimum	50 ft.

Side & Rear	Minimum	50 ft.
Shore	Minimum	75 ft.

(4) Approval of Building Site And Operational Plans (According to Sec. 4.4) All structures and substantial improvements for principal uses subject to the following:

- (a) No merchandise shall be handled for sale or service rendered on the premises except such as are incidental or accessory to the principal permissible use of the premises, except for sales or service to industrial customers.
- (b) All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings.
- (c) No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any Residential District.
- (d) No toxic matter, noxious matter, smoke or gas, and no odorous or particulate matter detectable beyond the lot lines shall be emitted.
- (e) No vibration shall be detectable beyond the lot lines.
- (f) No glare or heat shall be detectable beyond the lot lines.
- (g) The storage or use of chemicals either solid, liquid or gas, shall be subject to the following conditions:
  - 1) The storage, utilization, or manufacturing of materials or products ranging from incombustible to moderate burning is permitted.
  - 2) The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted providing the following condition is met:
    - (a) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - 3) The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

(5) Conditional Uses. (According to Section 4.0) Permitted conditional uses shall be as follows:

(a) All uses specified under Sec. 3.22.

(b) Outside storage yards.

3.25 M-2 Heavy Industrial District. The intent of this district is to provide for industrial uses often considered offensive or unique by nature. The location of such industries often requires isolation from residential areas and placement within industrial parks. It is the intent of the Town of Black Wolf not to create or provide such parks, nor to make other provisions for such industrial uses within the Town.

3.26 M-3 Extraction or Landfill District. (Overlay)

(1) Statement of intent. The intent of this district is to provide a means of properly regulating and reclaiming sites which are located primarily by their geological characteristics rather than to a planning and zoning process. It is the intent of the Town of Black Wolf not to create or provide for such operations or land fill sites within the town after the effective date of this ordinance.

(2) Principal uses. Shall include mineral extraction operations and closed landfill sites that are presently in existence.

3.27 Wireless Communications Facilities Ordinance

(1) Statement of Intent. The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The intent of this ordinance is to.,

(a) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the Town of Black Wolf,

(b) encourage collocation of new and existing tower sites,

(c) encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal,

(d) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and

(e) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(2) Definitions. As used in this ordinance, the following terms shall have the meanings indicated:

- (a) "Alternative tower structure" shall mean man-made structures such as clock towers, water towers, buildings, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
- (b) "Antenna" shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including but not limited to directional antennas, such as panel(s), microwave and satellite dishes, and omni-directional antennas, such as whip antennas.
- (c) "Collocation" shall mean the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.
- (d) "FAA" shall mean the Federal Aviation Administration.
- (e) "FCC" shall mean the Federal Communications Commission.
- (f) "Governing Authority" shall mean the governing authority of the Town of Black Wolf (Town Board, Planning and Zoning Committee, Zoning Administrator).
- (g) "Height" shall mean, when referring to a tower or other structure, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antennae.
- (h) "Personal Communications Service (PCS)" shall mean a provider of personal wireless service facilities as now defined in section 704 of the telecommunications act of 1996, 47 U.S.C. Par. 332, and as the same may be amended from time to time.
- (i) "Personal Wireless Facilities" shall mean transmitters, antennae structures and other types of installations used to provide personal wireless services.
- (j) "Pre-existing Towers and Antennas" shall have the meaning set forth in Section 3 (d) of this ordinance.

(k) “Tower” shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or mono pole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

(l) “Tower Site” shall mean the area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with said tower.

(3) Applicability. No permit is required for the following uses:

(a) Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the Governing authority.

(b) Amateur Radio and Receive-Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.

(c) Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Section 4.(c). Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas".

(4) General Provisions.

(a) 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 ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) Aesthetics, Lighting;

- 1) Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a light gray so as to reduce visual obtrusiveness and blend in to the natural setting and built environment.
- 2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- 3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color 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 alternatives and approve the design that would cause the least disturbance to the surrounding views.

(c) Federal Requirements. All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal Government with the authority to regulate towers and antennas.

(5) Conditional Uses.

(a) Permit. A conditional use permit is required from the Town of Black Wolf for the following permitted uses:

- 1) Antennas. Locating a commercial antenna to an alternative tower structure, including placement of additional buildings or other supporting equipment used in connection with said antenna, shall be a permitted by conditional use in all zoning districts.
- 2) Towers. Locating a tower, including placement of additional buildings or other supporting equipment used in connection with said tower, shall be permitted by conditional use. Construction of new towers are prohibited in residential zoning districts.
- 3) Buildings. Buildings used for the exclusive use of housing antenna and tower equipment shall be no larger than 150 square feet per antenna.

(b) Prohibited areas. Locating a tower in a residentially zoned area is prohibited.



(6) Conditional Use Requirements. Applications for conditional use permits shall adhere to the following:

(a) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

(b) Information Required. Each applicant requesting a conditional use permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and scaled by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

(c) Factors Considered in Granting Conditional Use Permits. 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 intent of this ordinance are better served thereby.

- 1) Height of the proposed tower;
- 2) Proximity of the tower to residential structures and residential district boundaries;
- 3) Nature of uses on adjacent and nearby properties;
- 4) Surrounding topography;
- 5) Surrounding tree coverage and foliage;
- 6) Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users and reducing or eliminating visual obtrusiveness;
- 7) Proposed ingress and egress;
- 8) Availability of suitable existing towers and other structures as discussed in Section 6 (d) of this ordinance.

(d) Availability Suitable Existing Towers or Other Structures. No new tower shall be conditionally permitted unless the applicant demonstrates to the reasonable satisfaction of 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:

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

- (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna,
  - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (e) Accommodation of other users (Collocation)
- (1) Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respects to accommodate collocation of both the applicant's antenna(s) and comparable antenna(s) for at least two additional users. Tower and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment
  - (2) The holder of a permit for a tower shall allow collocation for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.
- (f) Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a special permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the intent of this ordinance would be better served thereby.
- (1) Towers shall be set back a minimum distance of 1000' from any residential dwelling unit unless all residences within 1000' agree to it being built closer to them. (Revised 3/07).
  - (2) Towers, guy wires, and accessory facilities must satisfy the minimum zoning district setback requirements.

- (g) Security Fencing. Towers sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.
  - (h) Landscaping. The following requirements shall govern the landscaping surrounding towers, however, the governing authority may waive such requirements if the intent of this ordinance would be better served thereby. Tower sites located in the B-4 zoning districts shall meet the requirements detailed in those sections.
    - (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing.
    - (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
    - (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (7) Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the following shall apply:
- (a) The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove said antenna and or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal to the satisfaction of the governing authority does not occur within said ninety (90) days, the governing authority may remove and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
  - (b) The applicant for a conditional use permit under this ordinance shall submit a copy of a signed agreement between the property owner and owner of the tower, antenna(s) and supporting equipment and building(s) detailing requirements for abandonment and subsequent removal based on the provisions of 8(a). Said agreement shall also identify that said agreement shall be binding on future property owner(s) and future owner(s) of a tower, antenna, and all supporting equipment and building(s).

## Section 4. Conditional Uses

- 4.1 Application. Application for conditional use permits shall be made in writing to the Town Board on forms furnished by the Zoning Administrator and shall include the following where applicable:
- (1) Names and addresses of the applicant, owner of the subject site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
  - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district in which the subject site lies.
  - (3) Additional information, such as ground surface elevations, basement and first floor elevations, utility elevations, roads, contours, historic and probable future floodwater elevations, areas subject to inundation by floodwaters, depths of inundation, flood-proofing measures, soil types, slope, boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its effects on flood flows.
- 4.2 Hearing a Notice. There shall be a public hearing upon any application for a conditional use permit. The Town of Black Wolf Planning and Zoning Committee shall conduct the hearing and shall fix a reasonable time and place. The Town Clerk shall give public notice thereof in accordance with applicable requirements of the Wisconsin Statutes. The Town of Black Wolf Planning and Zoning Committee shall forward their recommendations to the Town of Black Wolf Town Board. Applications may be approved or disapproved by majority vote of the Town Board, with or without conditions.
- 4.3 Standards for Review of Applications. All conditional uses must be in accordance with the purpose and intent of this Ordinance and shall not be hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town of Black Wolf. The Planning and Zoning Committee shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effect of the proposed use, structure, operation and improvement upon flood damage protections, water quality, shoreland cover, natural beauty and wildlife habitat. The Committee shall forward their recommendations to the Town Board for approval or denial or modifications to the application.

4.4 Conditions. The approval of a conditional use may be made subject to conditions if the Town Board finds them to be necessary to fulfill the purpose and intent of this Ordinance and the State Water Resources Act of 1965, and to meet the provisions of the Wisconsin Floodplain and Shoreland management programs. Conditions may include, but are not limited to, the following: landscaping, architectural design, type of construction, sureties, water supply and waste disposal systems, and operation limitations. In Shorelands, the standards set forth in Section 144.26 (5) (a) of the Wisconsin Statutes shall be adhered to.

(1) Variances shall be granted only as provided by, and in accordance with, Section 9 of this Ordinance and Section 20.10 of the Subdivision Ordinance.

4.5 Decision and Expiration of Use. Applications shall be denied or approved, with or without conditions, within 40 days of the public hearing on the application. Conditional uses shall expire within 12 months unless substantial work has commenced pursuant to their approval. A copy of all decisions granting or denying applications affecting property located in a floodplain or shoreland area shall be given to the Wisconsin Department of Natural Resources.

## Section 5. Traffic and Parking Regulations

5.1 Traffic Visibility. No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two and one-half (2 1/2) feet and ten (10) feet 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 thirty (30) feet from their intersection.

In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be fifty (50) feet.

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

5.3 Parking Requirements. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one and two family dwellings and a minimum of twenty-four (24) feet for all other uses.

Each parking space shall be not less than nine (9) feet in width and not less than one hundred eighty (180) square feet in area exclusive of the space required for ingress and egress.

Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveway except in residential districts shall be closer than twenty five (25) feet to a residential district lot line or a street line opposite a residential district.

All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained.

5.4 Number of Parking Spaces Required. Except in single and two family residential districts, curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

Single-Family Dwelling/Mobile Homes: 2 stalls for each dwelling unit

Two-Family and Multi-Family Dwellings: 2 stalls for each dwelling unit

Hotels, Motels, Bed and Breakfast, and lodging:

1 stall for each guest room -plus- 2 stalls

for each 3 employees

Hospitals, Clubs, Lodges, Lodging and 1 stall for each 2 beds, plus 1 stall for each 3 employees

Institutions, Rest and Nursing Homes 1 stall for each 5 beds, plus 1 stall for each employee

Medical, Dental Clinics 1 stall for each doctor, plus 1 stall for each employee

Churches, Theater, Auditoriums, 1 stall for each 5 seats

Community Centers, Schools, and other places of Public Assembly

Restaurants, Bars, Places of Entertainment, 1 stall for each 150 sq feet of floor area

Repair Shops, and Service Stores

Manufacturing and Processing Plants,

Laboratories, and Warehouses: 1 stall for each 2 employees during any 12-hour period

Financial Institutions; business governmental,

and professional offices: 1 stall for each 300 sq. ft. of floor area

Funeral Homes 1 stall for each 150 sq. ft. chapel floor area

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.

- 5.5 Driveways. No direct access shall be permitted to the existing or proposed rights-of-way of: Expressways, Freeways, or Interstate Highways; nor to any other Road, Street, or Highway without permission of the authority maintaining the facility; Vehicle entrances and exits to Banks,

Restaurants, Motels, Funeral Homes, or vehicular sales, service, washing and repair stations. Public garages or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.



## **Section 6. Modifications**

- 6.1 Heights. The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:
- (1) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, re exempt from the height limitations of this Ordinance.
  - (2) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
  - (3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
  - (4) Communication Structures, such as but not limited to, 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.
  - (5) 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 (60) feet, provided all required yards setbacks are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- 6.2 Yards. The yard limitations stipulated elsewhere in this Ordinance may be modified in accordance with the following:
- (1) Uncovered stairs, landings, loading docks, and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
  - (2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.
  - (3) Off-street parking is permitted in all yards of the Business Districts, but shall not be closer than thirty (30) feet to any public right-of-way in Residential Districts.

- (4) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- (5) Landscaping and vegetation are exempt from the yard requirements of this Ordinance.
- (6) Yard areas which are not readily identifiable due to irregular lot shape, unique lot location, etc. shall be designated by the Zoning Administrator and all applicable Basic District Standards shall apply.
- (7) 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) Required street or shore yards may be decreased in any residential or business districts to the average of the existing street or shore yards of the abutting structures on each side, but in no event to less than 15 feet in any residential district and 5 feet in any business district for street yards or to less than 50 feet for any shore.
- (9) Entrances for physically disabled persons shall be allowed to utilize a substandard setback where necessitated by unique circumstances of the lot, structure, or individual. Every effort shall be made to conform to the required setbacks as much as practicable.
- (10) Required street or shore yards may be decreased in any residential or business districts to the average of the existing street or shore yards of the abutting structures on each side, but in no event to less than 15 feet in any residential district and 5 feet in any business district for street yards or to less than 50 feet for any shore
- (11) Entrances for physically disabled persons shall be allowed to utilize a substandard setback where necessitated by unique circumstances of the lot, structure, or individual. Every effort shall be made to conform to the required setbacks as much as practicable.

## **Section 7. Sign Regulations**

### **7.1 The Intent**

- (1) The intent of this Section is to provide minimum standards to safeguard life, health, property, aesthetics and public welfare by regulating and controlling the quality of materials, appearance and construction, illumination, installation and maintenance of all signs and sign structures.
- (2) This Ordinance shall cover all signs in use, planned or hereafter installed with the Town of Black Wolf.

### **7.2 Permits-Fees-Compliance**

#### **(1) Permits Required**

(a) No signs shall hereafter be located, erected, altered, converted, relocated or reconstructed prior to obtaining a building permit except as otherwise provided herein. The permit fee shall be established as per the Town of Black Wolf Building Permit fee schedule.

(b) All illuminated signs hereafter erected, remodeled or installed shall require an electrical permit and must comply with the requirements of the Town of Black Wolf, the State of Wisconsin and National Electrical Code, and must be UL approved. Construction shall be in accordance with plans and specifications furnished to and approved by the Town of Black Wolf Building Inspector.

(c) No person shall erect or maintain any sign or other advertisement extending over any portion of a street.

#### **(2) Inspections**

(a) If required by the Building Inspector, calculations showing the structure and design meet the requirements for wind pressure load and other information as the Building Inspector may require to show full compliance with this and all other applicable ordinances or regulations of the Town of Black Wolf.

(b) The Building Inspector may require plans, specifications and calculations be signed and sealed by a Wisconsin registered architect or engineer.

(c) The contractor shall notify the Building Inspector when sign is completed.

#### **(3) Maintenance of Signs**

A sign permit shall not be required for regular and normal maintenance of a sign.

#### **(4) Dilapidated, Unmaintained and Abandoned Signs**

(a) Signs allowed by this Ordinance shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance of the sign. Signs that are determined by the Town of Black Wolf Town Board to be dilapidated, unmaintained and/or unsafe shall be subject to razing.

(b) Abandoned signs shall be removed by the owner or lessee of the premises, when, for a business sign, the business it advertises is no longer conducted, and for an advertising or directional sign, when lease payment and rental income are no longer provided.

(c) The Town of Black Wolf Board or the Town of Black Wolf Zoning Administrator shall remove or cause the removal of any portable or fixed, permanent sign constructed, placed or maintained in violation of this Section.

(d) Signs removed pursuant to this Section shall be stored for a period of thirty (30) days. Costs of removal and storage shall be billed to the property owner on which the sign is located.

(5) Nonconforming Signs

(a) Any lawfully existing sign located within Town of Black Wolf as of the effective date of this Ordinance which does not conform with the provisions of this Ordinance, shall be allowed continued use, except that the sign shall not be:

- 1) Structurally altered so as to extend its useful life.
- 2) Expanded, moved or relocated.
- 3) Re-established after a change in use.
- 4) Re-established after a business has been abandoned for twelve (12) months or more.
- 5) In noncompliance with the Ordinance regarding maintenance and repair, construction standards, or dangerous and abandoned signs.
- 6) On the date of occurrence of any of the above (1) through (5), the sign shall be immediately brought into compliance with this Ordinance with a new permit secured, or the sign shall be removed.

~~b)~~ Sign copy and faces may be changed on nonconforming signs when there is no change in use of the site or when only a portion of a multiple tenant sign is being changed.

7.3 Signs Excepted All signs in all Residential, Agricultural and Public and Semi-Public districts are prohibited except as follows:

- (1) 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 and shall not exceed two (2) feet in height and ten (10) feet in length.
- (2) Real estate signs which advertise the sale, rental or lease of the premises and shall not exceed 16 sq. ft. and a height or width of 6 ft. Political campaign signs when they are temporarily located and shall not exceed 6 sq. ft.
- (3) Name, occupation and warning signs located on the premises shall not exceed two (2) square feet.
- (4) Bulletin boards and identification signs for public institutions, charitable institutions or religious institutions, apartments, planned residential developments and subdivisions provided they:
  - (a) do not exceed 32 sq. ft. in area except signs for model homes not to exceed 16 sq. ft. in area.
  - (b) are located a minimum of 10 ft. from the right-of-way and 60 ft. from any road intersection right-of-way.
  - (c) conform to the other yard requirements of the basic district.
  - (d) do not exceed in height ten (10) feet above the existing grade at time of approval.

- (e) are located on the subject's property.
- (5) Memorial signs, tablets, names of buildings, and date of erection when cut into masonry surface or when constructed affixed flat against a structure.
- (6) Official municipal signs, traffic control, parking restrictions, information and notices.
- (7) Temporary signs, banners or political signs may be displayed up to 60 days within a one year period and must be removed within seven (7) days of completion of event.
- (8) Farm names and identification signs, in all Agricultural Districts.

7.4 Signs Permitted. Business signs and advertising signs are permitted as follows:

- (1) Business signs are permitted in all business, public and semi-public districts.
- (2) Advertising signs are permitted in all B-2, B-3 and B-4 business districts, P-1 districts and all industrial districts.
- (3) Business and advertising signs are subject to the following:
  - (a) Projecting signs shall not be less than (10) feet above the grade nor fifteen (15) feet above a driveway or an alley.
  - (b) Free standing signs located above a walkway or driving area shall not be less than twelve (12) feet above walkway nor less than eighteen (18) feet above a driveway or an alley.
  - (c) Signage must be dedicated specifically to the business located on same property.
  - (d) Sign area or sign face shall be the entire area within a single continuous perimeter enclosing the extreme limits of each sign. However, such perimeter shall not include any structural elements outside the limits of such signs and not forming an integral part of the design. When two sides of a double faced sign are located not more than thirty-six (36) inches apart at the widest point and not more than twelve (12) inches apart at the narrowest point and display identical messages or other representation, the gross area shall include only one of the sides. If the sign consists only of individual letters affixed directly to the wall of a structure, only the area of the letters is counted as part of the gross sign area.
- (4) Vehicle Signage: Vehicles, including semi-trailers, campers, buses, automobiles, and other like vehicles, shall not be parked on private property or a public right-of-way so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertising of products or directing people to a business activity located off-premises.

<u>Business Signs</u>	Street/Yard	Minimum	22ft. unless otherwise
	Setback		specified in

Conditional Use approval.

<u>All Other</u>	Yard	Minimum	Same as basic district
Setback	unless otherwise specified in	Conditional Use approval.	
<u>Size</u>	Area	Minimum	None

combined Height Maximum 40 sq. ft. all faces  
 Maximum 25 ft.  
 above existing grade at the time of the permit.

7.4 Directional Signs. Directional Signs shall be on premises signs permitted in business districts, industrial districts and institutional/recreational districts, subject to the following standards:

<u>Size</u>	Area	Maximum	12 Sq. ft.
<u>Height</u>	Street	Maximum	10 ft. above existing grade

at the time of approval

Signs Over Driveways Or Alleys Maximum 18 ft. above existing driveway grade at the time of approval.

<u>Yards</u>	Street	Minimum	10 ft.
<u>Setbacks</u>	Side	Minimum	10 ft.
<u>Number</u>	Not to exceed four (4) for any single parcel.		
<u>Spacing</u>	200 ft. apart		

7.6 Facing. No business, advertising, or directional sign, except those permitted in Sec. 7.3, shall be permitted to face a residential or public and semi-public district within fifty (50) feet of such district boundary.

7.7 Parking Signs. Parking area signs are permitted as an accessory use to all parking areas in all business, industrial and institutional/recreational districts, subject to the following standards:

<u>Size</u>	Area	Maximum	4 sq. ft.
<u>Number</u>		Maximum	1 sign per entrance and exit
<u>Yard/</u>			
<u>Setback</u>	All	Minimum	10 ft.
<u>Height</u>	--	Maximum	7 ft. above existing grade At time of approval.

7.8 Shape and Illumination. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, driveway, 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. No signs shall flash, oscillate, rotate or chase (running lights) except public service time and temperature signs. However, in all cases externally illuminated signs shall be shaded, shielded or directed from surround properties and vehicular traffic.

## **Section 8. Non-conforming Uses, Structures and Lots**

8.1 Existing Non-conforming Uses. A lawful non-conforming structure or use shall begin as of the time it was made non-conforming by the terms of a preceding ordinance, this ordinance, or a amendment to this ordinance. The lawful non-conforming use of a structure, land or water, or a lawful non-conforming structure 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:

(1) 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.

(2) Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the equalized full assessed value of the structure at the time of its becoming a non-conforming use unless it is permanently changed to conform to the use provisions of this Ordinance.

(3) Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the non-conforming use with the neighboring uses.

(4) Alterations or additions which change the exterior dimensions of the structure, and which do not conform to this Ordinance but which do not increase the dimensional non-conformity beyond that which existed before the work commenced, are allowed provided they do not exceed the fifty (50) percent requirement. Once the square footage or value method had been chosen it must be followed for the rest of the life of the structure.

8.2 Abolishment or Replacement. If such non-conforming 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 non-conforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its assessed value as determined in Sec.8.1, it shall not be restored except so as to comply with the use provisions of this Ordinance.

(1) A current file of all non-conforming uses shall be maintained by the Zoning Administrator 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 non-conforming use.

(2) In applying this Section 8.2 to damaged uses or structures, lots platted according to Chapter 236 of the Wisconsin Statutes and on record in

the County Register of Deeds office before the effective date of this Ordinance need not be combined, if in the determination of the Zoning Administrator, the intent of this District will be maintained at the time of construction.

Assessed value shall be brought to 100% valuation in determining the 50% dollar value.

8.3 Existing Non-conforming Structures. The lawful non-conforming 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.

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

8.5 Existing Principal Structures and Attached Garage(s) 30 Feet or More From Road

R/W and 7 Feet or More From Side Lot Lines. For purposes of determining setback requirements, existing principal structure and attached garage(s) located 30 feet or more from road right-of-way and 7 feet or more from side lot lines shall be deemed legal uses.

No variance is required for the setback requirements for the repair, alteration or replacement of structure located 30 feet or more from the road right-of-way and 7 feet or more from side lot lines. For purposes of measuring the setback of existing principal structure and attached garage(s) located 30 feet or more from road right-of-way and 7 feet or more from side lot lines, the setback shall be determined by a parallel line off the road right-of-way and the side lot lines to the relevant structure wall, not including the roof, overhang or steps.



## SECTION 9: PERFORMANCE STANDARDS

9.1 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, land, air and waters shall hereafter, in addition to their use, site, sanitary, floodland, and shoreland regulations, comply with the following performance standards:

(1) Water quality protection. No residential, commercial, industrial or recreational use shall locate, store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate, or wash or be harmful to human, animal, plant or aquatic life. This section shall not apply to uses other than those enumerated in it.

(1)(a) No person shall throw any glass, cans, rubbish, water or filth (hereinafter referred to as "Waste") upon the streets, ditches, culverts, sidewalks, public parks or other public Town property (thereafter referred to as "Public Property") or upon any private property not owned by said person or upon the surface of any body of water, or watercourse, within the Town.

(1)(b) No person shall cause grass, leaves or any form of yard waste (hereafter referred to as "Yard Waste") to enter upon Public Property or upon any private property not owned by said person or upon the surface of any body of water within the Town. Naturally wind-borne Yard Waste shall be excluded from this prohibition.

(1)(c) No person shall operate, park or store a motor vehicle so as to cause mud, dirt, stones or vehicle fluids or lubricants (hereinafter referred to as "Debris") to become deposited upon Public Property or upon any private property not owned by said person or upon the surface of any body of water within the Town.

(1)(d) No person shall discharge chemically treated swimming pool discharge onto public property or adjoining private properties. For the purposes of this section, swimming pool water shall be considered chemically treated for three days following the addition of any chemicals to the water.

(1)(e) No person, firm or corporation shall place garbage cans, garbage bags or other trash receptacles along any Town road, provided that this subsection shall not apply to the placement of such receptacles within 36 hours of any regularly scheduled time for garbage removal. Every day during which such receptacles are permitted to remain shall constitute a separate offense.

(1)(f) Animal Waste. It is unlawful for any person who owns or has custody of a dog, cat or other pet to cause or permit such animal to defecate on any public property or any private property without the consent of the property owner, unless such person immediately removes the excrement and places it in a proper receptacle. This ordinance shall not apply to Seeing Eye dogs while assisting and under control of a blind person or to police dogs while engaged in police activity.

(1)(g) Any person violating Paragraphs 9.1(1)(a) through (f) above shall be responsible to clean or remove the Waste, Yard Waste or Debris from Public Property or upon any private property not owned by said person or upon the surface of any body of water within the Town. If such person fails to do so within a reasonable time frame, the Town shall remove the waste and charge the violating party for the removal effort.

## **Section 10. Board of Appeals**

- 10.1 Establishment. A Board of Appeals is established for the purposes of hearing appeals from actions of the Zoning Administrator or the Town Board and applications for variances from and exceptions to provisions of this Ordinance, and deciding the same.
- 10.2 Membership. The Board of Appeals shall consist of 5 members and two alternates appointed by the Town Chairman, subject to confirmation by the Town Board. Sec. 62.23(7)(e)(2). All members must reside within the Town of Black Wolf. Board of appeals members shall serve staggered 3-year terms. The members of the Board shall serve at such compensation to be fixed by ordinance or, in the absence of such ordinance, shall be reimbursed their actual and reasonable expenses. They shall be removable by the Town Chairman for cause upon written charges and after public hearing. The Town Chairman shall designate one member chairman. The Board may employ a secretary. Vacancies shall be filled for the un-expired terms of members whose terms become vacant. The Town Chairman may appoint one alternate member, who shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent.
- 10.3 Organization. The Board of Appeals shall adopt rules in accordance with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the board may determine. The chairman, or acting chairman if there be one, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and a record of all proceedings shall be kept, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions. All records immediately shall be filed in the office of the Board and shall be public.
- 10.4 Appeals. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the Town of Black Wolf affected by any decision of any administrative officer of the Town. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken forthwith shall transmit to the Board all the papers constituting the record upon which the action was taken from which appeal is made.
- 10.5 Automatic Stay. An appeal shall stay all legal proceedings in furtherance of the action from which appeal is made, unless the officer from whom the appeal is taken certifies to the Board that by reason of facts stated in the

Certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court of record on application, with notice to the officer from whom appeal is made, and on due cause shown.

10.6 Hearings. The Board shall fix a reasonable time for the hearing of appeals or other matters referred to it. Public notice shall be given of all hearings. Due notice of a hearing also shall be given to the parties in interest. Upon the hearing any party may appear in person or by agent or attorney. The Board shall decide each matter within a reasonable time after its hearing.

10.7 Powers. The Board shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance.
- (2) To hear and decide special exceptions to the terms of this Ordinance and to grant such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of this Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Use variances shall not be granted by the Board of Appeals.
- (3) To hear and decide applications for interpretations of zoning regulations and zoning districts boundaries established under this Ordinance.
- (4) To hear and decide applications for substitution of more restrictive non-conforming uses for existing non-conforming uses where no structural alterations are to be made.
- (5) To hear and decide applications for unclassified and unspecified uses; provided, however, that such uses shall be similar in character to the principal uses permitted in the district and the Town Of Black Wolf Planning and Zoning Committee shall have made a review and recommendation on the application.
- (6) To hear and decide applications for temporary uses which do not involve the erection of a substantial structure and are compatible with neighboring uses; provided, however, that the Town Of Black Wolf Planning and Zoning Committee shall have made a review and

recommendation on the application; and further provided that a temporary use permit shall be revocable, subject to conditions established by the Board, and shall be issued for a period not in excess of one year.

(7) In exercising its powers the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have the powers of the officer from whom appeal is taken, and may issue or direct the issue of permits.

10.8 Decisions. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of any applicant, or to effect any variation in this Ordinance. The grounds of every such determination shall be stated in writing. Variances, substitutions and use permits shall expire within 18 months of their grant unless substantial work under them has been commenced. A decision shall be made within 30 days after the final hearing on the matter of the hearing.

10.9 Appeals. Any person aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer of the Town of Black Wolf may present to a Court of record a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board of Appeals.

## Section 11. Changes and Amendments

- 11.1 Authority. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may adopt by Ordinance, changes in the district boundaries, and may amend, change or supplement the regulations established by this Ordinance or amendments thereto. All such changes or amendments shall be adopted according to the procedures established under Section 62.23 (7) of the Wisconsin Statutes, upon review and recommendation by the Town Of Black Wolf Planning and Zoning Committee.
- 11.2 Protest. In case of a protest against any such change or amendment, duly signed and acknowledged by the owners of 20% or more either of the areas of land included in such proposed change or amendment, or by the owners of 20% or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Town Board voting on the proposed change or amendment.
- 11.3 Standards for Rezoning in A-I Agri-Business District. In accordance with Wisconsin Statutes 91.77 (1) and (3), decisions on petitions for rezoning areas zoned A-I "Agri-Business District" shall be based on findings which consider the following:
- (1) Adequate public facilities to serve the development are present or will be provided;
  - (2) Provision of these facilities will not be an unreasonable burden to local government;
  - (3) The land is suitable for development, and
  - (4) Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
- 11.4 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.

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## **CHAPTER 20 SUBDIVISION AND PLATTING**

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**DEFINITIONS**

20.65 Definitions

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**SUBDIVISION AND PLATTING**

**INTRODUCTION**

20.01 AUTHORITY. The provisions of this chapter are adopted by the Town of Black Wolf pursuant to the authority granted by Sections 59. 971 (3) , 114. 135, 114. 136, 114. 26 (2) 144.26(8), 236.45 and 703, Wisconsin Statutes.

20.02 TITLE. This chapter shall be known as, referred to or cited as the "Land Division Ordinance", Town of Black Wolf.

20.03 PURPOSE AND INTENT. The purpose of this chapter is to regulate and control the division of land within the areas of the Town of Black Wolf to:

- (1) Promote the public health, safety and general welfare.
- (2) Further the orderly layout and use of land.
- (3) Prevent the overcrowding of land.
- (4) Lessen congestion in the streets and highways.
- (5) Provide for adequate light and air.
- (6) Facilitate adequate provisions for water, sewerage and other public requirements.
- (7) Provide for proper ingress and egress.

- (8) Promote proper monumenting of subdivided land and conveyancing by accurate legal description.

#### 20.04 ABROGATION AND GREATER RESTRICTIONS.

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

- (2) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Black Wolf and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### GENERAL PROVISIONS

20.05 JURISDICTION. The jurisdiction of this chapter shall include all lands within the Town of Black Wolf. However, in no instance shall the provisions of this chapter apply to:

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Leases for a term not to exceed 10 years, mortgages or easements.
- (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum size required by these regulations, the Town of Black Wolf Zoning Ordinance or other applicable laws or ordinances. For the purpose of this section, an additional lot is deemed to be created if the parcel being sold or created is not combined with the adjoining parcel by means of a new legal description in accordance with Section 20.07.

20.06 COMBINING LOTS. Lots shall be combined into one parcel according to s. 20.07 when one or more of the following occurs:

- (1) The requirements of s. 20.05(3) are not met.
- (2) A use, structure, or structural addition that occupies more than one lot under the same ownership.

- (3) Existing substandard lots on record platted according to Ch. 236 Wis. Stats. when, in the determination of the Zoning Administrator, the intent of the district will not be maintained at the time of construction.

20.07 COMBINING DESCRIPTION. Land described in s. 20.06 shall be combined into one parcel by Certified Survey Maps. The Certified Survey Map shall be submitted to the Town of Black Wolf Zoning Administrator (or designee). The Certified Survey Map shall be prepared according to Ch. 236 Wisconsin Statutes and shall show clearly on its' face the following:

1. **Whole Parent Parcel(s)** must be shown on CSM when combining or  
Dividing parcel(s).
  - a. All existing buildings.
  - b. Setbacks.
  - c. Water courses.
  - d. Drainage ditches.
  - e. Setbacks to structures to adjacent property and other features  
pertinent to division of property should be shown.
  - f. D.O.T. approval when parcel is abutting a State of Wisconsin  
Highway or Federal Highway.
  - g. Acreage to right-of-way spelled out.
  - h. Location of access to road.
  - i. Names of roads, streets, highways, etc.
2. Prior CSM Number (if applies)
  - a. Put at top.
3. Tax Parcel Number
  - a. Put in a box

b. On proper parcel or pointing to proper parcel.

4. Existing parcel boundaries that fall within new parcel(s) shall be identified

With dashes (---) or periods (...).

5. Date of Map With a Graphic Scale.

6. Other Pages

a. Surveyor's Certificate, recorded survey description, surveyor signature and date.

b. Owner(s) Certificate of Approval, signature(s) and date with

Notary Public's signature, date and commission expiration date.

c. Town of Black Wolf Treasurer's Certificate of Approval,

Signature and date verifying that there are no unpaid taxes or special assessments in accordance with 236.21(3).

d. Town of Black Wolf Board Certificate of Approval, Town Chairman's signature and date after Board approval.

Certified Survey Map after approval of all required authorities shall be recorded in the Winnebago County Register of Deeds Office.

20.08 COMPLIANCE. Division of land located within the jurisdictional limits of these regulations which results in a land division, replat or condominium plat as defined herein shall not be entitled to recording and/or improvements to the land unless it is in compliance with all the requirements of this chapter and:

(1) Duly approved Town of Black Wolf Zoning, Town of Black Wolf Sanitary District and Private Sewage System Ordinances.

(1) County Access Control Ordinance.

(2) Applicable local ordinances.

(3) Provisions of Chapter 236, Wisconsin Statutes.

- (4) Provisions of the Winnebago County Land Records Ordinance as enumerated in Section 8.05 of the Winnebago County Code.

20.09 LAND SUITABILITY. No land shall be divided which is held unsuitable for any proposed use by the Town of Black Wolf Planning Committee (hereafter referred to as committee) for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, 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 future residents of the proposed subdivision or of the community. The Committee in applying the provisions of this chapter shall in writing, cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the applicant an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Committee may affirm, modify or withdraw its determination of unsuitability.

#### 20.10 VARIANCES.

(1) In any particular case where it can be shown that by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this chapter would cause practical difficulty by exceptional and undue hardship, the Committee may relax such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town of Black Wolf.

- (2) The Committee at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties of interest to comment on the variance request.
- (3) If a hearing is determined necessary, the applicant shall be responsible for payment of a hearing fee as established by the Town of Black Wolf Town Board. The Committee shall then fix a reasonable time and place for the hearing. Notice of the time and place of such hearing shall be given by publication as a Class 1 notice, under Ch. 985. A copy of such notice shall be mailed to all property owners within 300 feet of the subject site as listed on official tax property rolls as of the date of application. The aforementioned property owners shall be notified by first class mail with an Affidavit of Mailing at least 10 days prior to the date of such hearing.
- (4) A majority vote of the entire membership of the Committee shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the

Committee setting forth the reasons which, in the opinion of the Committee, justified the modification.

20.11 VIOLATIONS. No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes. No permit shall be issued authorizing the building on or improvement of any subdivision, replat or condominium plat within the jurisdiction of this chapter and not of record as of April 15, 1969, until the provisions and requirements of this chapter have been fully met.

The Town of Black Wolf may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

#### 20.12 PENALTIES.

(1) Recordation improperly made shall be subject to the provisions of Sec. 236.30, Wisconsin Statutes.

(2) Conveyance of lots in unrecorded plats shall be subject to the provisions of Sec. 236.31, Wisconsin Statutes.

(3) Monuments disturbed or not placed shall be subject to the provisions of Sec. 236.32, Wisconsin Statutes.

(4) Assessor's plat may be ordered by the Town of Black Wolf when a subdivision is created by successive divisions as provided in Sec. 236.31(2), Wisconsin Statutes.

(5) Any person failing to comply with the provision of this chapter shall be subject to a penalty as provided by Section 2.13 of the Town of Black Wolf Zoning Ordinance.

20.13 APPEALS. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal there from as provided in Sections 236.13(5) and 62.23(7), Wisconsin Statutes.

### **MINOR LAND DIVISIONS**

20.14 SUBMITTAL. Creation of a Minor Land Division shall be by certified survey

Map. The certified survey map shall be submitted to the Town of Black Wolf Zoning Administrator (or designee). The certified survey map shall be prepared according to 236.34, Wisconsin Statutes, and shall show clearly on its face the following:

1. Whole Parent Parcel(s) must be shown on CSM when combining or dividing parcel(s).
  - a. All existing buildings.
  - b. Setbacks
  - c. Water courses.
  - d. Drainage ditches
  - e. Setbacks to structures to adjacent property and other features  
pertinent to division of property should be shown.
  - f. D.O.T. approval when parcel is abutting a State of Wisconsin  
Highway or Federal Highway.
  - g. Acreage to right-of-way spelled out.
  - h. Location of access to road.
  - i. Names of roads, streets, highways, etc.
2. Prior CSM Number (if applies)
  - a. Put at top.
3. Tax Parcel Number
  - a. Put in a box.
  - b. On proper parcel or pointing to proper parcel.
4. Existing parcel boundaries that fall within new parcel(s) shall be identified with dashes (---) or periods (...).
5. Date of Map With a Graphic Scale.
6. Other Pages
  - a. Surveyor's Certificate, recorded survey description, surveyor signature and date.



- b. Owner(s) Certificate of Approval, signature(s) and date with Notary Public's signature, date and commission expiration date.
- c. Town of Black Wolf Treasurer's Certificate of Approval, signature and date verifying that there are no unpaid taxes or special assessments in accordance with 236.21(3).
- d. Town of Black Wolf Board Certificate of Approval, Town Chairman's signature and date after Board approval.

Certified Survey Map after approval of all required authorities shall be recorded In Winnebago County Register of Deeds Office.

20.15 FEE. An application fee as set forth by the Town of Black Wolf Town Board shall be paid in full at the time of application.

#### 20.16 REVIEW AND APPROVAL.

(1) The Town of Black Wolf Zoning Administrator shall not approve a Certified Survey Map without the review and approval of the Town of Black Wolf Town Board.

(2) The Town of Black Wolf Town Board shall, within sixty (60 ) days of the date of submission unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally, or reject the application and map based upon a determination of conformity or non-conformity with the standards.

### **MAJOR LAND DIVISIONS**

20.17 GENERAL. The application shall be filed with the Town of Black Wolf Zoning Administrator unless otherwise stated. The following procedures shall apply to both The Town of Black Wolf and State subdivisions, as defined in Section 20.65 (27) (1) and (2).

20.18 PRELIMINARY CONSULTATION. Prior to submitting an application for approval of a preliminary plat for Town of Black Wolf or State subdivisions the applicant shall consult with the Town of Black Wolf Zoning Administrator to become informed of the purpose and objectives of these regulations.

In order to facilitate the consultation the applicant shall provide a plat plan drawn to reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements and unique natural features.

20.19 FEE. An application fee as set forth by the Town of Black Wolf Town Board Fee schedule shall be paid in full at the time of submittal of the preliminary plat.

20.20 PRELIMINARY PLAT SUBMITTAL. The Applicant shall prepare a preliminary plat in accordance with this chapter.

SUBDIVISION, TOWN OF BLACK WOLF - The following shall apply:

(a) The applicant shall provide the Town of Black Wolf Zoning Administrator ten copies of the preliminary plat, and two copies to the adjoining city or village, if in their extraterritorial plat approval jurisdiction.

(b) Fee. In addition to the standard application fee indicated in Section 20.19, a consultation fee is required as set forth by the Town of Black Wolf Town Board fee schedule.

SUBDIVISION, STATE - In addition to the requirements of Section 20.20(l)(a), it shall be the responsibility of the applicant to submit the original drawing of preliminary plats to the head of the State Planning Function in accordance with Section 236.12(6), Wisconsin Statutes.

20.21 PRELIMINARY PLAT REQUIREMENTS. A preliminary plat shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(1) Title under which the proposed subdivision is to be recorded.

(1) Legal description and general location of proposed subdivision and relative location to a nearby municipality.

(2) Date, scale and north arrow.

(3) Names and addresses of the owner, subdivider and land surveyor preparing the plat.

(4) Entire area contiguous to the proposed plat owned or controlled by the applicant shall be included on the preliminary plat even though only a

portion of such area is proposed for immediate development. The Committee may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

- (5) Approximate length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U. S. Public Land Survey and the total acreage encompassed thereby.
- (6) Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the surface is 10% or more. Elevations shall be marked on such contours based on mean sea level datum or, where in the judgment of the Committee, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (7) Water elevations of adjoining lakes and streams at the date of survey, ordinary high water elevation, and designated floodplains, wetlands, and surface water drainage ways regulated under the authority of the Winnebago County Town/County Zoning Ordinance and Sections 20.58 and 20.59 of this ordinance.
- (8) Location right-of-way width and names of all existing and proposed streets, alleys or other public ways, easements, railroads and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (9) Location and names of any adjacent subdivisions, parks, schools, and cemeteries and owners of record of abutting unplatted lands.
- (10) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to the datum used for the contours.
- (11) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch-basins, hydrants, power and telephone poles and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their directions and distance from the tract, size and invert elevations.

(12)Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

(13)Dimensions of all lots, together with proposed lot and block numbers.

(14)Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use, or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring loting.

(15)Approximate radii of all curves.

(16)Existing zoning and proposed use on an adjacent to the proposed subdivision.

(17)Corporate limit lines.

(18)Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(19)Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging and the notice of application for the State Department of Natural Resources approval, when applicable.

(20)Seasonally wet areas.

20.22 STREET PLANS AND PROFILES. The applicant shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, when requested by the Town of Black Wolf Zoning Administrator, and all elevations, plans and profiles shall meet the approval of the Administrator.

20.23 TESTING. The Town of Black Wolf Zoning Administrator may require that borings and soundings to be made in designated areas to ascertain subsurface soil, rock and water conditions including the depth to bedrock and the depth to groundwater table. All subdivisions not served by public sanitary sewer service, shall comply with the provisions of Chapter D. I.L.H.R. 85, Wisconsin Administrative Code. All appropriate data shall be submitted with the preliminary plat.

- 20.24 COVENANTS. The Committee may require submission of a draft of protective covenants whereby the applicant intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- 20.25 AFFIDAVIT. 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 the provisions of this chapter.
- 20.26 PRELIMINARY PLAT REVIEW AND APPROVAL. In order to facilitate public comment, the Committee shall notify all property owners within 300 feet of the subject site a meeting agenda concerning the subject site utilizing first class mail with an affidavit of mailing at least five days prior to the date of such meeting. The Committee shall conduct a meeting to review the Plat for conformance with this chapter and all other ordinances, rules, and regulations which affect the Plat. At this meeting the Committee shall permit the public to comment on the proposed plat. The Committee shall either approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal, as provided in Sec. 236.11, Wisconsin Statutes.
- 20.27 FEE. An application fee as set forth by the Town of Black Wolf Town Board fee schedule shall be paid in full at the time of submittal of the final plat.
- 20.28 FINAL PLAT SUBMITTAL. The applicant shall prepare a final plat in accordance with the Chapter.
- (1) SUBDIVISION, TOWN OF BLACK WOLF - the applicant shall provide the Town of Black Wolf Zoning Administrator ten copies of the final plat, and two copies to the adjoining city or village clerk, if the plat is located within the extraterritorial plat approval jurisdiction of the adjoining city or village and they exercise their extraterritorial plat approval authority.
- (2) SUBDIVISION, STATE - In addition to the requirements of Section 20.28(i), it shall be the responsibility of the applicant to submit the original drawing of final plats to the head of the State Planning Function, in accordance with Section 236.12(6), Wisconsin Statutes.
- 20.29 GENERAL REQUIREMENTS. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Sec. 236.20, Wisconsin Statutes. The final plat shall show correctly on its face, in addition to the information required by Sec. 236.20, Wisconsin Statutes, all lands reserved for future

public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.

20.30 SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of Sec. 236.15, Wisconsin Statutes.

20.31 CERTIFICATES. All final plats shall provide all the certificates required by Sec. 236.21, Wisconsin Statutes, and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for Town of Black Wolf Planning and Zoning Committee approval.

20.32 FINAL PLAT REVIEW AND APPROVAL. (1) The Committee shall examine the final plat as to its conformance with the approved preliminary plat, any condition of approval of the preliminary plat, this chapter and all ordinances, rules, regulations and adopted regional and Town of Black Wolf comprehensive plans or adopted plan components which may affect the plat.

(1) The Committee, in accordance with Sec. 236.11, Wisconsin Statutes, shall, within 60 days of the date of filing of the final plat with the Town of Black Wolf Town Board approval, approve conditionally or reject the plat, unless the time is extended by agreement with the applicant.

(2) If the plat is approved, the Committee shall not inscribe its approval on the face of the original final plat until the head of the State Planning Function has certified no objections to the plat.

20.33 RECORDATION. After the final plat has been approved by the Committee, the Town of Black Wolf Town Board and any other approving agencies, the subdivider shall record the plat with the County Register of Deeds in accordance with Sec. 236.25, Wisconsin Statutes.

### **CONDOMINIUM PLATS**

20.34 GENERAL. It is the intent of this section to regulate condominiums as it is related to zoning and for the division of land for the purpose of establishing a condominium plat.

20.35 PRELIMINARY CONSULTATION. Prior to submitting an application for approval of a preliminary plat the applicant shall consult with the Town of Black Wolf Zoning Administrator to become informed of the purpose and objectives of these regulations.

In order to facilitate the consultation the applicant shall provide a plat plan drawn to reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements and unique natural features.

### **MINOR CONDOMINIUM PLATS**

20.36 **SUBMITTAL**. Creation of a minor condominium plat shall be according to Wisconsin State Statutes. A certified survey map shall be submitted to the Town of Black Wolf Zoning Administrator. Plat shall be prepared according to 703.01 through 703.12 of Chapter 703 WI State Statutes, and the plat shall show clearly on its face the following:

- (1) All existing buildings, water courses, drainage ditches and other features pertinent.
- (2) Location of access to public road.
- (3) Date of the map with a graphic scale.
- (4) Name and address of the person for whom the survey was made.
- (5) An owner's certificate and approval signature of the Town of Black Wolf

Board and Treasurer's certificate in accordance with Chapter 236.21(3)

Wisconsin Statutes, shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.

20.37 **FEE**. An application fee as set forth by the Town of Black Wolf Town Board fee schedule shall be paid in full at the time of application.

20.38 **REVIEW AND APPROVAL**.

- (1) The Committee shall, within sixty (60) days of the date of submission unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally or reject the application and map based upon a determination of conformity or non-conformity with the standards.
- (2) The Town of Black Wolf Town Board shall not approve a certified survey map without the review of The Committee. Such approval shall

be within 60 days of date of submission unless mutually extended by both parties.

## **MAJOR CONDOMINIUM PLAT**

### **20.39 PRELIMINARY PLAT SUBMITTAL**

- (1) The applicant shall prepare a preliminary plat in accordance with this chapter. The applicant shall provide the Town of Black Wolf Zoning Administrator ten copies of the preliminary plat, and two copies to the adjoining city or village, if in the extraterritorial plat approval jurisdiction.
- (2) In addition, condominium plats which will be developed according to Sec. 3.8 of The Town of Black Wolf Zoning Ordinance for planned unit development, shall submit application for the conditional use permit (s. 4.0) simultaneously with the preliminary plat.

### **20.40 FEE**

- (1) An application fee as set forth by the Town of Black Wolf Town Board fee schedule shall be paid in full at the time of submittal of the preliminary plat. The conditional use permit fee is exempt with this application.

20.41 **PRELIMINARY PLAT REQUIREMENTS**. Refer to the provisions of Sections 20.21 through 20.25 of this chapter.

### **20.42 PRELIMINARY PLAT REVIEW AND APPROVAL**

- (1) In order to facilitate public comment, the Town of Black Wolf Town Clerk shall notify all property owners within 300 feet and all property owners of adjacent and opposite frontage of the subject site with a meeting agenda concerning the subject site utilizing first class mail with an affidavit of mailing at least five days prior to the date of such meeting. The Committee shall conduct a meeting to review the Plat for conformance with this chapter and all other ordinances, rules, regulations which affect the Plat. At this meeting the Committee shall permit the public to comment on the proposed plat. The Committee shall either approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal.
- (2) Exception. Condominium plats which are developed according to Sec. 3.8 for planned unit developments, shall adhere to the review and approval procedures in Sec. 4.0 for conditional use permits.



20.43 SURVEYING. All final plats shall meet all the surveying requirements of Sec. 703.11 Wisconsin Statutes.

20.44 CERTIFICATES. All final plats shall provide the surveyor's certificate required by Sec. 703.11(4) Wisconsin Statutes, and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for the Town of Black Wolf Town Board approval.

20.45 FEE.

- (1) An application fee as set forth by the Town of Black Wolf Town Board fee schedule shall be paid in full at the time of submittal of the preliminary plat. The conditional use permit fee is exempt with this application.

20.46 FINAL PLAT REVIEW AND APPROVAL.

- (1) The Committee shall examine the final plat as to its conformance with the approved preliminary plat, any condition of approval of the preliminary plat, this chapter and all ordinances, rules, regulations which may affect the plat.
- (2) The Committee shall, within 60 days of the date of filing of the final plat with the Town of Black Wolf Zoning Administrator approval, approve conditionally or reject the plat, unless the time is extended by agreement with the applicant.

20.47 RECORDATION. After the final plat has been approved by the Committee, the Town of Black Wolf Town Board and any other approving agencies, the applicant shall record the plat with the County Register of Deeds in accordance with Sec. 703.11 Wisconsin Statutes.

20.48 MODIFICATIONS. Modifications to either a condominium plat or declaration shall require review and approval by the Committee and Town of Black Wolf Town Board. If the Committee and Town of Black Wolf Town Board determines the modification to substantially modify the original approval, it may require resubmittal for review and approval as if it were a new submittal according to the provisions of this section.

### **REPLAT**

20.49 REPLAT. Any replat of a recorded subdivision or part thereof shall be done in accordance with Chapter 236, Wisconsin Statutes.

### **DESIGN STANDARDS**

20.50 STREET ARRANGEMENT. The applicant shall dedicate land for and improve streets as provided herein.

- (1) Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses and public convenience and safety.
- (2) All land divisions shall be designed so as to provide each lot with satisfactory access to a public street as provided herein.
- (3) The following conditions shall apply for street arrangement in all proposed land divisions:
  - (a) Arterial Streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  - (b) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population; and to the major streets into which they feed.
  - (c) Minor Streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  - (d) Street Intersections.
    1. Streets shall intersect each other as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Committee.

2. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections should not be less than 1,200 feet.
  1. Street jogs with centerline offsets of less than 125 feet shall not be approved.
- e) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Committee and Town of Black Wolf Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of 120 feet right-of-way diameter and a roadway of not less than 90 feet in diameter.
  - f) Arterial Street and Highway Protection. Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties is required. Adequate protection is met by limiting access and separating through and local traffic and shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.
  - g) Reserve Strips. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town of Black Wolf.
  - h) Alleys. Alleys may be require in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a Federal, State or County Trunk Highway.
  - i) Street Names. Street names shall not be duplicated or be similar to existing street names and existing street names shall be projected or continued wherever is possible.

#### 20.51 STREET DESIGN STANDARDS.

- (1) The minimum right-of-way of all proposed streets shall be as specified on any applicable street plan officially adopted by the Town of Black

Wolf or, if no width is specified, the minimum right-of-way width shall be as required by local town boards.

- (2) Minimum roadway width and surface width of all new land division roads shall comply with the Town Road Standards contained in 86.26, Wisconsin Statutes, unless locally adopted town road standards require greater width.
- (3) Cul-de-sac streets designed to have one end permanently closed should not normally exceed 600 feet in length. Such streets shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum roadway radius of 45 feet.
- (4) Street grades shall comply with town road standards contained in Sec. 86.26, Wisconsin Statutes, however, the minimum grade shall be no less than 1/2 of one percent. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
- (5) Radii of curvature - When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than 100 feet on minor streets.
- (6) Half streets shall be prohibited except where:
  - (a) The other half has already been dedicated.
  - (b) Its alignment is shown on an officially adopted street plan.

20.52 INGRESS AND EGRESS ON LIMITED ACCESS HIGHWAYS. Where a tract, lot or parcel of land abuts a County controlled limited access highway, defined in Chapter 20 of the Winnebago County General Code, access shall be provided by one of the following:

- (1) Access control permit issued by the County Highway Department.
- (2) Easement to use an existing access.
- (3) Frontage road dedicated to the public having an approved access.
- (4) Variance approved by the Winnebago County Board of Adjustment. If access is provided by an easement to use an existing access, 20.52(2) above, then the following provisions shall apply:

- (a) The parent parcel having an existing access shall allow access to each subsequent parcel; and
- (b) Each subsequent parcel shall allow access to each additional subdivided parcel, not to exceed the maximum spacing requirements of Chapter 20, Winnebago County General Code.
- (c) Setback requirements will be applicable to the zoning classification of the parcel as defined in Section 3 of the Town of Black Wolf Zoning Ordinance, and shall be measured from the edge of easement.
- (d) Easement right-of-way shall be a minimum of 60 feet in width, and shall not include public right-of-way (overlap) within the easement width.

20.53 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY.  
Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (1) When residential lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat: "Direct vehicular access to (Name of Road) from lots abutting such road is prohibited".
- (2) Commercial and industrial districts should provide, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (3) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street, highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor streets immediately adjacent and parallel to railroad right-of-way should be avoided.

20.54 BLOCKS. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient

access, control and safety of street traffic and the limitations and opportunities of the topography.

(1) LENGTH - Blocks in residential areas should not as a general rule be less than 500 feet nor more than 1,500 feet in length unless otherwise dictated.

(2) WIDTH - Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

20.55 UTILITY EASEMENTS. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles, except where lots abut a lake or stream or where such location is deemed engineeringly unfeasible by the utility company involved.

20.56 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.

(1) Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(2) Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(3) Lot frontage.

(a) Unless otherwise noted in Table 1, or an applicable Town Ordinance, all newly created lots shall have a minimum frontage of 33 feet on a public street, and where applicable, a minimum frontage of 33 feet on navigable water.

(4) Area and dimensions of lots shall conform to the requirements of the Table 1 of this Ordinance; and in areas not served by public sewer; shall in addition conform to the requirements of the D.I.L.H.R. 85

Wisconsin Administrative Code. Whenever a tract is subdivided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-division of any such parcels into normal lots in accordance with the provisions of this chapter.

- (5) Lots shall be designed and a suitable proportion between width and depth. Neither long narrow or wide shallow lots are normally desirable. Normal depth shall not exceed 2 1/2 times the width nor be less than 150 feet.
- (6) Width of lots shall conform to the requirements of Table 1.
- (4) Corner lots shall be designed with extra width to permit adequate building setback from both streets.
- (5) Garage lots shall be established only in accordance with the intent of Section 3.10 of the Town of Black Wolf Zoning Ordinance. Area and width requirements of Table I of this ordinance shall be followed provided that administrative authorization to modify lot area is allowed in circumstances where unique conditions exist. In addition, the following standards shall be required of all garage lots:
  - (a) The garage lot shall be located directly across from the "house lot"; and
  - (b) The garage lot must be deed restricted by separate instrument to the house lot, said restriction to be submitted for recording at the time of submittal of the Certified Survey Map. The restriction shall specify that it is a perpetual restriction that may only be removed by written authorization of the Town of Black Wolf Town Board at such time as the garage lot is being enlarged so as to meet other buildable lot standards.

20.57 BUILDING SETBACK LINES. Building setback lines shall conform to the requirements established in the Town of Black Wolf Zoning Ordinance.

20.58 SURFACE WATER DRAINAGE. Purpose. The intent of this section is to protect property and structures from damage caused by increased surface water runoff due to commercial, industrial, and residential development of the land.

Surface water runoff after development shall not exceed the peak rate/volume of

flow at predevelopment conditions. The 25-year storm frequency for Winnebago

County shall be the basis to determine both preconstruction and post-construction

surface water runoff.

A drainage plan shall include, but not be limited to, the following:

(1) Based upon the 25-year return period storm for Winnebago County.

(2) Include soil types, infiltration characteristics of the soil, amount of available

detention area, type of vegetative cover, amount of impervious cover, and

time response to runoff.

(3) Compatible with County and Township natural drainage ways and

easements.

(1) Identify bridges, regional drainage patterns; water boundaries; pipes,

culverts, catch basins, waterways, ditches, detention and retention basin;

and indicate respective size, dimensions, and grades of each.

(2) All drainage ways and associated structures shall lie within maintenance

easements and be so indicated on final plats.

(3) Direction of the surface water flow by arrows.

(7) Designed in accordance with the United States Department of Agriculture



Technical Release No. 55 Urban Hydrology for Small Watersheds  
and

County, City, Village or Township standards, or whichever is more restrictive.

(8) Indicate methods that will be used to protect downstream areas and adjacent property owners from damage caused by surface water runoff.

(9) A covenant shall be recorded with the final plat in the Winnebago County Register of Deeds office. Covenant shall state:

(a) "Maintenance of all drainageways and associated structures within the

subdivision are the sole responsibility of the property owners of the

subdivision", unless otherwise noted on the plan or required by the Town.

(b) Upon failure of the property owner(s) to perform maintenance of the

drainageways and associated structures, the Town of Black Wolf retains the right to perform maintenance and/or repairs shall be equally assessed among the property owner(s) of the subdivision with a drainage covenant.

## **DEDICATIONS AND IMPROVEMENTS**

20.59 SURFACE WATER DRAINAGE RESTRICTIONS. To the extent practical, no drainageway contained within a drainage easement shall be disturbed, except as provided in Section 20.59 (3) , in accordance with the following:

(1) No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainage way so that such obstructions impede the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.

(2) Lot boundaries shall be made to coincide with new and/or preexisting man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainageways.

- (3) Exceptions. Surface water shall not be regarded as unduly retained or diverted if:
- (a) The retention or diversion results from a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.
  - (b) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
  - (c) The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owner as described in Sec. 20.58(11).
  - (d) The retention or diversion has been allowed or required by The Town of Black Wolf Planning Committee, and noted on the approved drainage plan.

#### 20.60 DEDICATION AND RESERVATIONS OF LAND.

- (1) Whenever a tract of land to be divided embraces all or any part of a street, the adopted regional, County, and Town of Black Wolf comprehensive plans, or adopted plan components, such public way shall be made a part of the plat and either dedicated or reserved by the applicant in the locations and dimensions indicated on such plan.
- (2) Whenever a proposed park, playground, public access, open space site or other public land, other than streets or drainageways, designated in the adopted regional County and Town of Black Wolf comprehensive plan components is embraced, all or in part, in a tract of land to be divided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed three years between the applicant and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

#### 20.61 IMPROVEMENTS.

- (1) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Committee.

- (2) Before recording the final plat with the County Register of Deeds, the applicant shall enter into a contract or other arrangement agreeable with the Town of Black Wolf agreeing to install all required public improvements and shall file with such contract a surety bond or other satisfactory security meeting the approval of the Town of Black Wolf Town Board as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Town of Black Wolf Town Board.

20.62 PLANS. The following plans and accompanying construction specifications may be required by the Town of Black Wolf Town Board before authorization of construction or installation of improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (2) Installation of street signs meeting the approval of the Town of Black Wolf Town Board at all intersections.
- (3) Sanitary sewer plans and profiles showing the locations, grade, sizes, elevations and materials or required facilities.
- (4) Surface water drainage facilities, which may include curb and gutters, catch-basins and inlets, road ditches and open channels, as may be required to provide adequate surface drainage for the subdivision.

20.63 INSPECTION. The applicant prior to commencement of any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

20.64 PUBLIC SANITARY SEWERAGE AND PRIVATE SEWAGE DISPOSAL SYSTEMS. In areas that have a sanitary sewer system on or near the proposed subdivision, the Town of Black Wolf Town Board and the Committee shall determine the feasibility of service and the procedures to be followed by the subdivider in joining the system. Also the following shall apply:

- (1) MAJOR LAND DIVISIONS and MAJOR CONDOMINIUM PLATS shall be served by a public sanitary sewage system, major holding tank on a sanitary district as part of a public sewer system, or an on-site soil absorption system in accordance with DILHR Ch. 85. Private holding tanks are expressly prohibited.

- (2) MINOR LAND DIVISIONS and MINOR CONDOMINIUM PLATS may be served by holding tanks provided no alternative methods are available.

20.65 DEFINITIONS. In the construction of this chapter, the definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.

- (1) ALLEY - A public or private right-of-way which provides secondary access to abutting properties.
- (2) ARTERIAL STREET - A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways, and parkways.
- (3) BLOCK - A group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.
- (4) BUILDING - A structure having a roof supported by columns or wall. When separated by division walls from the ground up and without openings, each portion of each building shall be deemed a separate building.
- (5) COLLECTOR STREET - A street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets, including principal entrance streets to residential developments.
- (6) COUNTY - Reference to County shall mean Winnebago County and shall include any agency, department or committee thereof.
- (7) CUL-DE-SAC STREET - A minor street with only one outlet and having a turn around for the safe and convenient reversal of traffic movement.
- (8) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION - The unincorporated area within 1 1/2 miles of a fourth-class city or village and within 3 miles of all other cities over which cities and villages may exercise plat approval, provided they have enacted an official map ordinance or subdivision control ordinance in accordance with Sec. 236.10, Wisconsin Statutes.
- (9) FINAL PLAT - The map of plan of a subdivision and any accompanying material as described in Sec. 20.35 of this chapter.

- (10)FRONTAGE - The length of the front property line of the lot, lots or tract of land abutting the right-of-way of a public street road or highway.
- (11)FRONTAGE STREET - A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (12)GRADE - The slope of a road, street or other public way, specified in percent.
- (13)IMPROVEMENT, PUBLIC - Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the County or Town of Black Wolf may ultimately assume the responsibility for maintenance and operation.
- (14)LAND DIVISION - The act or process of dividing land into two or more parcels.
- (15)LOT - Designated parcel tract or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit, and containing the minimum frontage, width, and area sufficient to meet building, parking, setback, open space, sanitary, or other requirements.
- (16)LOT AREA - The total square footage lying within the peripheral boundaries of a parcel of land. In any zoning jurisdiction, the area of a lot specifically excludes:
- (a) the right-of-way of a public or private street;
  - (b) areas of navigable water.
- (17)LOT CORNER - A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the lot side.
- (18)LOT, LEGAL - A unit of land existing under a single ownership which complies with the applicable basic district standards for the Zoning District in which such lot is situated or meets the definition of a "lot of record" of this ordinance, which is provided with the minimum frontage upon a public road, and which complies with all applicable Subdivision and Laws and ordinances.
- (19)LOT LINES - The peripheral boundaries of a parcel of land.

- (20) LOT OF RECORD - A legal lot of record shall mean a lot legally created and recorded in the Winnebago County Register of Deeds Office prior to or according to the Winnebago County Subdivision Ordinance of May 1, 1969, meeting applicable State County Zoning and Subdivision Laws and ordinances.
- (21) LOT, THROUGH - A lot which has a pair of opposite lot lines among two parallel streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (22) LOT, WIDTH - The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly (non-perpendicular) shaped lots, the width shall be the average width of the lot computed according to ILHR 85, Wisconsin Administrative Code. Lot width shall be measured at the street setback line applicable to the zoning district the parcel is located within. In the shoreland jurisdiction, the lot width shall also be measured at the shore yard setback line applicable to the zoning district the parcel is located within. At least 50% of the lot shall be greater than or equal to the required lot width.
- (23) MAJOR CONDOMINIUM PLAT - Condominiums in which land is allocated into parcels or building sites, whether the individual portions of land are defined as "units" or "limited common elements", are subject to review and approval of this Ordinance if five (5) or more Parcels or building sites of five (5) acres or smaller in size and created within any five (5) year period from a lot parcel or tract which existed on the effective date of this chapter.
- (24) MAJOR LAND DIVISIONS - The creation of five (5) or more parcels or building sites of five (5) acres or smaller in size by successive divisions within a period of five (5) years. Within the classification of MAJOR LAND DIVISION, there shall be sub-classifications of:
- (25) SUBDIVISION, TOWN OF BLACK WOLF - (Subdivisions satisfying this classification, are subject to Town of Black Wolf review, and do not require State review). The subdivision 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 parcel or building sites, each of which is larger than one and one-half (1 1/2) acres and which is five (5) acres or smaller in size: or
  - (b) Five (5) or more parcels or building sites of which is larger than one and one-half acres and which is five (5) acres or smaller in

size and created by successive divisions within a period of five (5) years.

(26) SUBDIVISION, STATE - (Subdivisions satisfying this classification are subject to mandatory State review under Chapter 236 of the Wisconsin Statutes in addition to Town of Black Wolf review under this Ordinance). The 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 one and one-half (1 1/2) acres each or less in area; or
- (b) Five (5) or more parcels or building sites of one and one-half (1 1/2) acres each or less in area are created by successive divisions within a period of five (5) years.

(28) MAJOR STREET - Arterial and collector roads primarily intended for through traffic with a secondary function for direct access.

(29) MINOR CONDOMINIUM PLAT - Condominiums in which land is allocated into parcels or building sites, whether the individual portions of land are defined as "units" or "limited common elements", are subject to review and approval of this Ordinance if one (1) but not more than four (4) parcels or building sites of five (5) acres or smaller in size are created within any five (5) year period from a lot parcel or tract which existed on the effective date of this chapter.

(30) MINOR LAND DIVISIONS - The creation of one (1) but not more than four (4) parcels or building sites which divide land into a parcel or parcels of five (5) acres or smaller in size. Minor land divisions shall be created by Certified Survey Maps. Not more than four (4) parcels may be created by means of minor land division procedures within any five (5) year period from a lot, parcel or tract which existed on the effective date of this chapter.

(31) MINOR STREET - A street used or intended to be used primarily for access to abutting properties.

(32) OBSTRUCTION, DRAINAGEWAY - This Ordinance refers to two different types of obstructions:

- (a) ARTIFICIAL OBSTRUCTION - Any obstruction other than a natural obstruction that is capable of reducing the carrying capacity of a stream or drainageway or may accumulate debris and thereby reduce the carrying capacity of a stream; such as fences, dams,

planted trees and shrubs, and any other obstructions instituted as a result of human activity.

- (b) NATURAL OBSTRUCTION - Includes any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within the stream or drainageway by a non-human cause.
- (33)OUTLOT - A remnant parcel of land not to be used for building purposes, so designated on the plat.
- (34)PARCEL - Lot Created by a division of land. A parcel (s) which is owned, controlled or managed as a single entity shall be treated as a single tract, unless separated by a public road and navigable and non-navigable waters. A parcel is created as of the date the deed, land contract, lease, etc., is recorded with the Register of Deeds Office.
- (35)PRELIMINARY PLAT - A map showing the salient features of a proposed subdivision submitted to the Town of Black Wolf Planning and Zoning Committee for purposes of preliminary consideration as described in Section 20.20 of this chapter.
- (36)PRIVATE SEWAGE SYSTEM ORDINANCE - The County Private Sewage System Ordinance which is included as Chapter 16 of this Winnebago County General Code.
- (37)PUBLIC WAY - Any public road, street highway, walkway, drainageway or part thereof.
- (38)SHORELAND JURISDICTION - The area within 1,000, of the ordinary high water mark of a navigable lake, pond or flowage; or within 300' of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.
- (39)STREET (Public) - The right-of -way of any street, road, highway, lane, etc., dedicated to the public which generally provides access to abutting properties.
- (40)STREET (Private) - The right-of -way of any private road, highway, lane, street, access easement, easement, etc., where the defined street or easement provides access to more than one parcel or principal structure.
- (41)TOWN OF BLACK WOLF PLANNING AND ZONING COMMITTEE - The Town of Black Wolf Zoning Committee, as authorized by Chapter 60 of the Wisconsin Statutes, or any other committee created by the Town of Black Wolf Town Board and authorized to plan land use.



(42)TOWN - Reference to town shall mean The Town of Black Wolf including the Town Board, Town Clerk or any other designated Town Committee.

(43)TRACT - A contiguous area of land which exists or has existed in single ownership.

(44)ZONING ADMINISTRATOR - The person designated by the Town of Black Wolf to administer this chapter.

Amended 3/18/97

Amended 3/09/98

Amended 1/16/01

TABLE 1

PAGE 1

### Lot Size/Area Requirements

#### UNSEWERED AREA

Minimum				Minimum
<u>Zoning District</u>	<u>Minimum Area</u>	<u>Width</u>	<u>Frontage</u>	<u>Notes</u>
R-1 33'	1,2,3,6	87,120 sq ft	200'	
R-2 33'	1,2,3,6	87,120 sq ft	200'	
R-3 33'	1,2,3,6	87,120 sq ft	200'	
G-1 40'	1,2,6	3,000 sq ft (max)	40'	
B-1 100'	1,2,3,6	30,000 sq ft	100'	
B-2 100'	1,2,3,6	30,000 sq ft	100'	

B-3 100'	1,2,3,6	30,000 sq ft	100'
P-1 200'	1,2,3,6	43,560 sq ft	200'
A-1 300'	1,2,5	80 acres	n/a
A-2 300'	1,2,5	10 acres	n/a
M-1 33'		As necessary to meet setbacks	1,2

**Lot Size/Area Requirements**

SEWERED AREA

Minimum				Minimum	
<u>Zoning District</u>	<u>Minimum Area</u>	<u>Width</u>		<u>Frontage</u>	<u>Notes</u>
R-1 33'	1,2,6	43,560	sq ft	120'	
R-2 33'	1,2	43,560	sq ft	120'	
R-3 33'	1,2,6	43,560	sq ft	120'	
		per dwelling unit			
R-4 33'	1,2,6	43,560	sq ft	200'	
		per dwelling unit			
R-5 33'	1,2,6	43,560	sq ft	120'	
		per dwelling unit			
		10 acres for development recommended			
		20% of development area for open space			
MH-1 33'	1,2,6	43,560	sq ft per unit	120'	
G-1 40'	1,2,6	3,000	sq ft max	40'	
B-1 100'	1,2,6	15,000	sq ft	100'	

B-2 100'	1,2,6	15,000	sq	ft	100'
B-3 100'	1,2,6	15,000	sq	ft	100'
B-4 33'	1,2,6	30,000	sq	ft	100'
P-1 33'	1,2,6	43,560	sq	ft	200'
A-1 300'	1,2,5,6	80	acres		n/a
A-2 300'	1,2,5,6	10	acres		n/a
M-1 33'	1,2	as necessary to meet all district regulations			

NOTES:

- Note 1: all lot areas exclude right-of-way of public or private roads/easements
- Note 2: lot width is measured at the setback from right-of-way
- Note 3: minimum lot area and/or width shall be increased as needed where necessitated by requirements for a private sewage system
- Note 4: overall development density is a maximum of two (2) dwelling units per acre
- Note 5: access may be by direct frontage or recorded easement with note regarding permit issuance required
- Note 6: lots in Shoreland also require minimum width at shore yard setback
- Note 7: R-1 lot reduction in shoreland is subject to soil evaluation and sanitary system requirements

JURISDICTION

When lots fall in areas under both town and county jurisdiction the greater restrictions shall govern.

**TOWN OF BLACK WOLF**  
**Winnebago County, Wisconsin**

**Section 12**

**Illicit Discharge and  
Connection Ordinance**

<b>12-6-1</b>	Purpose/Intent
<b>12-6-2</b>	Definitions
<b>12-6-3</b>	Applicability
<b>12-6-4</b>	Responsibility for Administration
<b>12-6-5</b>	Compatibility with Other Regulations
<b>12-6-6</b>	Severability
<b>12-6-7</b>	Ultimate Responsibility
<b>12-6-8</b>	Discharge Prohibitions
<b>12-6-9</b>	Watercourse Protection
<b>12-6-10</b>	Compliance Monitoring
<b>12-6-11</b>	Requirement to Prevent, Control and Reduce Storm Water Pollutants by the Use of Best Management Practices
<b>12-6-12</b>	Notification of Spills
<b>12-6-13</b>	Violations, Enforcement, and Penalties
<b>12-6-14</b>	Appeal of Notice of Violation
<b>12-6-15</b>	Enforcement Measures After Appeal
<b>12-6-16</b>	Cost of Abatement of the Violation
<b>12-6-17</b>	Violations Deemed a Public Nuisance
<b>12-6-18</b>	Remedies Not Exclusive
<b>12-6-19</b>	Adoption of Ordinance

**12-6-1. PURPOSE/INTENT.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town through the regulation of non-storm water discharges to the MS4 to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.

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

**12-6-2. DEFINITIONS.**

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency. Employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs) 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.

Contaminated storm water. Storm water that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in NR 216 (effective August 1, 2004).

Department (DNR). The Wisconsin Department of Natural Resources.

Discharge. As defined in Wisconsin Statutes Chapter 283, when used without qualification includes a discharge of any pollutant.

Discharge of pollutant or discharge of pollutants. As defined in Wisconsin Statutes Chapter 283 (November 1, 2005), means any addition of any pollutant to the waters of this state from any point source.

Hazardous Materials. 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.

Illicit Discharge. Any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

Illicit Connections. An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface that allows an illicit

discharge to enter the MS4 including but not limited to any conveyances that allow any non-storm water 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 or,

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

Industrial Activity. Activities subject to WPDES Industrial Permits per NR 216 (effective August 1, 2004) and Wisconsin Statutes Chapter 283

Municipality. Any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, storm water or other wastes

Municipal Separate Storm Sewer System (MS4). As defined in Wisconsin Administrative Code NR 216 (effective August 1, 2004), means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria.

- (a) Owned or operated by a municipality.
- (b) Designed or used for collecting or conveying storm water.
- (c) Which is not a combined sewer conveying both sanitary and storm water.
- (d) Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Non-Storm Water Discharge. Any discharge to the MS4 that is not composed entirely of storm water.

Owner. Any person holding fee title, an easement or other interest in property

Outfall. The point at which storm water is discharged to waters of the state or to a storm sewer

Person. An individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

Pollutant. As defined in Sections 283.01 (13), Wisconsin Statutes, means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution. As defined in Sections 283.01 (14), Wisconsin Statutes means any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.



Pollution prevention Taking measures to eliminate or reduce pollution.

Premises Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips

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

Storm Water Management Plan/ Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices 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.

Wastewater Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Watercourse. A natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils book for Winnebago County, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.

Waters of the state. As defined in Wisconsin Statute 283 (November 1, 2005), means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person

Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Discharge Permit. A Wisconsin pollutant discharge elimination system permit issued pursuant to Wisconsin Statute 283 (November 1, 2005)

### **12-6-3. APPLICABILITY.**

This ordinance shall apply to all water entering the MS4 generated on any lands unless explicitly exempted by an authorized enforcement agency.

### **12-6-4. RESPONSIBILITY FOR ADMINISTRATION.**

The Town Board and/or its agents shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Town Board may be delegated in writing by the Town Board of the Town of Black Wolf to persons or entities acting in the beneficial interest of or in the employ of the Town. All subsequent references to the Town or the

Town Board in this ordinance shall include its respective agents and designees.

**12-6-5 COMPATIBILITY WITH OTHER REGULATIONS**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**12-6-6. SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

**12-6-7. ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

**12-6-8. DISCHARGE PROHIBITIONS.**

**8.1. Prohibition of Illicit Discharges.**

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

**8.2. Allowed Discharges.**

- (1) Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
- (2) Discharges or flow from firefighting, and other discharges specified in writing by the Town Board as being necessary to protect public health and safety
- (3) Discharges associated with dye testing

- (4) Any non-storm water discharge permitted under an WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department of Natural Resources. Any person subject to such an WPDES storm water discharge permit shall comply with all provisions of such permit.

### **8.3. Prohibition of Illicit Connections.**

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 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.
- (4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Town Board.
- (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Town Board requiring that such locating be completed. Such notice shall specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Town Board.

### **12-6-9. WATERCOURSE PROTECTION.**

Every person owning property through which 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.

### **12-6-10. COMPLIANCE MONITORING**

#### **10.1. Right of Entry: Inspecting and Sampling.**

The Town Board 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.

- (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Town Board.
- (2) Facility operators shall allow the Town Board ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records.
- (3) The Town Board shall have the right to set up on any facility such devices as are necessary in the opinion of the Town Board to conduct monitoring and/or sampling of the facility's storm water discharge.
- (4) The Town Board 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.
- (5) 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 Board and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the Town Board access to a facility is a violation. A person who is the operator of a facility commits an offense if the person denies the Town Board reasonable access to the facility for the purpose of conducting any activity authorized or required by this ordinance.

## **10.2. Special Inspection Warrant**

If the Town Board has been refused access to any part of the premises from which storm water 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 Town Board may seek issuance of a special inspection warrant per state statute 66.0119.

## **12-6-11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

The owner or operator of any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the MS4, or waters of the State shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal MS4 or watercourses through the use of these structural and non-structural BMPs. Further, 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 MS4. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Storm Water Management Plan (SWMP)/Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance.

#### **12-6-12. NOTIFICATION OF SPILLS.**

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 which are resulting or may result in illicit discharges or pollutants discharging into storm water, 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 Town Board in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town Board within 5 business days of the phone notice. 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 3 years.

Failure to provide notification of a release as provided above is a violation of this ordinance

#### **12-6-13. VIOLATIONS, ENFORCEMENT, AND PENALTIES.**

##### **13.1 Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Town Board is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The Town Board is authorized to seek costs of the abatement as outlined in Section 16.

##### **13.2. Warning Notice.**

When the Town Board finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Town Board may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby

any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in the subsection shall limit the authority of the Town Board to take action, including emergency action or any other enforcement action without first issuing a Warning Notice.

### **13.3. Notice of Violation.**

Whenever the Town Board finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Town Board may order compliance by written notice of violation to the responsible person

The Notice of Violation shall contain:

- (1) The name and address of the alleged violator,
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred,
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the Town Board by filing a written notice of appeal within 3 days of service of notice of violation, and
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges,
- (3) That violating discharges, practices, or operations shall cease and desist,
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs, and
- (6) The implementation of BMPs.

#### **13.4. Suspension of MS4 Access.**

##### **13.4.1. Emergency Cease and Desist Orders**

When the Town Board finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Town Board may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to.

- (1) Immediately comply with all ordinance requirements, and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Town Board may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Town Board may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Town Board that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Town Board within 5 days of receipt of the prerequisite for, taking any other action against the violator.

##### **13.4.2. Suspension due to Illicit Discharges in Emergency Situations**

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

### **13.4.3. Suspension due to the Detection of Illicit Discharge**

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 Board will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town Board for a reconsideration and hearing.

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 Board.

### **13.5 Prosecution and Penalties.**

Any person that has violated or continues to violate this ordinance shall be liable to prosecution to the fullest extent of the law. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violation described therein within the set time period specified by the Town Board, after the Town Board has taken one or more of the actions described above, the Town Board may impose a penalty of not less than \$100 nor more than \$500 for each day the violation remains unremedied after receipt of the notice of violation.

#### **12-6-14. APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the Town Board. The notice of appeal must be received by the Town Clerk within 3 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 30 days from the date of receipt of the notice of appeal.

#### **12-6-15 ENFORCEMENT MEASURES AFTER APPEAL.**

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, the municipal authority upheld the decision of the Town, then representatives of the Town Board are authorized to enter upon the subject private property and authorized to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

#### **12-6-16. COST OF ABATEMENT OF THE VIOLATION.**

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid by the date determined by the municipal authority, the charges shall become a special charge against the property and shall constitute a lien on the property.



**12-6-17. VIOLATIONS DEEMED A PUBLIC NUISANCE.**

Any condition in violation of any of the provisions of this ordinance and declared and deemed a nuisance, may be summarily abated or restored at the violator's expense.

**12-6-18. REMEDIES NOT EXCLUSIVE.**

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 Town Board to seek cumulative remedies.

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

**12-6-19. ADOPTION OF ORDINANCE**

This ordinance shall take effect the day after its publication pursuant as required by law. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2010.

TOWN OF BLACK WOLF

By: \_\_\_\_\_  
Frank Frassetto, Town Chairperson

Attest:

\_\_\_\_\_  
Ellen Chmielewski, Town Clerk

## **INTRODUCTION**

20.01 **AUTHORITY**. The provisions of this chapter are adopted by the Town of Black Wolf pursuant to the authority granted by Sections 59. 971 (3) , 114. 135, 114. 136, 114. 26 (2) 144.26(8), 236.45 and 703, Wisconsin Statutes.

20.02 **TITLE**. This chapter shall be known as, referred to or cited as the "Land Division Ordinance", Town of Black Wolf.

20.03 **PURPOSE AND INTENT**. The purpose of this chapter is to regulate and control the division of land within the areas of the Town of Black Wolf to:

- (1) Promote the public health, safety and general welfare.
- (2) Further the orderly layout and use of land.
- (3) Prevent the overcrowding of land.
- (4) Lessen congestion in the streets and highways.
- (5) Provide for adequate light and air.
- (6) Facilitate adequate provisions for water, sewerage and other public requirements.
- (7) Provide for proper ingress and egress.
- (8) Promote proper monumenting of subdivided land and conveyancing by accurate legal description.

20.04 **ABROGATION AND GREATER RESTRICTIONS**.

- (1) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- (2) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Black Wolf and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

## **GENERAL PROVISIONS**

20.05 **JURISDICTION**. The jurisdiction of this chapter shall include all lands within the Town of Black Wolf. However, in no instance shall the provisions of this chapter apply to:

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Leases for a term not to exceed 10 years, mortgages or easements.
- (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum size required by these regulations, the Town of Black Wolf Zoning Ordinance or other applicable laws or ordinances. For the purpose of this section, an additional lot is deemed to be created if the parcel being sold or created is not combined with the adjoining parcel by means of a new legal description in accordance with Section 20.07.

20.06 **COMBINING LOTS**. Lots shall be combined into one parcel according to s. 20.07 when one or more of the following occurs:

- (1) The requirements of s. 20.05(3) are not met.
- (2) A use, structure, or structural addition that occupies more than one lot under the same ownership.
- (3) Existing substandard lots on record platted according to Ch. 236 Wis. Stats. when, in the determination of the Zoning Administrator, the intent of the district will not be maintained at the time of construction.

20.07 **COMBINING DESCRIPTION**. Land described in s. 20.06 shall be combined into one parcel by Certified Survey Maps. The Certified Survey Map shall be submitted to the Town of Black Wolf Zoning Administrator (or designee). The Certified Survey Map shall be prepared according to Ch. 236 Wisconsin Statutes and shall show clearly on its' face the following:

1. **Whole Parent Parcel(s)** must be shown on CSM when combining or Dividing parcel(s).
  - a. All existing buildings.
  - b. Setbacks.
  - c. Water courses.
  - d. Drainage ditches.
  - e. Setbacks to structures to adjacent property and other features pertinent to division of property should be shown.

- f. D.O.T. approval when parcel is abutting a State of Wisconsin Highway or Federal Highway.
  - g. Acreage to right-of-way spelled out.
  - h. Location of access to road.
  - i. Names of roads, streets, highways, etc.
2. Prior CSM Number (if applies)
    - a. Put at top.
  3. Tax Parcel Number
    - a. Put in a box
    - b. On proper parcel or pointing to proper parcel.
  4. Existing parcel boundaries that fall within new parcel(s) shall be identified With dashes (---) or periods (...).
  5. Date of Map With a Graphic Scale.
  6. Other Pages
    - a. Surveyor's Certificate, recorded survey description, surveyor signature and date.
    - b. Owner(s) Certificate of Approval, signature(s) and date with Notary Public's signature, date and commission expiration date.
    - c. Town of Black Wolf Treasurer's Certificate of Approval, Signature and date verifying that there are no unpaid taxes or special assessments in accordance with 236.21(3).
    - d. Town of Black Wolf Board Certificate of Approval, Town Chairman's signature and date after Board approval.

Certified Survey Map after approval of all required authorities shall be recorded in the Winnebago County Register of Deeds Office.

20.08 COMPLIANCE. Division of land located within the jurisdictional limits of these regulations which results in a land division, replat or condominium plat as defined herein shall not be entitled to recording and/or improvements to the land unless it is in compliance with all the requirements of this chapter and:

- (1) Duly approved Town of Black Wolf Zoning, Town of Black Wolf Sanitary District and Private Sewage System Ordinances.

- (2) County Access Control Ordinance.
- (3) Applicable local ordinances.
- (4) Provisions of Chapter 236, Wisconsin Statutes.
- (5) Provisions of the Winnebago County Land Records Ordinance as enumerated in Section 8.05 of the Winnebago County Code.

20.09 LAND SUITABILITY. No land shall be divided which is held unsuitable for any proposed use by the Town of Black Wolf Planning Committee (hereafter referred to as committee) for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, 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 future residents of the proposed subdivision or of the community. The Committee in applying the provisions of this chapter shall in writing, cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the applicant an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Committee may affirm, modify or withdraw its determination of unsuitability.

20.10 VARIANCES.

- (1) In any particular case where it can be shown that by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this chapter would cause practical difficulty by exceptional and undue hardship, the Committee may relax such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town of Black Wolf.
- (2) The Committee at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties of interest to comment on the variance request.
- (3) If a hearing is determined necessary, the applicant shall be responsible for payment of a hearing fee as established by the Town of Black Wolf Town Board. The Committee shall then fix a reasonable time and place for the hearing. Notice of the time and place of such hearing shall be given by publication as a Class 1 notice, under Ch. 985. A copy of such notice shall be mailed to all property owners within 300 feet of the subject site as listed on official tax property rolls as of the date of application. The aforementioned

property owners shall be notified by first class mail with an Affidavit of Mailing at least 10 days prior to the date of such hearing.

- (4) A majority vote of the entire membership of the Committee shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Committee setting forth the reasons which, in the opinion of the Committee, justified the modification.

20.11 VIOLATIONS. No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes. No permit shall be issued authorizing the building on or improvement of any subdivision, replat or condominium plat within the jurisdiction of this chapter and not of record as of April 15, 1969, until the provisions and requirements of this chapter have been fully met. The Town of Black Wolf may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

20.12 PENALTIES.

- (1) Recordation improperly made shall be subject to the provisions of Sec. 236.30, Wisconsin Statutes.
- (2) Conveyance of lots in unrecorded plats shall be subject to the provisions of Sec. 236.31, Wisconsin Statutes.
- (3) Monuments disturbed or not placed shall be subject to the provisions of Sec. 236.32, Wisconsin Statutes.
- (4) Assessor's plat may be ordered by the Town of Black Wolf when a subdivision is created by successive divisions as provided in Sec. 236.31(2), Wisconsin Statutes.
- (5) Any person failing to comply with the provision of this chapter shall be subject to a penalty as provided by Section 2.13 of the Town of Black Wolf Zoning Ordinance.

20.13 APPEALS. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided in Sections 236.13(5) and 62.23(7), Wisconsin Statutes.

### **MINOR LAND DIVISIONS**

20.14 SUBMITTAL. Creation of a Minor Land Division shall be by certified survey Map. The certified survey map shall be submitted to the Town of Black Wolf Zoning Administrator (or designee). The certified survey map shall be prepared according to 236.34, Wisconsin Statutes, and shall show clearly on its face the following:

1. Whole Parent Parcel(s) must be shown on CSM when combining or dividing parcel(s).
  - a. All existing buildings.
  - b. Setbacks
  - c. Water courses.
  - d. Drainage ditches
  - e. Setbacks to structures to adjacent property and other features pertinent to division of property should be shown.
  - f. D.O.T. approval when parcel is abutting a State of Wisconsin Highway or Federal Highway.
  - g. Acreage to right-of-way spelled out.
  - h. Location of access to road.
  - i. Names of roads, streets, highways, etc.
2. Prior CSM Number (if applies)
  - a. Put at top.
3. Tax Parcel Number
  - a. Put in a box.
  - b. On proper parcel or pointing to proper parcel.
4. Existing parcel boundaries that fall within new parcel(s) shall be Identified with dashes (---) or periods (...).
5. Date of Map With a Graphic Scale.
6. Other Pages

- a. Surveyor's Certificate, recorded survey description, surveyor signature and date.
- b. Owner(s) Certificate of Approval, signature(s) and date with Notary Public's signature, date and commission expiration date.
- c. Town of Black Wolf Treasurer's Certificate of Approval, signature and date verifying that there are no unpaid taxes or special assessments in accordance with 236.21(3).
- d. Town of Black Wolf Board Certificate of Approval, Town Chairman's signature and date after Board approval.

Certified Survey Map after approval of all required authorities shall be recorded In Winnebago County Register of Deeds Office.

20.15 FEE. An application fee as set forth by the Town of Black Wolf Town Board shall be paid in full at the time of application.

20.16 REVIEW AND APPROVAL.

- (1) The Town of Black Wolf Zoning Administrator shall not approve a Certified Survey Map without the review and approval of the Town of Black Wolf Town Board.
- (2) The Town of Black Wolf Town Board shall, within sixty (60 ) days of the date of submission unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally, or reject the application and map based upon a determination of conformity or non-conformity with the standards.



## **MAJOR LAND DIVISIONS**

20.17 **GENERAL.** The application shall be filed with the Town of Black Wolf Zoning Administrator unless otherwise stated. The following procedures shall apply to both The Town of Black Wolf and State subdivisions, as defined in Section 20.65 (27) (1) and (2).

20.18 **PRELIMINARY CONSULTATION.** Prior to submitting an application for approval of a preliminary plat for Town of Black Wolf or State subdivisions the applicant shall consult with the Town of Black Wolf Zoning Administrator to become informed of the purpose and objectives of these regulations.

In order to facilitate the consultation the applicant shall provide a plat plan drawn to reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements and unique natural features.

20.19 **FEE.** An application fee as set forth by the Town of Black Wolf Town Board Fee schedule shall be paid in full at the time of submittal of the preliminary plat.

20.20 **PRELIMINARY PLAT SUBMITTAL.** The Applicant shall prepare a preliminary plat in accordance with this chapter.

SUBDIVISION, TOWN OF BLACK WOLF - The following shall apply:

(a) The applicant shall provide the Town of Black Wolf Zoning Administrator ten copies of the preliminary plat, and two copies to the adjoining city or village, if in their extraterritorial plat approval jurisdiction.

(b) Fee. In addition to the standard application fee indicated in Section 20.19, a consultation fee is required as set forth by the Town of Black Wolf Town Board fee schedule.

SUBDIVISION, STATE - In addition to the requirements of Section 20.20(1)(a), it shall be the responsibility of the applicant to submit the original drawing of preliminary plats to the head of the State Planning Function in accordance with Section 236.12(6), Wisconsin Statutes.

20.21 **PRELIMINARY PLAT REQUIREMENTS.** A preliminary plat shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(1) Title under which the proposed subdivision is to be recorded.

- (2) Legal description and general location of proposed subdivision and relative location to a nearby municipality.
- (3) Date, scale and north arrow.
- (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the applicant shall be included on the preliminary plat even though only a portion of such area is proposed for immediate development. The Committee may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
- (6) Approximate length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U. S. Public Land Survey and the total acreage encompassed thereby.
- (7) Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the surface is 10% or more. Elevations shall be marked on such contours based on mean sea level datum or, where in the judgement of the Committee, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (8) Water elevations of adjoining lakes and streams at the date of survey, ordinary high water elevation, and designated floodplains, wetlands, and surface water drainageways regulated under the authority of the Winnebago County Town/County Zoning Ordinance and Sections 20.58 and 20.59 of this ordinance.
- (9) Location right-of-way width and names of all existing and proposed streets, alleys or other public ways, easements, railroads and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (10) Location and names of any adjacent subdivisions, parks, schools, and cemeteries and owners of record of abutting unplatted lands.
- (11) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to the datum used for the contours.

(12) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch-basins, hydrants, power and telephone poles and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their directions and distance from the tract, size and invert elevations.

(13) Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

(14) Dimensions of all lots, together with proposed lot and block numbers.

(15) Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use, or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring loting.

(16) Approximate radii of all curves.

(17) Existing zoning and proposed use on an adjacent to the proposed subdivision.

(18) Corporate limit lines.

(19) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(20) Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging and the notice of application for the State Department of Natural Resources approval, when applicable.

(21) Seasonally wet areas.

20.22 STREET PLANS AND PROFILES. The applicant shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, when requested by the Town of Black Wolf Zoning Administrator, and all elevations, plans and profiles shall meet the approval of the Administrator.

20.23 TESTING. The Town of Black Wolf Zoning Administrator may require that borings and soundings to be made in designated areas to ascertain subsurface soil, rock and water conditions including the depth to bedrock and the depth to

groundwater table. All subdivisions not served by public sanitary sewer service, shall comply with the provisions of Chapter D. I.L.H.R. 85, Wisconsin Administrative Code. All appropriate data shall be submitted with the preliminary plat.

20.24 COVENANTS. The Committee may require submission of a draft of protective covenants whereby the applicant intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

20.25 AFFIDAVIT. 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 the provisions of this chapter.

20.26 PRELIMINARY PLAT REVIEW AND APPROVAL. In order to facilitate public comment, the Committee shall notify all property owners within 300 feet of the subject site a meeting agenda concerning the subject site utilizing first class mail with an affidavit of mailing at least five days prior to the date of such meeting. The Committee shall conduct a meeting to review the Plat for conformance with this chapter and all other ordinances, rules, and regulations which affect the Plat. At this meeting the Committee shall permit the public to comment on the proposed plat. The Committee shall either approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal, as provided in Sec. 236.11, Wisconsin Statutes.

20.27 FEE. An application fee as set forth by the Town of Black Wolf Town Board fee schedule shall be paid in full at the time of submittal of the final plat.

20.28 FINAL PLAT SUBMITTAL. The applicant shall prepare a final plat in accordance with the Chapter.

(1) SUBDIVISION, TOWN OF BLACK WOLF - the applicant shall provide the Town of Black Wolf Zoning Administrator ten copies of the final plat, and two copies to the adjoining city or village clerk, if the plat is located within the extraterritorial plat approval jurisdiction of the adjoining city or village and they exercise their extraterritorial plat approval authority.

(2) SUBDIVISION, STATE - In addition to the requirements of Section 20.28(i), it shall be the responsibility of the applicant to submit the original drawing of final plats to the head of the State Planning Function, in accordance with Section 236.12(6), Wisconsin Statutes.

20.29 GENERAL REQUIREMENTS. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Sec. 236.20, Wisconsin Statutes. The final plat shall show correctly on its face, in addition to the information required by Sec. 236.20,

Wisconsin Statutes, all lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.

20.30 SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of Sec. 236.15, Wisconsin Statutes.

20.31 CERTIFICATES. All final plats shall provide all the certificates required by Sec. 236.21, Wisconsin Statutes, and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for Town of Black Wolf Planning and Zoning Committee approval.

20.32 FINAL PLAT REVIEW AND APPROVAL. (1) The Committee shall examine the final plat as to its conformance with the approved preliminary plat, any condition of approval of the preliminary plat, this chapter and all ordinances, rules, regulations and adopted regional and Town of Black Wolf comprehensive plans or adopted plan components which may affect the plat.

(1) The Committee, in accordance with Sec. 236.11, Wisconsin Statutes, shall, within 60 days of the date of filing of the final plat with the Town of Black Wolf Town Board approval, approve conditionally or reject the plat, unless the time is extended by agreement with the applicant.

(2) If the plat is approved, the Committee shall not inscribe its approval on the face of the original final plat until the head of the State Planning Function has certified no objections to the plat.

20.33 RECORDATION. After the final plat has been approved by the Committee, the Town of Black Wolf Town Board and any other approving agencies, the subdivider shall record the plat with the County Register of Deeds in accordance with Sec. 236.25, Wisconsin Statutes.

### **CONDOMINIUM PLATS**

20.34 GENERAL. It is the intent of this section to regulate condominiums as it is related to zoning and for the division of land for the purpose of establishing a condominium plat.

20.35 PRELIMINARY CONSULTATION. Prior to submitting an application for approval of a preliminary plat the applicant shall consult with the Town of Black Wolf Zoning Administrator to become informed of the purpose and objectives of these regulations.

In order to facilitate the consultation the applicant shall provide a plat plan drawn to reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements and unique natural features.

### **MINOR CONDOMINIUM PLATS**

20.36 **SUBMITTAL.** Creation of a minor condominium plat shall be according to Wisconsin State Statutes. A certified survey map shall be submitted to the Town of Black Wolf Zoning Administrator. Plat shall be prepared according to 703.01 through 703.12 of Chapter 703 WI State Statutes, and the plat shall show clearly on its face the following:

- (1) All existing buildings, water courses, drainage ditches and other features pertinent.
- (2) Location of access to public road.
- (3) Date of the map with a graphic scale.
- (4) Name and address of the person for whom the survey was made.
- (5) An owner's certificate and approval signature of the Town of Black Wolf Board and Treasurer's certificate in accordance with Chapter 236.21(3) Wisconsin Statutes, shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.

20.37 **FEE.** An application fee as set forth by the Town of Black Wolf Town Board fee schedule shall be paid in full at the time of application.

20.38 **REVIEW AND APPROVAL.**

- (1) The Committee shall, within sixty (60) days of the date of submission unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally or reject the application and map based upon a determination of conformity or non-conformity with the standards.
- (2) The Town of Black Wolf Town Board shall not approve a certified survey map without the review of The Committee. Such approval shall be within 60 days of date of submission unless mutually extended by both parties.

## **MAJOR CONDOMINIUM PLAT**

### **20.39 PRELIMINARY PLAT SUBMITTAL**

- (1) The applicant shall prepare a preliminary plat in accordance with this chapter. The applicant shall provide the Town of Black Wolf Zoning Administrator ten copies of the preliminary plat, and two copies to the adjoining city or village, if in the extraterritorial plat approval jurisdiction.
- (2) In addition, condominium plats which will be developed according to Sec. 3.8 of The Town of Black Wolf Zoning Ordinance for planned unit development, shall submit application for the conditional use permit (s. 4.0) simultaneously with the preliminary plat.

### **20.40 FEE.**

- (1) An application fee as set forth by the Town of Black Wolf Town Board fee schedule shall be paid in full at the time of submittal of the preliminary plat. The conditional use permit fee is exempt with this application.

### **20.41 PRELIMINARY PLAT REQUIREMENTS.** Refer to the provisions of Sections 20.21 through 20.25 of this chapter.

### **20.42 PRELIMINARY PLAT REVIEW AND APPROVAL.**

- (1) In order to facilitate public comment, the Town of Black Wolf Town Clerk shall notify all property owners within 300 feet and all property owners of adjacent and opposite frontage of the subject site with a meeting agenda concerning the subject site utilizing first class mail with an affidavit of mailing at least five days prior to the date of such meeting. The Committee shall conduct a meeting to review the Plat for conformance with this chapter and all other ordinances, rules, regulations which affect the Plat. At this meeting the Committee shall permit the public to comment on the proposed plat. The Committee shall either approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal.
- (2) Exception. Condominium plats which are developed according to Sec. 3.8 for planned unit developments, shall adhere to the review and approval procedures in Sec. 4.0 for conditional use permits.

### **20.43 SURVEYING.** All final plats shall meet all the surveying requirements of Sec. 703.11 Wisconsin Statutes.

20.44 CERTIFICATES. All final plats shall provide the surveyor's certificate required by Sec. 703.11(4) Wisconsin Statutes, and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for the Town of Black Wolf Town Board approval.

20.45 FEE.

- (1) An application fee as set forth by the Town of Black Wolf Town Board fee schedule shall be paid in full at the time of submittal of the preliminary plat. The conditional use permit fee is exempt with this application.

20.46 FINAL PLAT REVIEW AND APPROVAL.

- (1) The Committee shall examine the final plat as to its conformance with the approved preliminary plat, any condition of approval of the preliminary plat, this chapter and all ordinances, rules, regulations which may affect the plat.
- (2) The Committee shall, within 60 days of the date of filing of the final plat with the Town of Black Wolf Zoning Administrator approval, approve conditionally or reject the plat, unless the time is extended by agreement with the applicant.

20.47 RECORDATION. After the final plat has been approved by the Committee, the Town of Black Wolf Town Board and any other approving agencies, the applicant shall record the plat with the County Register of Deeds in accordance with Sec. 703.11 Wisconsin Statutes.

20.48 MODIFICATIONS. Modifications to either a condominium plat or declaration shall require review and approval by the Committee and Town of Black Wolf Town Board. If the Committee and Town of Black Wolf Town Board determines the modification to substantially modify the original approval, it may require resubmittal for review and approval as if it were a new submittal according to the provisions of this section.

### **REPLAT**

20.49 REPLAT. Any replat of a recorded subdivision or part thereof shall be done in accordance with Chapter 236, Wisconsin Statutes.

### **DESIGN STANDARDS**

20.50 STREET ARRANGEMENT. The applicant shall dedicate land for and improve streets as provided herein.



- (1) Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses and public convenience and safety.
- (2) All land divisions shall be designed so as to provide each lot with satisfactory access to a public street as provided herein.
- (3) The following conditions shall apply for street arrangement in all proposed land divisions:
  - (a) Arterial Streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  - (b) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population; and to the major streets into which they feed.
  - (c) Minor Streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  - (d) Street Intersections.
    1. Streets shall intersect each other as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Committee.
    2. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections should not be less than 1,200 feet.

3. Street jogs with centerline offsets of less than 125 feet shall not be approved.
- e) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Committee and Town of Black Wolf Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of 120 feet right-of-way diameter and a roadway of not less than 90 feet in diameter.
  - f) Arterial Street and Highway Protection. Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties is required. Adequate protection is met by limiting access and separating through and local traffic and shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.
  - g) Reserve Strips. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town of Black Wolf.
  - h) Alleys. Alleys may be require in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a Federal, State or County Trunk Highway.
  - i) Street Names. Street names shall not be duplicated or be similar to existing street names and existing street names shall be projected or continued wherever is possible.

#### 20.51 STREET DESIGN STANDARDS.

- (1) The minimum right-of-way of all proposed streets shall be as specified on any applicable street plan officially adopted by the Town of Black Wolf or, if no width is specified, the minimum right-of-way width shall be as required by local town boards.

- (2) Minimum roadway width and surface width of all new land division roads shall comply with the Town Road Standards contained in 86.26, Wisconsin Statutes, unless locally adopted town road standards require greater width.
- (3) Cul-de-sac streets designed to have one end permanently closed should not normally exceed 600 feet in length. Such streets shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum roadway radius of 45 feet.
- (4) Street grades shall comply with town road standards contained in Sec. 86.26, Wisconsin Statutes, however, the minimum grade shall be no less than 1/2 of one percent. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
- (5) Radii of curvature - When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than 100 feet on minor streets.
- (6) Half streets shall be prohibited except where:
  - (a) The other half has already been dedicated.
  - (b) Its alignment is shown on an officially adopted street plan.

20.52 INGRESS AND EGRESS ON LIMITED ACCESS HIGHWAYS. Where a tract, lot or parcel of land abuts a County controlled limited access highway, defined in Chapter 20 of the Winnebago County General Code, access shall be provided by one of the following:

- (1) Access control permit issued by the County Highway Department.
- (2) Easement to use an existing access.
- (3) Frontage road dedicated to the public having an approved access.
- (4) Variance approved by the Winnebago County Board of Adjustment. If access is provided by an easement to use an existing access, 20.52(2) above, then the following provisions shall apply:
  - (a) The parent parcel having an existing access shall allow access to each subsequent parcel; and

- (b) Each subsequent parcel shall allow access to each additional subdivided parcel, not to exceed the maximum spacing requirements of Chapter 20, Winnebago County General Code.
- (c) Setback requirements will be applicable to the zoning classification of the parcel as defined in Section 3 of the Town of Black Wolf Zoning Ordinance, and shall be measured from the edge of easement.
- (d) Easement right-of-way shall be a minimum of 60 feet in width, and shall not include public right-of-way (overlap) within the easement width.

20.53 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY.

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

- (1) When residential lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat: "Direct vehicular access to (Name of Road) from lots abutting such road is prohibited".
- (2) Commercial and industrial districts should provide, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (3) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street, highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor streets immediately adjacent and parallel to railroad right-of-way should be avoided.

20.54 BLOCKS. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of the topography.

- (1) LENGTH - Blocks in residential areas should not as a general rule be less than 500 feet nor more than 1,500 feet in length unless otherwise dictated.

- (2) **WIDTH** - Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

20.55 UTILITY EASEMENTS. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles, except where lots abut a lake or stream or where such location is deemed engineeringly unfeasible by the utility company involved.

20.56 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.

- (1) Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (2) Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (3) Lot frontage.
  - (a) Unless otherwise noted in Table 1, or an applicable Town Ordinance, all newly created lots shall have a minimum frontage of 33 feet on a public street, and where applicable, a minimum frontage of 33 feet on navigable water.
- (4) Area and dimensions of lots shall conform to the requirements of the Table 1 of this Ordinance; and in areas not served by public sewer; shall in addition conform to the requirements of the D.I.L.H.R. 85 Wisconsin Administrative Code. Whenever a tract is subdivided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-division of any such parcels into normal lots in accordance with the provisions of this chapter.
- (5) Lots shall be designed and a suitable proportion between width and depth. Neither long narrow or wide shallow lots are normally desirable. Normal depth shall not exceed 2 1/2 times the width nor be less than 150 feet.
- (6) Width of lots shall conform to the requirements of Table 1.

- (7) Corner lots shall be designed with extra width to permit adequate building setback from both streets.
- (8) Garage lots shall be established only in accordance with the intent of Section 3.10 of the Town of Black Wolf Zoning Ordinance. Area and width requirements of Table I of this ordinance shall be followed provided that administrative authorization to modify lot area is allowed in circumstances where unique conditions exist. In addition, the following standards shall be required of all garage lots:
  - (a) The garage lot shall be located directly across from the "house lot"; and
  - (b) The garage lot must be deed restricted by separate instrument to the house lot, said restriction to be submitted for recording at the time of submittal of the Certified Survey Map. The restriction shall specify that it is a perpetual restriction that may only be removed by written authorization of the Town of Black Wolf Town Board at such time as the garage lot is being enlarged so as to meet other buildable lot standards.

20.57 BUILDING SETBACK LINES. Building setback lines shall conform to the requirements established in the Town of Black Wolf Zoning Ordinance.

20.58 SURFACE WATER DRAINAGE. Purpose. The intent of this section is to protect property and structures from damage caused by increased surface water runoff due to commercial, industrial, and residential development of the land. Surface water runoff after development shall not exceed the peak rate/volume of flow at predevelopment conditions. The 25-year storm frequency for Winnebago County shall be the basis to determine both preconstruction and post-construction surface water runoff.

A drainage plan shall include, but not be limited to, the following:

- (1) Based upon the 25-year return period storm for Winnebago County.
- (2) Include soil types, infiltration characteristics of the soil, amount of available detention area, type of vegetative cover, amount of impervious cover, and time response to runoff.
- (3) Compatible with County and Township natural drainageways and easements.

- (4) Identify bridges, regional drainage patterns; water boundaries; pipes, culverts, catch basins, waterways, ditches, detention and retention basin; and indicate respective size, dimensions, and grades of each.
- (5) All drainageways and associated structures shall lie within maintenance easements and be so indicated on final plats.
- (6) Direction of the surface water flow by arrows.
- (7) Designed in accordance with the United States Department of Agriculture Technical Release No. 55 Urban Hydrology for Small Watersheds and County, City, Village or Township standards, or whichever is more restrictive.
- (8) Indicate methods that will be used to protect downstream areas and adjacent property owners from damage caused by surface water runoff.
- (9) A covenant shall be recorded with the final plat in the Winnebago County Register of Deeds office. Covenant shall state:
  - (a) “Maintenance of all drainageways and associated structures within the subdivision are the sole responsibility of the property owners of the subdivision”, unless otherwise noted on the plan or required by the Town.
  - (b) Upon failure of the property owner(s) to perform maintenance of the drainageways and associated structures, the Town of Black Wolf retains the right to perform maintenance and/or repairs shall be equally assessed among the property owner(s) of the subdivision with a drainage covenant.

## **DEDICATIONS AND IMPROVEMENTS**

20.59 SURFACE WATER DRAINAGE RESTRICTIONS. To the extent practical, no drainageway contained within a drainage easement shall be disturbed, except as provided in Section 20.59 (3) , in accordance with the following:

- (1) No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainage way so that such obstructions impede the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.
- (2) Lot boundaries shall be made to coincide with new and/or preexisting man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainageways.

(3) Exceptions. Surface water shall not be regarded as unduly retained or diverted if:

- (a) The retention or diversion results from a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.
- (b) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
- (c) The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owner as described in Sec. 20.58(11).
- (d) The retention or diversion has been allowed or required by The Town of Black Wolf Planning Committee, and noted on the approved drainage plan.

20.60 DEDICATION AND RESERVATIONS OF LAND.

- (1) Whenever a tract of land to be divided embraces all or any part of a street, the adopted regional, County, and Town of Black Wolf comprehensive plans, or adopted plan components, such public way shall be made a part of the plat and either dedicated or reserved by the applicant in the locations and dimensions indicated on such plan.
- (2) Whenever a proposed park, playground, public access, open space site or other public land, other than streets or drainageways, designated in the adopted regional County and Town of Black Wolf comprehensive plan components is embraced, all or in part, in a tract of land to be divided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed three years between the applicant and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

20.61 IMPROVEMENTS.

- (1) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Committee.



(2) Before recording the final plat with the County Register of Deeds, the applicant shall enter into a contract or other arrangement agreeable with the Town of Black Wolf agreeing to install all required public improvements and shall file with such contract a surety bond or other satisfactory security meeting the approval of the Town of Black Wolf Town Board as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Town of Black Wolf Town Board.

20.62 PLANS. The following plans and accompanying construction specifications may be required by the Town of Black Wolf Town Board before authorization of construction or installation of improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (2) Installation of street signs meeting the approval of the Town of Black Wolf Town Board at all intersections.
- (3) Sanitary sewer plans and profiles showing the locations, grade, sizes, elevations and materials or required facilities.
- (4) Surface water drainage facilities, which may include curb and gutters, catch-basins and inlets, road ditches and open channels, as may be required to provide adequate surface drainage for the subdivision.

20.63 INSPECTION. The applicant prior to commencement of any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

20.64 PUBLIC SANITARY SEWERAGE AND PRIVATE SEWAGE DISPOSAL SYSTEMS. In areas that have a sanitary sewer system on or near the proposed subdivision, the Town of Black Wolf Town Board and the Committee shall determine the feasibility of service and the procedures to be followed by the subdivider in joining the system. Also the following shall apply:

- (1) MAJOR LAND DIVISIONS and MAJOR CONDOMINIUM PLATS shall be served by a public sanitary sewage system, major holding tank on a sanitary district as part of a public sewer system, or an on-site soil absorption system in accordance with DILHR Ch. 85. Private holding tanks are expressly prohibited.
- (2) MINOR LAND DIVISIONS and MINOR CONDOMINIUM PLATS may be served by holding tanks provided no alternative methods are available.

20.65 DEFINITIONS. In the construction of this chapter, the definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.

- (1) ALLEY - A public or private right-of-way which provides secondary access to abutting properties.
- (2) ARTERIAL STREET - A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways, and parkways.
- (3) BLOCK - A group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.
- (4) BUILDING - A structure having a roof supported by columns or wall. When separated by division walls from the ground up and without openings, each portion of each building shall be deemed a separate building..
- (5) COLLECTOR STREET - A street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets, including principal entrance streets to residential developments.
- (6) COUNTY - Reference to County shall mean Winnebago County and shall include any agency, department or committee thereof.
- (7) CUL-DE-SAC STREET - A minor street with only one outlet and having a turn around for the safe and convenient reversal of traffic movement.
- (8) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION - The unincorporated area within 1 1/2 miles of a fourth-class city or village and within 3 miles of all other cities over which cities and villages may exercise plat approval, provided they have enacted an official map ordinance or subdivision control ordinance in accordance with Sec. 236.10, Wisconsin Statutes.
- (9) FINAL PLAT - The map of plan of a subdivision and any accompanying material as described in Sec. 20.35 of this chapter.
- (10) FRONTAGE - The length of the front property line of the lot, lots or tract of land abutting the right-of-way of a public street road or highway.

- (11)FRONTAGE STREET - A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (12)GRADE - The slope of a road, street or other public way, specified in percent.
- (13)IMPROVEMENT, PUBLIC - Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the County or Town of Black Wolf may ultimately assume the responsibility for maintenance and operation.
- (14)LAND DIVISION - The act or process of dividing land into two or more parcels.
- (15)LOT - Designated parcel tract or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit, and containing the minimum frontage, width, and area sufficient to meet building, parking, setback, open space, sanitary, or other requirements.
- (16)LOT AREA - The total square footage lying within the peripheral boundaries of a parcel of land. In any zoning jurisdiction, the area of a lot specifically excludes:
- (a) the right-of-way of a public or private street;
  - (b) areas of navigable water.
- (17)LOT CORNER - A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the lot side.
- (18)LOT, LEGAL - A unit of land existing under a single ownership which complies with the applicable basic district standards for the Zoning District in which such lot is situated or meets the definition of a "lot of record" of this ordinance, which is provided with the minimum frontage upon a public road, and which complies with all applicable Subdivision and Laws and ordinances.
- (19)LOT LINES - The peripheral boundaries of a parcel of land.
- (20)LOT OF RECORD - A legal lot of record shall mean a lot legally created and recorded in the Winnebago County Register of Deeds Office prior to or according to the Winnebago County Subdivision Ordinance of May 1, 1969, meeting applicable State County Zoning and Subdivision Laws and ordinances.

- (21) LOT, THROUGH - A lot which has a pair of opposite lot lines among two parallel streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (22) LOT, WIDTH - The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly (non-perpendicular) shaped lots, the width shall be the average width of the lot computed according to ILHR 85, Wisconsin Administrative Code. Lot width shall be measured at the street setback line applicable to the zoning district the parcel is located within. In the shoreland jurisdiction, the lot width shall also be measured at the shore yard setback line applicable to the zoning district the parcel is located within. At least 50% of the lot shall be greater than or equal to the required lot width.
- (23) MAJOR CONDOMINIUM PLAT - Condominiums in which land is allocated into parcels or building sites, whether the individual portions of land are defined as "units" or "limited common elements", are subject to review and approval of this Ordinance if five (5) or more Parcels or building sites of five (5) acres or smaller in size and created within any five (5) year period from a lot parcel or tract which existed on the effective date of this chapter.
- (24) MAJOR LAND DIVISIONS - The creation of five (5) or more parcels or building sites of five (5) acres or smaller in size by successive divisions within a period of five (5) years. Within the classification of MAJOR LAND DIVISION, there shall be sub-classifications of:
- (25) SUBDIVISION, TOWN OF BLACK WOLF - (Subdivisions satisfying this classification, are subject to Town of Black Wolf review, and do not require State review). The subdivision 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 parcel or building sites, each of which is larger than one and one-half (1 1/2) acres and which is five (5) acres or smaller in size: or
  - (b) Five (5) or more parcels or building sites of which is larger than one and one-half acres and which is five (5) acres or smaller in size and created by successive divisions within a period of five (5) years.
- (26) SUBDIVISION, STATE - (Subdivisions satisfying this classification are subject to mandatory State review under Chapter 236 of the Wisconsin Statutes in addition to Town of Black Wolf review under this Ordinance).

The 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 one and one-half (1 1/2) acres each or less in area; or
- (b) Five (5) or more parcels or building sites of one and one-half (1 1/2) acres each or less in area are created by successive divisions within a period of five (5) years.

(28) MAJOR STREET - Arterial and collector roads primarily intended for through traffic with a secondary function for direct access.

(29) MINOR CONDOMINIUM PLAT - Condominiums in which land is allocated into parcels or building sites, whether the individual portions of land are defined as "units" or "limited common elements", are subject to review and approval of this Ordinance if one (1) but not more than four (4) parcels or building sites of five (5) acres or smaller in size are created within any five (5) year period from a lot parcel or tract which existed on the effective date of this chapter.

(30) MINOR LAND DIVISIONS - The creation of one (1) but not more than four (4) parcels or building sites which divide land into a parcel or parcels of five (5) acres or smaller in size. Minor land divisions shall be created by Certified Survey Maps. Not more than four (4) parcels may be created by means of minor land division procedures within any five (5) year period from a lot, parcel or tract which existed on the effective date of this chapter.

(31) MINOR STREET - A street used or intended to be used primarily for access to abutting properties.

(32) OBSTRUCTION, DRAINAGEWAY - This Ordinance refers to two different types of obstructions:

- (a) ARTIFICIAL OBSTRUCTION - Any obstruction other than a natural obstruction that is capable of reducing the carrying capacity of a stream or drainageway or may accumulate debris and thereby reduce the carrying capacity of a stream; such as fences, dams, planted trees and shrubs, and any other obstructions instituted as a result of human activity.
- (b) NATURAL OBSTRUCTION - Includes any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within the stream or drainageway by a non-human cause.

- (33)OUTLOT - A remnant parcel of land not to be used for building purposes, so designated on the plat.
- (34)PARCEL - Lot Created by a division of land. A parcel (s) which is owned, controlled or managed as a single entity shall be treated as a single tract, unless separated by a public road and navigable and non-navigable waters. A parcel is created as of the date the deed, land contract, lease, etc., is recorded with the Register of Deeds Office.
- (35)PRELIMINARY PLAT - A map showing the salient features of a proposed subdivision submitted to the Town of Black Wolf Planning and Zoning Committee for purposes of preliminary consideration as described in Section 20.20 of this chapter.
- (36)PRIVATE SEWAGE SYSTEM ORDINANCE - The County Private Sewage System Ordinance which is included as Chapter 16 of this Winnebago County General Code.
- (37)PUBLIC WAY - Any public road, street highway, walkway, drainageway or part thereof.
- (38)SHORELAND JURISDICTION - The area within 1,000, of the ordinary high water mark of a navigable lake, pond or flowage; or within 300' of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.
- (39)STREET (Public) - The right-of -way of any street, road, highway, lane, etc., dedicated to the public which generally provides access to abutting properties.
- (40)STREET (Private) - The right-of -way of any private road, highway, lane, street, access easement, easement, etc., where the defined street or easement provides access to more than one parcel or principal structure.
- (41)TOWN OF BLACK WOLF PLANNING AND ZONING COMMITTEE - The Town of Black Wolf Zoning Committee, as authorized by Chapter 60 of the Wisconsin Statutes, or any other committee created by the Town of Black Wolf Town Board and authorized to plan land use.
- (42)TOWN - Reference to town shall mean The Town of Black Wolf including the Town Board, Town Clerk or any other designated Town Committee.
- (43)TRACT - A contiguous area of land which exists or has existed in single ownership.

(44)ZONING ADMINISTRATOR - The person designated by the Town of Black Wolf to administer this chapter.

Amended 3/18/97

Amended 3/09/98

Amended 1/16/01

### Lot Size/Area Requirements

#### UNSEWERED AREA

<u>Zoning District</u>	<u>Minimum Area</u>	<u>Minimum Width</u>	<u>Minimum Frontage</u>	<u>Notes</u>
R-1	87,120 sq ft	200'	33'	1,2,3,6
R-2	87,120 sq ft	200'	33'	1,2,3,6
R-3	87,120 sq ft	200'	33'	1,2,3,6
G-1	3,000 sq ft (max)	40'	40'	1,2,6
B-1	30,000 sq ft	100'	100'	1,2,3,6
B-2	30,000 sq ft	100'	100'	1,2,3,6
B-3	30,000 sq ft	100'	100'	1,2,3,6
P-1	43,560 sq ft	200'	200'	1,2,3,6
A-1	80 acres	n/a	300'	1,2,5
A-2	10 acres	n/a	300'	1,2,5
M-1	As necessary to meet setbacks		33'	1,2



### Lot Size/Area Requirements

#### SEWERED AREA

<u>Zoning District</u>	<u>Minimum Area</u>	<u>Minimum Width</u>	<u>Minimum Frontage</u>	<u>Notes</u>
R-1	43,560 sq ft	120'	33'	1,2,6
R-2	43,560 sq ft	120'	33'	1,2
R-3	43,560 sq ft	120'	33'	1,2,6
R-4	per dwelling unit 43,560 sq ft per dwelling unit	200'	33'	1,2,6
R-5	per dwelling unit 43,560 sq ft 10 acres for development recommended 20% of development area for open space	120'	33'	1,2,6
MH-1	43,560 sq ft per unit	120'	33'	1,2,6
G-1	3,000 sq ft max	40'	40'	1,2,6
B-1	15,000 sq ft	100'	100'	1,2,6
B-2	15,000 sq ft	100'	100'	1,2,6
B-3	15,000 sq ft	100'	100'	1,2,6
B-4	30,000 sq ft	100'	33'	1,2,6
P-1	43,560 sq ft	200'	33'	1,2,6
A-1	80 acres	n/a	300'	1,2,5,6
A-2	10 acres	n/a	300'	1,2,5,6
M-1	as necessary to meet all district regulations		33'	1,2

## NOTES:

- Note 1: all lot areas exclude right-of-way of public or private roads/easements
- Note 2: lot width is measured at the setback from right-of-way
- Note 3: minimum lot area and/or width shall be increased as needed where necessitated by requirements for a private sewage system
- Note 4: overall development density is a maximum of two (2) dwelling units per acre
- Note 5: access may be by direct frontage or recorded easement with note regarding permit issuance required
- Note 6: lots in Shoreland also require minimum width at shore yard setback
- Note 7: R-1 lot reduction in shoreland is subject to soil evaluation and sanitary system requirements

## JURISDICTION

When lots fall in areas under both town and county jurisdiction the greater restrictions shall govern.

TOWN OF BLACK WOLF  
WINNEBAGO COUNTY, WISCONSIN

**Ordinance Amending Town of Black Wolf All-Terrain and  
Utility Terrain Vehicle Route Ordinance 2.8(a).2021**

The Town Board of the Town of Black Wolf, at a public meeting with quorum present, hereby adopts the following amendment to the Town of Black Wolf All-Terrain and Utility Terrain Vehicle Route Ordinance:

Section 4 is amended to read:

All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.

Utility Terrain Vehicle (UTV): means any of the following:

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
  - a. A weight, without fluids, of 2,000 pounds or less.
  - b. Four or more tires.
  - c. A steering wheel.
  - d. A tail light.
  - e. A brake light.
  - f. Two headlights.

g. A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

h. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.

i. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

2. A commercially designed and manufactured motor driven device to which all of the following applies:

a. It does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluids, of not more than 2000 pounds.

b. It has a width of 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

c. It is equipped with a seat designed to be straddled by the operator.

d. It travels on 3 or more tires.

e. It is not an all-terrain vehicle, as defined in (a) above.

Section 6 is amended to read:

- (a) The Town of Black Wolf hereby designates the following Town roads as all-terrain vehicle and utility terrain vehicle routes: All town roads except for those roads whose jurisdiction is shared with another town, in which case such road will not be a designated route unless the other town approves its designation as a route. The Town also designates all county and state roadways posted 35 mph or less as authorized under Wis. Stat. § 23.33(11)(am)4 unless otherwise posted.

- (b) The Town of Black Wolf reserves the right to revoke any or all routes at any time, for any reason by Board action.

Section 7.4 is amended to read:

The speed limits for ATVs and UTVs shall not exceed the posted speed limits.

Section 7.14 is created to read:

Local clubs, or groups of ATV/UTV operators will be responsible for purchasing, and installing all route signs. All sign installation will be completed under the direction of the Town of Black Wolf or the Winnebago County Highway Department.

Section 12 is amended to read:

This ordinance is effective on publication or posting and only upon placement of signage in accordance with NR 64.12. The Town Clerk shall properly publish this ordinance as required under Wis. Stat. § 60.80.

All other provisions of the Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Dated this 8<sup>th</sup> day of February, 2021.

TOWN OF BLACK WOLF

By: [Signature]  
Frank Frassetto, Town Chairperson

Attest:

[Signature]  
Susan M. Snyder, Town Clerk

# ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

## **Town of Black Wolf Winnebago County, Wisconsin**

### SECTION 1.0 PURPOSE

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Friendship and to regulate the operation of all-terrain and utility terrain vehicles in the Town.

### SECTION 2.0 AUTHORITY

The Town Board of the Town of Black Wolf, Winnebago County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

### SECTION 3.0 ADOPTION OF ORDINANCE

This ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Town.

### SECTION 4.0 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.

All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

Town: means the Town of Black Wolf, the Town Board or any other Town of Black Wolf official(s) authorized by the Town Board to act on behalf of the Town of Black Wolf.

Utility Terrain Vehicle (UTV): means any of the following:

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- a. A weight, without fluids, of 2,000 pounds or less.
  - b. Four or more low-pressure tires or non-pneumatic tires.
  - d. A steering wheel.
  - e. A tail light.
  - f. A brake light.
  - g. Two headlights.
  - h. A width of not more than 65 inches.
  - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
  - k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
2. A commercially designed and manufactured motor driven device to which all of the following applies:
- a. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
  - b. It has a width of 50 inches or less.
  - c. It is equipped with a seat designed to be straddled by the operator.
  - d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

**SECTION 5.0 OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES**

Pursuant to s. 23.33(4)(d)4, Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

**SECTION 6.0 DESIGNATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES**

The Town of Black Wolf hereby designates the following Town roads as all-terrain vehicle and utility terrain vehicle routes: Lone Elm Road from Townline East to Swiss Road, Loan Elm Road from County Road RP east to Howlett Road.

**SECTION 7.0 CONDITIONS APPLICABLE TO ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES**

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

- 7.1 Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town all-terrain and utility terrain vehicle routes:
- (a) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility terrain vehicle route or trail sign

or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.

- (b) Possess any uniform all-terrain and utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- 7.2 Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
  - 7.3 Operators must abide by all traffic laws unless further restricted by this Ordinance.
  - 7.4 The speed limits for ATVs and UTVs shall be as follows:
    - (a) On the following roads the speed limit shall be 30 mph: Lone Elm Road from Townline East to Swiss Road, Loan Elm Road from County Road RP east to Howlett Road.
  - 7.5 ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
  - 7.6 All all-terrain and utility terrain vehicle operators shall ride single file.
  - 7.7 No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights and brake lights.
  - 7.8 No ATV/UTV may be operated on any designated route between the hours of 11:59 p.m. and 5:00 a.m. daily, unless a different restriction on hours of operation has been specified by the Town and notice of the same is duly posted on the segment.
  - 7.9 All ATV/UTV operators shall ride on the right hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
  - 7.10 No ATV/UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
  - 7.11 No person under the age of sixteen (16) may operate an ATV/UTV on any segment of Town Road which is a designated ATV route.
  - 7.12 No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
  - 7.13 Every person who operates an ATV/UTV on a segment of Town road which is designated as an ATV route shall have in his or her immediate possession a valid motor vehicle operator's license, and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat., Section 23.33(12).



**SECTION 8.0 ENFORCEMENT**

This ordinance may be enforced by the Town Board or law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the Winnebago County Sheriff's Department and any other law enforcement agency serving the Town of Black Wolf's jurisdiction.

**SECTION 9.0 PENALTIES**

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

**SECTION 10.0 MAINTENANCE**

Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road. Operators of ATV/UTV's on Town roads assume all the usual and normal risks of ATV/UTV operation.

**SECTION 11.0 SEVERABILITY**

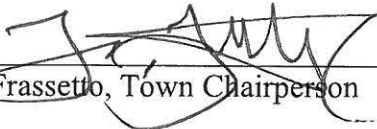
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance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

**SECTION 12 EFFECTIVE DATE**

This ordinance is effective on publication or posting. The Town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Dated this 24<sup>th</sup> day of AUGUST, 2018.

TOWN OF BLACK WOLF

By:   
Frank Frassetto, Town Chairperson

Attest;

  
Susan Snyder, Town Clerk



# TOWN OF BLACK WOLF

380 E. Black Wolf Ave. Oshkosh, Wisconsin 54902

## TOWN OF BLACK WOLF WINNEBAGO COUNTY, WISCONSIN

### ORDINANCE REGULATING THE APPLICATION AND SALE OF COAL TAR AND OTHER HIGH-PAH SEALANT PRODUCTS No. 01-2019

WHEREAS, the Town of Black Wolf, finds that the Town's water resources are a natural asset, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public; and

WHEREAS, the Town of Black Wolf finds that polycyclic aromatic hydrocarbons (PAHs), which are contained in coal tar sealants and other high PAH sealants, can be carried by storm water and other run off into the water resources of the Town; and

WHEREAS, PAHs are an environmental concern because they are toxic to aquatic life, resulting in a loss of species and a lower number of organisms; and

WHEREAS, PAH compounds have been proven to be carcinogenic, mutagenic, and teratogenic to humans according to the International Agency for Research on Cancer; individuals with lifelong exposure to coal-tar sealcoat treated pavements and playgrounds have a 38-fold higher risk of cancer; and the American Medical Association therefore advocates for legislation to ban the use of pavement sealcoats that contain PAHs or require use of sealcoat products that contain minimal PAH; and

WHEREAS, environmental impacts and human health risks can be minimized and pavements can be maintained by utilizing alternative products or methods, absent PAHs; and

WHEREAS, the Town of Black Wolf finds that regulating the amount of contaminants, including Polycyclic Aromatic Hydrocarbons (PAHs) contained in coal tar sealant products and other high PAH sealant products, entering the water resources of the Town will improve and protect public health and the water quality of the Town and neighboring water resources;

NOW, THEREFORE, BE IT ORDAINED by the Town of Black Wolf Town Board, as follows:

**PART I.** Section 21 of the Town of Black Wolf's Code of Ordinances is hereby created to read as follows:

(continued)

## COAL TAR SEALANT PRODUCTS

### 21-1 DEFINITIONS.

- (a) COAL TAR is a byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).
- (b) COAL TAR SEALANT PRODUCT means a pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2 or related substances.
- (c) HIGH PAH SEALANT PRODUCT means any pavement sealant product that contains greater than 0.1% polycyclic aromatic hydrocarbons (PAHs) by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances.
- (d) PAVEMENT SEALANT PRODUCT, or sealcoat, is any substance that is typically applied on paved surfaces to protect the surfaces. This may include but is not limited to sealant products that are coal tar or asphalt based.
- (e) POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) are a group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

### 21-2 ENFORCEMENT.

- (a) Violations of this ordinance will be enforced by the Town of Black Wolf.

### 21-3 REGULATION OF THE APPLICATION AND SALE OF COAL TAR OR OTHER HIGH PAH SEALANT PRODUCTS.

- (a) No person shall apply any coal tar sealant product or high PAH sealant product within the Town of Black Wolf
- (b) Except as provided in Section 21-4 (Exemptions), No person shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the Town of Black Wolf .

- (c) Any person who sells pavement sealant products shall prominently display, in the area where such pavement sealant products are sold, a notice that contains the following language: “The application of coal tar sealant products or other high PAH sealant products on driveways, parking lots and all other paved surfaces in the Town of Black Wolf is prohibited by Chapter 21 of the Town of Black Wolf Code of Ordinances. Polycyclic Aromatic Hydrocarbons (PAHs), are a group of organic chemicals that are known to cause cancer and are toxic to aquatic life. Coal tar and other high-PAH sealant products are a major source of PAHs that can travel into homes, buildings, and soils, or be carried by stormwater and other run off into the water resources of the Town of Black Wolf .
- (d) No person shall allow a coal tar sealant product or other high PAH sealant product to be applied upon property that is under that person’s ownership or control.
- (e) No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the Town of Black Wolf.
- (f) No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the Town of Black Wolf .

**21-4 EXEMPTIONS.**

- (a) A person is exempt from the requirements of Chapter 21-3(b) if they do not intend to apply the sealant within Town of Black Wolf boundaries.

**21-5 PENALTY.**

- (a) Any person who violates Chapter 21-3 by applying a coal tar sealant product or high PAH sealant product at his or her residence shall be subjected to a fine not to exceed \$500.
- (b) Each day that a violation occurs or continues is a separate offense and subject to an additional fine.
- (c) Any commercial sealant product applicator, residential or commercial developer, industrial or commercial owner, or any other person, other than a person identified under sub. (a) above, who violates Chapter 21-3, shall be subject to a fine of not less than \$1,000 nor more than \$10,000. Each incidence of a violation shall constitute a

separate offense. Upon default of payment, the violator shall be subject to imprisonment for not less than 30 days nor more than 100 days.

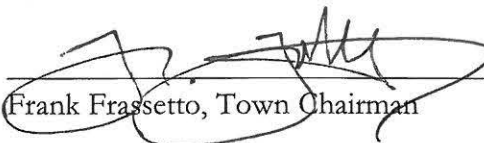
**PART II.** All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

**PART III.** This ordinance shall take effect and be in force from and after its passage and publication.


Adopted this 13 day of May, 2019.

TOWN OF BLACK WOLF

By:

  
Frank Frassetto, Town Chairman

Attest:



Susan M. Snyder, Town Clerk



# TOWN OF BLACK WOLF

380 E. Black Wolf Ave. Oshkosh, Wisconsin 54902

## FIREARMS ORDINANCE

### TOWN OF BLACKWOLF

Section 1. The Town of Black Wolf hereby declares that the discharge of firearms within or into populous areas of the Town is a hazard to the life, health and general welfare of the residents of the Town.

#### Section 2.

(a) "Firearms" is defined to mean any gun, rifle, revolver, pistol, spring gun, air gun or gas gun designed or intended to discharge or capable of discharging any bullet, cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver or pistol. It is not defined to mean shotguns.

(b) "Populous Areas of the Town" is defined to mean those parts of the Town of Black Wolf described as follows:

Sections One and Twelve, Township 17 North of Range 16 East. Sections Six, Seven, Sixteen Seventeen, Eighteen, Twenty-One, Twenty-Eight and Thirty- Three, Township 17 North, of Range 17 East.

A copy of a map is attached to this Ordinance.

#### Section 3.

(a) Except as otherwise provided in Section 4, it is unlawful for any person to fire, discharge, shoot, or operate, or assist or participate in the firing, discharging, shooting or operating of any firearm within or into any populous area of the Town.

(b) It is unlawful for any person to fire, discharge, shoot, or operate, or assist or participate in the firing, discharging, shooting or operating of any firearm into the property of any person not within a populous area of the Town without the prior consent of such person.

(c) Notwithstanding any provision of this ordinance to the contrary, is unlawful for any person to fire, discharge or shoot shotguns within populous areas of the Town into the property of any person without the prior consent of such person.

(continued)

Section 4. This ordinance shall not apply to the shooting, firing or discharge of firearms in shooting galleries or ranges operated by organized gun clubs, nor to peace officers. Additionally, pursuant to Wis. Stat. § 66.0409, as amended, this ordinance does not restrict an actor's conduct that "is justified" or would be subject to a privileged defense from criminal liability under Wis. Stat. § 939.45, as amended.

Section 5. Any person violating the provisions of this Ordinance will be subject to forfeiture of not less than \$100 for the first violation and not less than \$300.00 for any subsequent violation. Any person subject to forfeiture under this section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Ordinance.

Section 6. This Ordinance shall become effective the day after its publication.

TOWN OF BLACK WOLF  
WINNEBAGO COUNTY, WISCONSIN

Ordinance Amending Town of Black Wolf Firearms Ordinance

The Town Board of the Town of Black Wolf, Winnebago County, Wisconsin, upon proper notice and with quorum present, hereby ordains the following amendments to the Town of Black Wolf Firearms Ordinance.

Section 4 is amended to read:

This ordinance shall not apply to the shooting, firing or discharge of firearms in shooting galleries or ranges operated by organized gun clubs, nor to peace officers. Additionally, pursuant to Wis. Stat. § 66.0409, as amended, this ordinance does not restrict an actor's conduct that "is justified" or would be subject to a privileged defense from criminal liability under Wis. Stat. § 939.45, as amended.

Section 5 is amended to read:

Any person violating the provisions of this Ordinance will be subject to forfeiture of not less than \$100 for the first violation and not less than \$300.00 for any subsequent violation. Any person subject to forfeiture under this section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Ordinance.


All other provisions of the Firearms Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are authorized and directed to make all changes to the Town Firearms Ordinance necessary to implement the amendments contained herein.

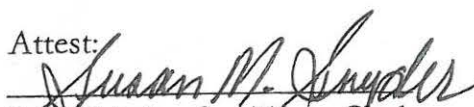
Dated this 13 day of May, 2019.

TOWN OF BLACK WOLF

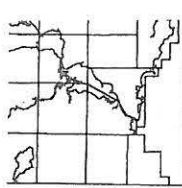
By:

  
Frank Frassetto, Town Chairman

Attest:

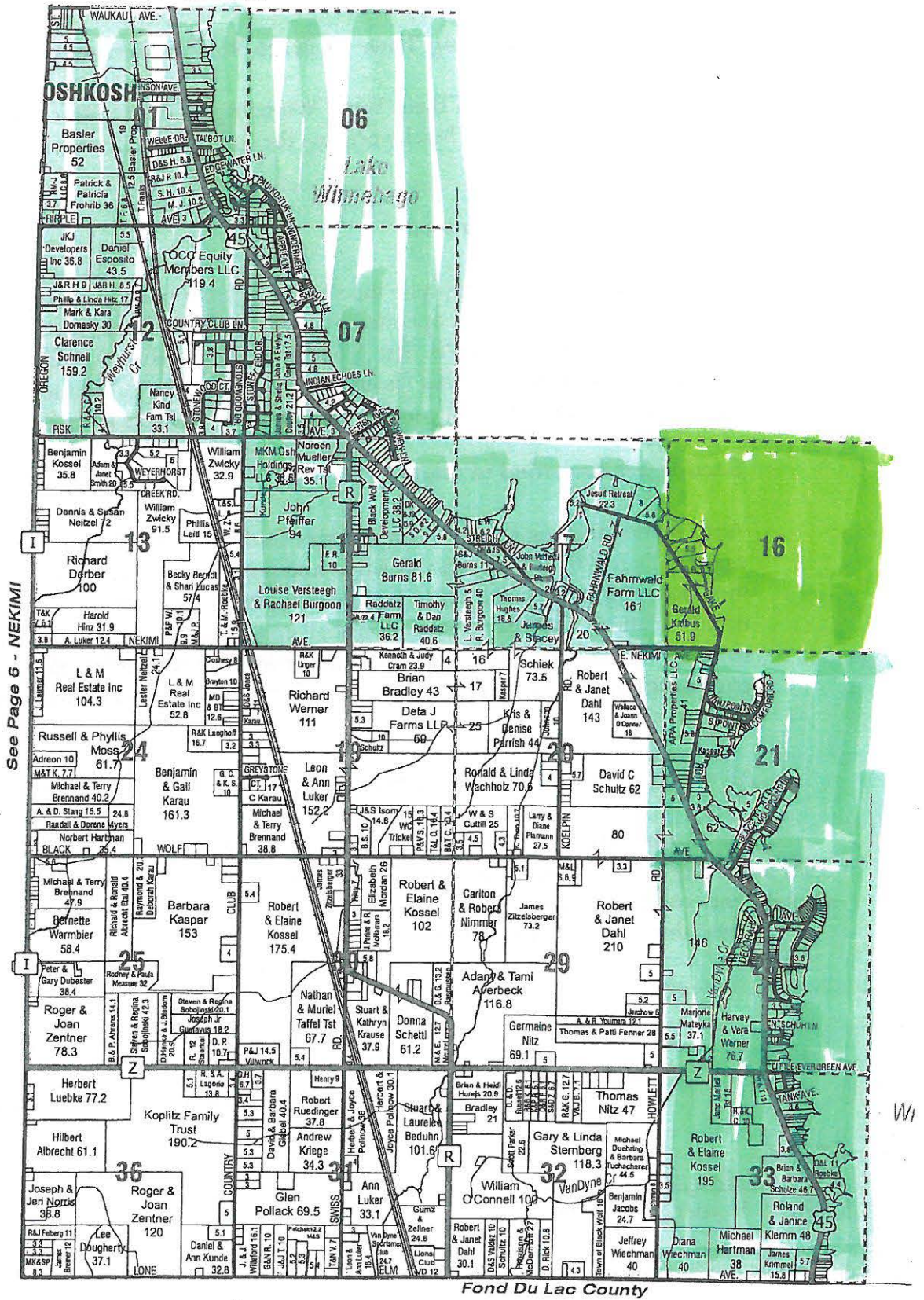
  
Susan M. Snyder, Town Clerk





# BLACK WOLF T.17N. - R.16E.-17E.

See Page 14 - ALGOMA



2900 2500 2100 1700 1300

**TOWN OF BLACK WOLF  
WINNEBAGO COUNTY, WISCONSIN**

**ORDINANCE AMENDING LAND DIVISION  
ORDINANCE No. 2.21.22**

The Town Board of the Town of Black Wolf, Winnebago County, Wisconsin, with quorum present and upon proper notice, having conducted a public hearing and received a recommendation of the Plan Commission hereby ordains the following amendments to the Town of Black Wolf Land Division Ordinance:

Section 20.16(2) is amended to read:

The Planning and Zoning Committee shall review, and shall make its recommendation to the Town Board to approve, approve conditionally, or reject, within sixty (60) day of submission of a certified survey map.

Section 20.16(3) is created to read:

Within 90 days of submitting a certified survey map for approval, the Town Board shall review the Planning and Zoning Committee's recommendation and act to approve, approve conditionally, or reject the certified survey map and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the applicant.

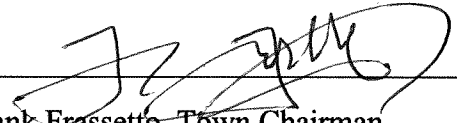
All other provisions of the Town of Black Wolf Land Division Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to incorporate this amendment into the Town's Land Division Ordinance.


This Ordinance shall be published or posted as required by law.

Dated this 21 day of February, 2022.

TOWN OF BLACK WOLF

  
\_\_\_\_\_  
Frank Frassetto, Town Chairman

Attest:

  
\_\_\_\_\_  
Susan Snyder, Town Clerk

**TOWN OF BLACK WOLF  
WINNEBAGO COUNTY, WISCONSIN**

**ORDINANCE AMENDING LAND DIVISION ORDINANCE**

The Town Board of the Town of Black Wolf, upon proper notice and with a quorum present, does hereby ordain the following amendments to the Town of Black Wolf Land Division Ordinance:

**Section 20.65 is renumbered to Section 20.66.**

**Section 20.65 is created to read:**

**(1) Introduction.**

- (a) Purpose. The purpose of these specifications is to establish minimum construction standards for public roads in the Town. Unless the Town Engineer recommends otherwise, and the Town Board concurs, these specifications shall apply to construction, reconstruction or repair of all roads regardless of whether they are in a plat.
- (b) Other specifications. For the purposes of these Town of Black Wolf road specifications, the latest editions of the State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction and Supplemental Specifications, both as amended from time to time, shall be called the "state specifications."
- (c) Plan approval, construction inspection, and project approval.
  - 1. Reference to the "Town Board" in this and the following sections means that formal action by that body is required. Reference to the "Town" in these specifications means the Town agent designated by the Town Board.
  - 2. "Town Engineer" shall mean the engineer or other agent designated by the Town Board
  - 3. Unless waived by specific action of the Town Board, plans and specifications must be submitted and accepted before road construction commences. The developer's engineer is responsible to prepare plans and specifications that are adequate to ensure construction of a sufficient roadway. Required plans and specifications will be reviewed and accepted or rejected by the Town Engineer. This acceptance does not constitute an approval and does not relieve the developer's engineer or the developer of

any liability he would otherwise have. On roads which are being constructed by private developers, the developer's engineer shall submit grade sheets which show the comparison of actual field measurements to plan measurements for all subgrades, ditches, and basecourses. Town Board action is required to accept roads into the Town road system.

4. Plans, profile sheets and cross sections shall be drawn to a minimum scale of one inch to 40 feet. Cross sections shall be included every 50 feet. A typical section shall show the width and depth of materials, existing ground elevations, erosion control measures and other matters the Town or Town Engineer deems appropriate. Plan and profile sheets shall be signed and sealed by a professional engineer. They shall show edges of pavement, curve data, curve radii, erosion control, culvert locations, sizes and depths of culverts, spot elevations and other matters the Town Engineer deems necessary to facilitate thorough review and construction.
5. Job specifications shall accompany the plans and shall be signed and sealed by a professional engineer. They shall conform to Town ordinances and include additional items the Town Engineer feels are needed to complete road construction. Shop drawings are required for base course, gradations, asphalt mix and other items the Town Engineer deems necessary.
  - (d) Construction dates. Road construction shall occur only upon authorization of the Town Board. It shall occur only between May 15 and November 15 each year, unless the Town Board specifically approves construction dates falling outside this time frame. Such approval shall be granted only with the concurrence of the Town Engineer.
  - (e) Road classifications. Local roads are to be those with the lowest traffic count, with access to private property being their principal function. Collector roads are intended to collect traffic from local roads to higher priority roads or developed areas. Roads shall also be classified as residential, commercial, or industrial, depending on the characteristics of traffic anticipated. Town roads shall be classified as local residential roads, unless otherwise designated by the Town Board. Classification of roads shall be at the discretion of the Town Board and shall be based on anticipated traffic counts, character of anticipated traffic, and relation of the proposed road to traffic patterns and other highway systems.

**(2) Right-of-way requirements.**

- (a) Local streets. Local Town streets shall have a sixty-six-foot dedicated right-of-way.
- (b) Arterial streets. Town arterial streets shall have an eighty-foot right-of-way or other width designated by the Town Board. Arterial streets shall be designed as through streets.
- (c) Collector streets. Town collector streets shall have an eighty-foot right-of-way

or other width designated by the Town Board. Collector streets shall be designed as through streets.

- (d) Termination of roads. All road terminations shall have a cul-de-sac bulb with a minimum right-of-way radius of 66 feet. Where termination is due to phasing, a temporary turnaround shall be installed. When possible, this shall be outside the plat. This may be a cul-de-sac or other configuration determined adequate by the Town Board. Temporary turnarounds shall be removed when no longer needed at the expense of the developer extending the road. This shall include restoration or construction of yards fronting on the road and drainage facilities to match the new road.

**(3) Design.**

- (a) Responsibility. In private developments, the developer is responsible for the design of the public roads. The design shall meet the site-specific conditions but in no case shall be less than the minimum standards. The Town Board may require higher construction standards if, in the opinion of the Town Board, such increased standards are warranted. Unless waived in writing, plans shall be submitted to the Town Engineer for review prior to the commencement of construction.
- (b) Alignment standards.

	<b>Residential</b>	<b>Commercial/Industrial</b>
Maximum grade (percentage)		
Local**	10%	8%
Collector**	8%	6%
**Minimum grade 0.5%		
Minimum radius of horizontal curve (in feet)		
Local	100	200
Collector	200	200
Corner radius at intersection (in feet)	25	30

Local: 20 feet for each 1% algebraic difference in grade, in percent; none required for under 2% algebraic difference in grade.

Collector: 50 feet for each 1% algebraic difference in grade.

**(4) Earthwork.**

- (a) Standards. Unless otherwise indicated below or specified by the Town Board, all earthwork shall comply with Part II of the state specifications.
- (b) General. Earthwork shall consist of excavating, filling, and grading operations which shape the right-of-way to the appropriate cross section. The subgrade under future

graveled and/or paved areas shall be free from topsoil and other deleterious materials. Subgrade shall be compacted to a degree that no further appreciable consolidation is evidenced under the action of compaction equipment. Prior to the placement of crushed aggregate base course, the road contractor shall demonstrate the degree of compaction to the Town by "proof rolling" with loaded trucks or by other means acceptable to the Town. Proof rolling shall occur only when the Town Engineer or his or her designee is present to observe.

**(5) Crushed aggregate base course.**

- (a) Standards. Unless otherwise indicated below or specified by the Town Board, materials and construction for crushed aggregate base courses shall conform to Section 304 of the state specifications.
- (b) Gradation requirements:
  - 1. Aggregates shall be well graded and conform to the gradation requirements of Section 304 of the state specifications, except an additional gradation shall also be included. This additional gradation shall be uniformly graded from coarse to fines with a maximum particle size of 2 1/2 inches to three inches.
  - 2. Base courses 12 inches thick shall have six inches of breaker run stone as the bottom layer and six inches of three-fourths-inch stone (Gradation No. 2 per the state specifications) as the top layer. Base courses 15 inches thick shall have nine inches of breaker run stone as the bottom layer and six inches of three-fourths-inch stone (Gradation No. 2 per the state specifications) as the top layer. Base courses 18 inches thick shall have 12 inches of breaker run stone as the bottom layer and six inches of three-fourths-inch stone (Gradation No. 2 per the state specifications) as the top layer. Shoulder material used after paving shall be three-eighths-inch crusher run (Gradation No. 3 per the state specifications). Unless otherwise approved by the Town, base courses shall be placed in lifts with a maximum compacted thickness of six inches.
- (c) Minimum width and depth. Minimum base course widths and depths per road classifications shall be as indicated below. Unless otherwise directed by the Town Board, all Town roads will have a rural cross section with ditches.

<b>Classification</b>	<b>Width (top)</b>	<b>Depth</b>
	<b>(feet)</b>	<b>(inches)</b>
Residential		
Local	28	12
Collector	34	15
Commercial		

Local	28	15
Collector	34	15
Industrial		
Local	28	18
Collector	34	18
Cul-de-sac	45-foot radius	Per class

**(6) Seal coat (chip sealing).**

- (a) Standards. Unless otherwise indicated below or specified by the Town Board, all seal coat materials and construction shall conform to Section 408 of the state specifications.
- (b) General. When called for in the plans and specifications, two layers of asphaltic seal coat with a covering of aggregate (double chip seal) shall be installed. The width of the seal coat shall be the same as the final pavement width.

**(7) Asphaltic pavement.**

- (a) Standards. Unless otherwise indicated below or specified by the Town Board, final asphaltic paving shall be per Part IV of the state specifications.
- (b) General. Asphaltic pavements shall be constructed per the approved plans and specifications, if any. All pavements shall be placed in a minimum of two lifts, with the bottom lift being the binder course and the top lift being the surface course. The Town Board may require pavement design to be submitted to the Town prior to paving and shall include mix designs and thickness for both binder and surface courses. Prior to paving, the developer shall be required to raise all sewer manholesto be flush with final road grades. The cost will be included in assessment of final paving.
- (c) Minimum widths and thicknesses. Minimum pavement widths and thicknesses per road classifications shall be indicated as below.

<b>Classification</b>	<b>Width (top) (feet)</b>	<b>Depth (inches)</b>
Residential		
Local	20	3
Collector	30	4
Commercial		
Local	24	3 1/2
Collector	30	4



Industrial		
Local	24	4 1/2
Collector	30	4 1/2
Cul-de-sac	42-foot radius	Per class

**(8) Cross Sections**

- (a) Cross-section drawings showing the construction standards for residential collector roads and residential local roads are attached to this section in Table 2. To the extent that those drawings may be inconsistent with any text of this chapter, the text shall control.

**(9) Pipe culverts.**

- (a) Application. This section shall apply to pipe culverts under Town roads and pipe culverts at private entrances to public roadways in new subdivisions.
- (b) Standards. Pipe culverts shall conform to the provisions found on the Town of Black Wolf.
- (c) Materials. Shall conform to the provisions found on the Town of Black Wolf.
- (d) Sizing. Shall conform to the provisions found on the Town of Black Wolf Driveway Culvert Installation Permit.

**(10) Erosion control.**

- (a) Permanent erosion control.
  1. Ditches and major drainage swales shall, at the minimum, be top soiled, seeded, fertilized, and have erosion control blanket placed along their flow lines. Where expected flow velocities are greater than five feet per second, where ditches or drainage swales are subjected to continuous low flow conditions, or where other conditions exist which make the establishment of vegetation difficult or impossible, ditch bottoms shall be paved, riprapped, or reinforced with geotextile fabric as determined to be appropriate by the Town Engineer.
  2. Where ditches and drainage swales are to be seeded, a minimum of three inches of topsoil shall be placed. Topsoil salvaged during construction may be used for this purpose. Fertilizer shall be formula 13-25-12 no burnable type and shall conform to state fertilizer laws. Fertilizer shall be applied at a rate of seven pounds per 1,000 square feet. Seed mixtures shall conform to State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction, seed mixture No. 40, as amended from time to time.

3. Mixture to be used. The selection of the seed mixture or mixtures for use on the project shall meet with the approval of the Engineer, and unless otherwise provided in the contract, shall be seed mixture No. 40 set forth above.
  4. Seed shall be applied at the rate of five pounds per 1,000 square feet.
  5. Material to be used for erosion control blanket shall be manufactured for that purpose and shall be approved by the Town prior to installation. Erosion control blanket shall be a minimum of four feet wide and shall be installed per the manufacturer's recommendations. Areas that are not covered by erosion control blanket shall have weed-free hay or straw mulch placed to a depth of one inch to 1 1/2 inches. Mulch shall then be crimped into the topsoil. Mulch shall be placed within three days after seeding has been completed. All bare or sparse areas shall be reseeded. Hydro-seeding is a permitted alternative to conventional seeding methods.
- (b) Temporary erosion control. Engineering plans shall identify the location, materials, and methods to be used to provide temporary erosion control on the project. Regardless of whether plans are required, the Town may require that other devices be installed if sediment is found to be leaving the site or if the potential exists for sediment to leave the site. Temporary erosion control may consist of silt fences, erosion control bales, sedimentation basins, water diversions, gravel access roads to prevent sediment tracking, or other methods and materials which may be appropriate for a particular site. These measures are to be installed as a first item of construction and shall be maintained until vegetation or other permanent erosion control is established and the potential for sediment leaving the site no longer exists. After permanent erosion control is established, temporary erosion control materials such as silt fences and erosion control bales shall then be removed from the site and disposed of properly, while other temporary measures such as sedimentation basins and water diversions shall be properly abandoned and restored. The methods and materials used for temporary erosion control shall be in conformance to the latest edition of the Wisconsin Construction Site Best Management Practice Handbook.

All other provisions of the Land Division Ordinance remain unchanged.

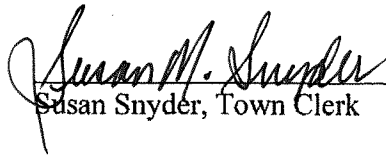
The Town Clerk and Town Attorney are authorized and directed to make all changes necessary to the Land Division Ordinance in order to implement this Amendment.

Adopted this 11<sup>th</sup> day of April, 2022.

TOWN OF BLACK WOLF

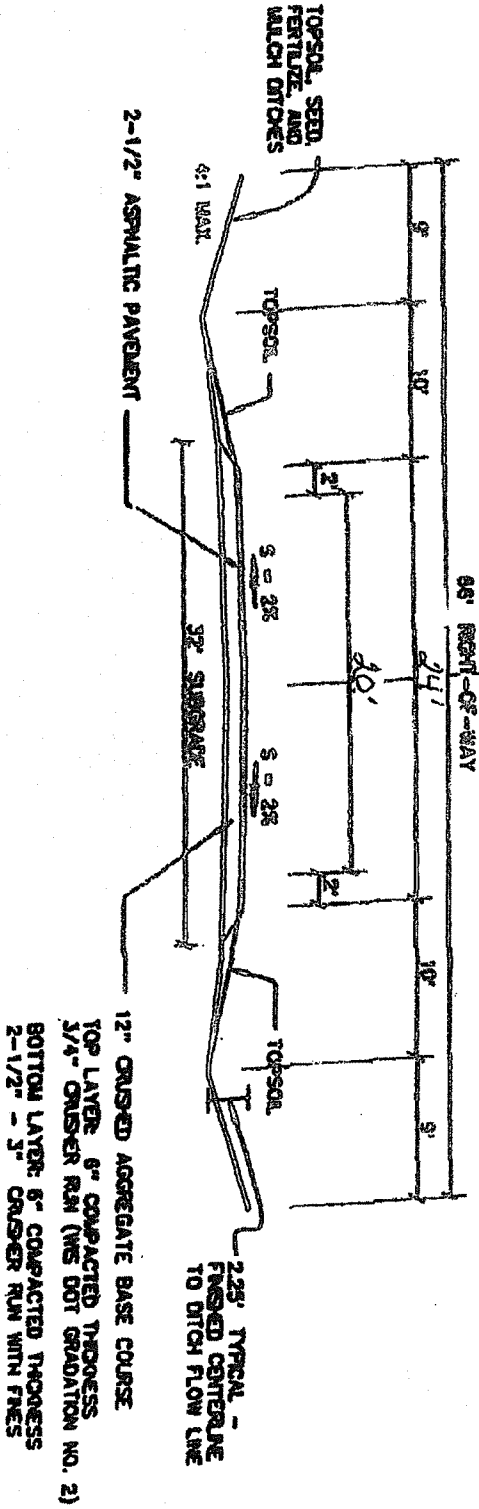
By:   
Frank Frasetto, Town Chairperson

Attest:

  
Susan Snyder, Town Clerk

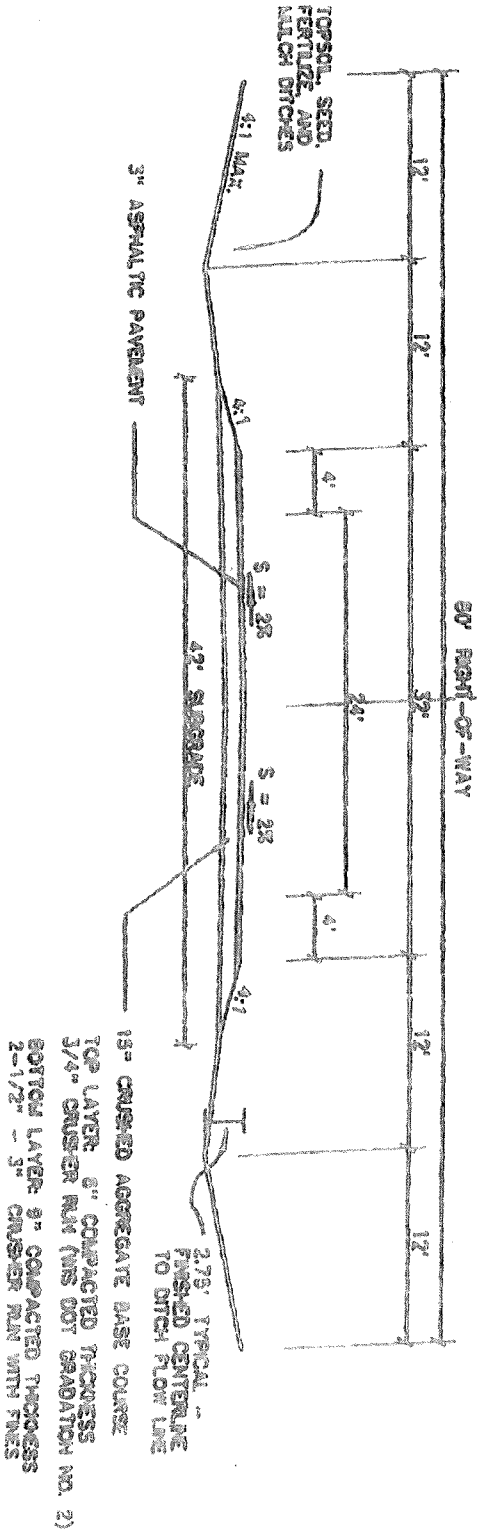
# Table 2

## RESIDENTIAL LOCAL ROAD CROSS SECTION



# Table 2

## RESIDENTIAL COLLECTOR ROAD CROSS SECTION





# TOWN OF BLACK WOLF

380 E. Black Wolf Ave. Oshkosh, Wisconsin 54902

## An Ordinance Regulating Noxious and Nuisance Weeds Throughout the Town of Black Wolf

### Section 1.0

#### INTRODUCTION

1. Authority. The ordinance is adopted pursuant to authority conferred by Sections 66.0407 and 66.0517 and Chapter 60, Wis. Stats.
2. Purpose. The purpose of this ordinance is to promote the public health, safety and welfare of the Town of Black Wolf by requiring the destruction of noxious and nuisance weeds and establishing minimum landscape maintenance standards for lots located within the Town of Black Wolf.

### Section 2.0

#### DEFINITIONS

1. Destroy. The complete killing of weed plants above the surface of the ground by the use of chemicals or by cutting at such time or in such a manner as will effectively prevent plants from maturing to the bloom or flower stage.
2. Managed Natural Landscape. Native and naturalized plants, including but not limited to ferns, wildflowers, grasses, shrubs and trees, grown in a managed landscape, provided, however, that noxious and nuisance weeds are prohibited and subject to destruction under section 4(2).
3. Turf grass. Grass commonly used in regularly cut lawns or play areas, including (but not limited to) blue grass, fescue and rye grass blends.
4. Noxious weeds:  
Canada Thistle, leafy spurge, field bindweed, and any weed designated as a noxious weed by the department of natural resources by rule in NR40 of the Wisconsin Administrative Code
5. Nuisance weeds:
  - a. any nonnative member of the genus *lythrium* (purple loosestrife) or hybrids thereof
  - b. common ragweed (*ambrosia artemisiifolia*)
  - c. giant ragweed (*ambrosia trifida*)

### **Section 3.0                    GENERAL PROVISIONS**

1. Any person owning, occupying or controlling land within the Town of Black Wolf shall destroy noxious weeds on the land as soon as weather permits.
2. No person shall plant or cultivate nuisance weeds on land which he or she owns, occupies or controls.
3. Maintenance of lots or yards. Any person owning, occupying or controlling any lot or yard shall remove or cut unmanaged weed and grass growth to a height no greater than 10 inches. Managed natural landscapes are exempt from the 10” height rule.
4. Persons owning, occupying or controlling a lot or yard containing a managed natural landscape shall destroy all noxious or nuisance weeds.

### **Section 4.0                    ENFORCEMENT**

1. The Black Wolf Town Chairman, or his/her designee, shall give written notice to the owner, occupant or person in control of any land containing grass or grasses in excess of ten inches in height, or noxious weeds, or deliberately planted nuisance weeds, directing that person to forthwith comply with this ordinance.
2. If the owner believes that his or her grasses or weeds are not in violation of this ordinance, he or she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk’s office within five days as set forth in the notice. Upon application for the hearing, the property owner must deposit a \$100.000 bond. If a decision is rendered in the property owner’s favor, the \$100.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of abating the violation, if necessary. Any remaining funds will be refunded to the owner. When a hearing is requested by the owner, a hearing by the Town Board shall be held within seven days from the date of the owner’s request. The property will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by an attorney, may present witnesses, and may cross-examine witnesses presented by the Town as well as subpoena witnesses for his or her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a violation did exist, the Town Board shall order the Weed Commissioner or the Board’s designee to mow the property unless the property has been mowed by the owner within forty-eight hours of the Town Board’s decision. If the owner does not abate the violation within

the described forty-eight hours, the Town shall cause the nuisance to be abated and costs in excess of the forfeited fee assessed accordingly.

3. If the owner, occupant or controller of any property receiving such notice shall fail to comply with the written notice within seven days, the Town may proceed to destroy or have destroyed all noxious and nuisance weeds, or mow or cause to have mowed all weeds and grasses exceeding 10 inches in height, by the means it considers most economical and expeditious. The expense of bringing this property into conformity with this ordinance, costs of billing and other administrative expenses shall be charged against the lot(s) and collected as a special charge thereupon.
4. In addition to all other enforcement mechanisms, any person who violates the provisions of this ordinance shall be subject to forfeitures of not less than \$50 nor more than \$200. For purposes of calculating forfeitures, each day that a violation continues shall be considered a separate violation. The Town may also seek injunctive relief and abatement orders as necessary to enforce the provisions of this ordinance.





**TOWN OF BLACK WOLF  
WINNEBAGO COUNTY, WISCONSIN**

**ORDINANCE PROHIBITING PUBLIC NUISANCES – No. 08-2019**

The Town Board of the Town of Black Wolf, Winnebago County, Wisconsin, does ordain as follows:

**Section 1: Policy**

The Town of Black Wolf declares that the prohibition of public nuisances, as defined in this Ordinance, is necessary to protect the public health, safety, and general welfare.

**Section 2: Public Nuisances Prohibited**

No person may erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Town of Black Wolf.

**Section 3: Public Nuisance Defined**

A public nuisance is a thing, act, corruption, condition, or use of property that shall continue for such length of time as to:

- (a) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of persons of ordinary sensibilities;
- (b) In any way render the public insecure in life or in the use of property;
- (c) 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 or the use of public property.
- (d) “Public nuisance” also includes any condition or use of premises or of building exteriors that is detrimental to the property of others or that causes or tends to cause substantial diminution in the value of the property in the neighborhood in which such premises are located.

**Section 4: Public Nuisances Affecting Health**

The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 3 herein:

- a) Adulterated Food. All decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public.
- b) Unburied Carcasses. Carcasses of animals, birds, or fowl are intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- c) Breeding Places for Vermin. Accumulations of decayed animal or vegetable matter (other than composting sites), trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.
- d) Noxious Weeds. All noxious weeds and other rank growth of vegetation.
- e) Water Pollution. The pollution of any public or private well or cistern, stream, lake, canal, or other body of water or ground water by sewage, creamery, or other wastes or substances.
- f) Noxious Odors. Any use of property, substances, or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the Town.
- g) Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance of flow into or upon any street, gutter, alley, sidewalk, or public place within the Town.
- h) Animals at Large. All animals running at large.
- i) Accumulations of Refuse. Accumulations of old cans, lumber, firewood, and other refuse.
- j) Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property. Does not apply to burning of leaves.
- k) Abandoned Wells. All abandoned wells not securely covered or secured from public use.
- l) Junked Vehicles. Disassembled, dismantled, partially dismantled, inoperable, junked, wrecked, or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, or campers, in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets, highways, or waters. Farm equipment on land zoned for agricultural purposes is exempt from this subsection.

- m) Abandoned Equipment. Abandoned, discarded, or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash, or debris.

### **Section 5: 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 enumerations shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Subsection 3 herein:

- (a) Disorderly Houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses, and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, or gambling.
- (b) Gambling Devices. All gambling devices and slot machines, other than state-authorized programs.
- (c) Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor, wine or fermented malt beverages are sold without a permit or license if required by law.
- (d) Continuous Violation of Town Ordinances. Any place or premises within the Town where Town or County ordinances, or state laws relating to public health, safety, peace, morals, or welfare, are openly, continuously, repeatedly, and intentionally violated.
- (e) Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor, wine or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

### **Section 6: 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 definitions of Subsection 3 herein:

- (a) Noise. All loud and unusual noises or annoying vibrations, which offend the peace and quiet of persons of ordinary sensibilities.
- (b) Signs and Billboards. All signs and billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds, or places frequented by the public, so situated or constructed as to endanger the public safety.
- (c) Illegal Buildings. All buildings erected, repaired, or altered in violation of the Town's ordinances.

- (d) Unauthorized Traffic Signs. All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal, or which, because of its color, location, brilliance, or manner of operation, interferes with the effectiveness of any such device, sign, or signal.
- (e) Obstruction of Intersections. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (f) Tree Limbs. All limbs of trees which project over a public sidewalk or ditch area or the right-of-way less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (g) Dangerous Trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (h) Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin.
- (i) Dilapidated Buildings. All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.
- (j) Wires Over Streets. All wires over streets, alleys, or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (k) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- (l) Open Excavations. All open and unguarded pits, wells, excavations, or unused basements accessible from any public street, alley, or sidewalk.
- (m) Abandoned Refrigerators. All abandoned refrigerators or iceboxes from which the doors or other covers have not been removed and which are not equipped with a device for opening from the inside.
- (n) Flammable Liquids. Repeated or continuous violations of this Ordinance or the laws and regulations of the State of Wisconsin relating to the storage of flammable liquids.

- (o) Appliances and Junk. Any junk, wood, bricks, construction materials, cement, concrete blocks, abandoned vehicles, machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a hazard (except when such items are properly housed and out of public view).
- (p) Unauthorized Street Use. Any unauthorized or unlawful use of property abutting on a public street, or alley, which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

### **Section 7: Penalty**

Any person violating the provisions of this Section will be subject to forfeiture not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Any person subject to forfeiture under this Section must also pay the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to the penalties herein provided, appropriate legal or equitable action may be commenced to enjoin any person from violating any of the provisions of this Section.

### **Section 8: Abatement of Public Nuisances**

- (a) Inspection of Premises. Whenever a complaint is made to a member of the Town Board that a public nuisance exists within the Town, the Town Board or Town Constable may inspect or cause to be inspected the premises complained of. The Town Board or Town Constable may also initiate enforcement action in absence of a complaint.
- (b) Notice to Owner. If the Town Board determines that a public nuisance exists within the Town, it shall provide notice to the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting, or maintaining the nuisance or the owner or occupant of the premises, to abate or remove such nuisance within three (3) days or show substantial progress in the abatement. The notice shall also state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
- (c) Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant, or person causing the nuisance cannot be found, the Town may cause the abatement or removal of such public nuisance.
- (d) Abatement by Court Action. If the Town shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten immediate danger to the public health, safety, peace, morals, or decency, the Town may cause an action to abate such nuisance to be commenced in the name of the Town.

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

**Section 9: Cost of Abatement**

In addition to any other penalty imposed for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance. Such cost shall be assessed against the real estate as a special charge if not paid in 30 days.

**Section 10: Severability**

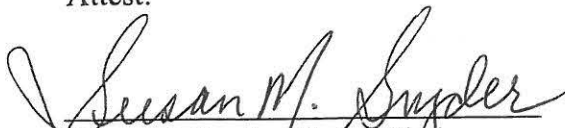
If any section, subsection, sentence, or phrase of this Ordinance shall be held invalid, illegal, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance; and there shall be substituted for the provision at issue a valid and enforceable provision as similar as possible to the provision at issue.

Adopted this 9<sup>th</sup> day of December, 2019.

TOWN OF BLACK WOLF

By:   
Frank Frassetto, Town Chairman

Attest:

  
Susan M. Snyder, Town Clerk,

**ORDINANCE AMENDING ROAD ACCESS ORDINANCE**

The Town of Black Wolf, Winnebago County, WI does hereby ordain as follows:

Section 1. **Intent.** The intent of this Ordinance is to combine the Town's existing Road Access Ordinance and Ordinance Amending Road Access Ordinance.

Section 2. **Culvert Approval and Permit Required**

- A. No person shall install, construct or maintain any driveway in any public or private road right of way across any ditch, sidewalk, or curb, or otherwise for the purpose of access to a public or private road in the Town of Black Wolf without a road access permit.
- B. Road access permits shall be issued by the Town of Black Wolf, upon filing of an application in the form prescribed by the Town of Black Wolf and payment of the road access permit fee established by resolution of the Town Board.
- C. Each Road access permit issued pursuant to an application shall establish the size and type of culvert to be installed, and the grade, placement, and covering of the culvert when installed.
- D. Appeals from the road access permit application decisions shall be to the Town Board.

Section 3. **Culvert Installation Requirements**

- A. Culvert tubes shall be constructed of galvanized steel or of plastic and shall not be less than 24 feet or more than 40 feet in length. They may be circular or oval. The shape and diameter shall be established by the permit for each installation.
- B. The applicant shall provide all culvert tubes identified in an application.
- C. Each culvert for which a permit has been issued shall be set only by the Winnebago County Highway Department.
  - a. No culvert shall be set less than three (3) feet from a private property line.
  - b. Culverts shall be covered with a minimum of eight (8) inches of  $\frac{3}{4}$  inch crushed run stone or other such material as the permit specifically may approve. Where space limitations prohibit the 8" cover, the cover requirement may be adjusted by the Building Inspector, or in his absence, by a Supervisor. Such Stone shall be provided by and paid for by the applicant or other affected property owner.
- D. Costs and expenses incurred by the Town of Black Wolf, notwithstanding the permit fee, to install new culverts or to replace existing, noncompliant culverts shall be paid by the applicant (for new culverts), or the property owner (for existing noncompliant culverts), within thirty (30) days after invoice. The Town shall keep a detailed accounting of the costs and expenses of performing this work. In default of the payment of the invoice, 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.

Section 4. **Driveway Installation, Construction and Maintenance**

- A. The Town of Black Wolf recommends a surface composed of asphalt, gravel, or chips and gravel. The Town of Black Wolf shall have no liability for any cost or expense incurred by any owner for repair or maintenance of any surface material used.
- B. The owner(s) of the property to which a driveway is in public or private road right of way shall maintain such driveway in a safe manner that does not obstruct or interfere with safe travel upon the road.



- C. The Town of Black Wolf shall have no liability for any cost or expense incurred by any owner of a driveway which may result from damage caused by maintenance of any public or private road, ditch or culvert.

Section 5. **Violations; Forfeitures**

- A. In addition to any other penalty provided by law or ordinance, any person who shall install, construct or maintain a driveway in a public or private road right of way other than as provided by this Ordinance shall, upon conviction of such violation be subject to a forfeiture, as follows
  - a. For an initial violation, not less than \$100.00 or more than \$500.00, together with costs of prosecution.
  - b. For any subsequent violation, not less than \$200.00 or more than \$1,000.00 together with the costs of prosecution, however, that each day a violation occurs or continues shall constitute a separate violation of this Ordinance.
- B. Forfeitures which are unpaid as of any December 1<sup>st</sup> shall be assessed as special taxes against the property served by the driveway.

Section 6. **Effective Date**

This Ordinance shall be effective upon it's adoption, posting and publication as provided by law, and shall apply to all new and replacement culvert installations made after February 9, 2015.

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Frank Frassetto, Town Chairman

Attest:

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Kim Hopkins, Town Clerk

TOWN OF BLACK WOLF  
WINNEBAGO COUNTY, WISCONSIN

**SOLID WASTE AND RECYCLING ORDINANCE - Ord. No. 2.8.(a)2021**

Section 1. Title.

Recycling and Solid Waste Ordinance for the Town of Black Wolf.

Section 2. Purpose.

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stat. § 287.11, and Chapter NR 544, Wis. Administrative Code.

Section 3. Statutory Authority.

This ordinance is adopted as authorized under Wis. Stat. § 287.09(3)(b).

Section 4. Abrogation and Greater Restrictions.

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

Section 5. Interpretation.

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

Section 6. 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 7. Applicability.

The requirements of this ordinance apply to all persons and lands within the Town of Black Wolf.

Section 8. Administration.

The provisions of this ordinance shall be administered by the Town of Black Wolf.

Section 9. Effective Date.

The provisions of this ordinance shall take effect on February 8, 2021.

Section 10. Definitions. For the purpose of this ordinance:

- (a) “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - (1) Is designed for serving food or beverages.
  - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (d) “Glass Container” means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- (e) “HDPE” means high density polyethylene, labeled by the SPI code # 2.
- (f) “LDPE” means low density polyethylene, labeled by the SPI code # 4.
- (g) “Magazines” means magazines and other materials printed on similar paper.

- (h) “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- (i) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
- (j) “Newspaper” means a newspaper and other materials printed on newsprint.
- (k) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- (l) “Office paper” means high grade printing and writing papers from offices in non- residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (m) “Other resins or multiple resins” mean plastic resins labeled by the SPI code # 7.
- (n) “Person” includes any individual, corporation, partnership, association, local government unit, as defined in Wis. Stat. § 66.0131(1)(a), state agency or authority or federal agency.
- (o) “PETE” or “PET” means polyethylene terephthalate, labeled by the SPI code # 1.
- (p) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (q) “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).
- (r) “PP” means polypropylene, labeled by the SPI code # 5.
- (s) “PS” means polystyrene, labeled by the SPI code # 6.
- (t) “PVC” means polyvinyl chloride, labeled by the SPI code # 3.

- (u) “Recyclable materials” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (v) “Solid waste” has the meaning specified in Wis. Stat. § 289.01(33).
- (w) “Solid waste facility” has the meaning specified in Wis. Stat. § 289.01(35).
- (x) “Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “Treatment” includes incineration.
- (y) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (z) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section 11. Separation of Recyclable Materials.

Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

Section 12. Separation Requirements Exempted.

The separation requirements of Section 11 do not apply to the following:

- (a) Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 11 from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- (c) A recyclable material specified in Section 11(e) through (o) for which a variance has been granted by the Department of Natural Resources under Wis. Stat. § 287.11(2m), or NR 544.14, Wis. Administrative Code.

Section 13. Care of Separated Recyclable Materials.

To the greatest extent practicable, the recyclable materials separated in accordance with Section 11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Section 14. Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants of single family and 2 to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (a) All lead acid batteries shall be taken to a local authorized dealer accepting this product or another collection location which accepts acid batteries for recycling.
- (b) All major appliances shall be taken to a local authorized dealer accepting this product or another collection location which accepts major appliances for recycling.
- (c) All waste oil shall be taken to a local authorized dealer accepting this product

or another collection location which accepts oil for recycling.

- (d) Yard waste shall be disposed of in a land spreading facility approved in accordance with Chapter 289 of the Wisconsin Statutes, burned in a manner not inconsistent with Wis. Stat. § 287.07 and not inconsistent with local ordinances, home composting, or otherwise legally managed on-site.

Section 15. Preparation and Collection of Garbage and Recyclable Materials.

Except as otherwise directed by the Town of Black Wolf Town Board, occupants of single family and 2 to 4-unit residences shall do the following for the preparation and collection of the separated materials specified in Section 11 (e) through (o):

- 1) Aluminum containers shall be cleaned.
- 2) Bi-metal containers shall be washed and cleaned.
- 3) Corrugated paper or other container board shall be flattened.
- 4) Foam polystyrene packaging shall be deposited at the Town recycling station or disposed of, as directed by the recycling station attendant.
- 5) Glass containers shall be washed and cleaned.
- 6) Magazines shall be clean and dry or disposed of if contaminated.
- 7) Newspaper shall be clean and dry or disposed of if contaminated..
- 8) Office papers shall be clean and dry or disposed of if contaminated..
- 9) Rigid plastic containers shall be prepared and collected as follows:
  - a) Plastic containers made of PETE, shall be washed and cleaned.
  - b) Plastic containers made of HDPE, shall be washed and cleaned.

Section 16. 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 Section 11(e) through (o):
  - (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.
  - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (d) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 11(e) through (o) from solid waste in as pure a form as is technically feasible.

Section 17. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 11(e) through (o):
- (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a



contact person or company, including a name, address and telephone number.

- (b) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 11 (e) through (o) from solid waste in as pure a form as is technically feasible.

Section 18. Prohibitions on Disposal of Recyclable Materials Separated for Recycling.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 11 (e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 19. Enforcement.

- (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Black Wolf may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Black Wolf who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this ordinance may be issued a citation by the Town Board of the Town of Black Wolf to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (c) Penalties for violating this ordinance may be assessed as follows:
  - (1) Any person who violates Section 18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not

more than \$2000 for a third or subsequent violation.

- (2) Any person who violates a provision of this ordinance, except Section 18, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

This ordinance shall be effective upon passage and publication or posting as required by law.

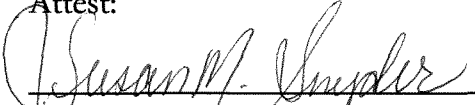
The Town Clerk and Town attorney are authorized to take such further action as may be necessary to implement this Ordinance.

Dated this 18 day of FEBRUARY, 2021.

TOWN OF BLACK WOLF

By:   
Frank Frassetto, Town Chairperson

Attest:

  
Susan M. Snyder, Town Clerk



TOWN OF BLACK WOLF  
WINNEBAGO COUNTY, WISCONSIN

ORDINANCE AMENDING ZONING ORDINANCE

The Town Board, after a public hearing and recommendation by the Plan Commission, preceded by a Class II Legal Notice, does hereby ordain the following amendments to the Town of Black Wolf Zoning Ordinance:

Section 2.9 is amended to create the following provisions:

(5)(a) Temporary Storage Structures, Portable Storage Structures, Temporary Tents, and Membrane Structures. A temporary or portable storage structure is any container, storage unit, shed-like container, portable car port, railcar type storage containers, semi-trailers, box truck or any portion thereof, membrane structure, or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements that can be or is used for the disposal or storage of personal property of any kind and which is located for such purposes outside an enclosed building. The use of portable and temporary storage structures, temporary tents and membrane structures is allowed under the following conditions:

- i. There shall be no more than one (1) portable or temporary structure per property.
- ii. The portable or temporary structure shall not remain on any property in excess of thirty (30) days per calendar year with the exception of structures used in conjunction with construction or remodeling in which case the portable storage or temporary structure shall be removed within fourteen (14) days of the end of construction or 180 days from the issuance of building permits for the associated project, whichever is less. Extensions may be granted by the Inspection Department if it is determined the project is progressing towards completion.
- iv. These structures shall comply with the International Fire Code.

(6) Grandfathering – Temporary Storage Containers that exist prior to the implementation of this section are subject to the requirements of Section 8 of the Town of Black Wolf's Zoning Ordinance.

(7) Agricultural exception exists for actively farmed land.

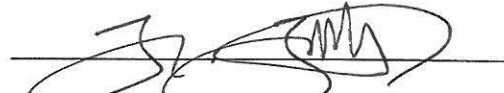
All other provisions of the Zoning Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are authorized and directed to make all changes to the Town Zoning Ordinance necessary to implement the amendments contained herein.

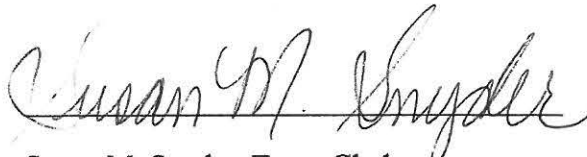
Dated this 14<sup>th</sup> day of OCT. 2019.

TOWN OF BLACK WOLF

By:

  
Frank Frassetto, Town Chairman

Attest:

  
Susan M. Snyder, Town Clerk

WINNEBAGO COUNTY, WISCONSIN

**Ordinance Amending Town of Black Wolf Wisconsin Uniform Dwelling Code Ordinance**

The Town Board of the Town of Black Wolf, Winnebago County, Wisconsin, upon proper notice and with quorum present, hereby ordains the following amendments to the Town of Black Wolf Wisconsin Uniform Dwelling Code Ordinance:

**Section 1.2 is amended to read:**

The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community

**Section 1.3 is amended to read:**

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

**Section 1.4 is amended to read:**

1) BUILDING PERMIT REQUIRED. Any person, unless exempt under this Ordinance, who constructs, installs, repairs, reconstructs, removes, demolishes, or remodels any private building or structure in the Town, including building, heating, ventilating, plumbing or electrical work or service, or who causes the same to occur, shall seek and obtain from the Town a Town Building Permit prior to commencing, or causing the commencement of, construction, removal, demolition, installation, repair, reconstruction or remodeling project. This shall include the following:

(A) New buildings.

**Section 1.5 is amended to read:**

Registration for construction of alternations/additions/accessory buildings:

1) The Town Building Inspector will only perform inspections on construction covered by Section 1.3 above. For construction of structures outside the scope of this ordinance and Section 1.4 above, the Town encourages the owner or contractor to do the following:

(a) Owner and/or contractor should complete a building record form, which is provided by the Town and available on the Town's website. The form must be completed to the best of the applicant's ability.

(b) There is no fee associated with the form.

(c) Return the form to the Town Hall via mail or drop-off.

2) The Town encourages the owner or contractor to register for the following types of construction:

(a) Additions that increase the physical dimensions of a building including decks.

(b) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.

(c) Alteration of plumbing, venting, electrical or gas supply systems.

(d) Any electrical wiring for remodeling.

(e) Any HVAC for remodeling.

(f) Any plumbing for remodeling.

(g) Construction of remodeling to a detached accessory structure that is over 100 sq. ft.

**Section 1.6 is amended to read:**

- 1) WISCONSIN UNIFORM DWELLING CODE ADOPTED. The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

**Section 1.7 is amended to read:**

- 1) Creation and Appointment. BUILDING INSPECTOR. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Department of Safety and Professional Services, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.
- 2) Records. The Building Inspector shall perform all inspections required by 1.3 and administrative tasks requires by the Department under all codes covered in 1.6. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

**Section 1.8 is amended to read:**

ISSUANCE OF PERMIT. The Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. The permit shall expire 24 months after issuance if the dwelling exterior has not been completed. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of permit fees. By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur. Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

**Section 1.9 is created to read:**

Fees

BUILDING PERMIT FEE. The building permit fees shall be determined by resolution and shall include \$30.00 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling

**Section 1.10 is created to read:**

Disclaimer and Non-Liability for Damages

This ordinance shall not be construed as an assumption of liability by the municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

**Section 1.11 is created to read:**

Severability

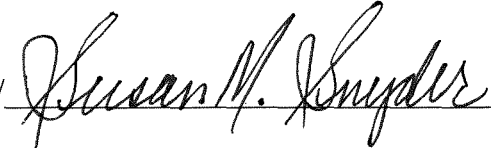
If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections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



This ordinance shall be effective upon passage and publication or posting as required by law.

The Town Clerk and Town attorney are authorized to take such further action as may be necessary to implement this Ordinance.

  
\_\_\_\_\_  
Frank Frassetto, Town Chairman

Attest: s/   
\_\_\_\_\_  
Susan M. Snyder, Clerk

Published: 3/15/2020

**ORDINANCE 1-2006**  
**SOLID FUEL-FIRED HEATING DEVICES**  
**LOCAL ORDINANCE REGULATING THE USE OF SOLID FUEL-FIRED**  
**OUTDOOR HEATING DEVICES WITHIN THE TOWN LIMITS OF THE**  
**TOWN OF BLACK WOLF**

The Town Board Supervisors of the Town of Black Wolf, Winnebago County, State of Wisconsin do hereby ordain:

**SOLID FUEL-FIRED OUTDOOR HEATING DEVICES**

**(1) Definitions**

**Solid Fuel-Fired Outdoor Heating Device:** Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

**Stacks or Chimneys:** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

**(2) Regulations**

a. All solid fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and regulations and all other applicable local, state and federal standards.

b. All solid fuel-fired outdoor heating devices shall be approved by the Department of Commerce through an approved testing agency.

c. All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets the EPA emission criteria identified in 40CFR Part 60 SupPart AAA, Section 6.532(b)(2).

d. All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device is or is in the process of being registered with the Wisconsin Department of Commerce Boiler Division.

e. All solid fuel-fired outdoor heating devices shall, in addition, be operated and maintained as follows:

1. Fuel shall only be natural untreated wood or other solid fuel specifically permitted by the manufacturer, such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device.

The following fuels are prohibited, but not limited to:

- (a) Processed wood products other than wood.
- (b) Liquid fuel in any form.
- (c) Rubber
- (d) Plastic
- (e) Garbage
- (f) Painted wood or treated wood
- (g) Tires
- (h) Animal Waste
- (i) Coal
- (j) Any other items not specifically allowed by the manufacturer.

f. All solid fuel-fired outdoor heating devices may only be operated from November 1<sup>st</sup> through April 15<sup>th</sup>.

**(3)** A Solid Fuel-Fired Outdoor Heating Device may be installed in the Town of Black Wolf only if the following provisions are observed:

- a. The solid fuel-fired outdoor heating device shall be located at least five hundred one (501) feet from all exterior property lines.
- b. The solid fuel-fired outdoor heating devices shall have a chimney that extends at least fifteen (15) feet above the ground surface. If there are any occupied residences within 500 feet, the chimney shall also extend at least two (2) feet higher above the ground surface than the height of the roofs of any such residences. All chimneys greater than fifteen (15) feet in height above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with this increased chimney height and indicate how the chimney shall be supported.
- c. The owner of the solid fuel-fired outdoor heating device shall obtain an electrical permit and a HVAC permit from the Town of Black Wolf before installing a solid fuel-fired outdoor heating device.
- d. All solid fuel-fired outdoor heating devices must be installed by contractors appropriately registered or by an owner who is qualified to install the device in accordance with all codes and manufacturer's guidelines.
- e. The solid fuel-fired outdoor heating device can only be put on a parcel of land greater than twenty-three (23) acres. If the dimensions of said parcel are changed by splitting or selling off a portion of the property, the Town may require relocation or removal of said solid fuel-fired outdoor heating device.

**(4) Nuisance:** Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, and/or a safety or health issue to the surrounding neighborhood as determined by the building inspector and/or fire chief, the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this Section. If the nuisance cannot be abated, then operation of the device shall be discontinued until a solution to the nuisance can be found.

**(5) Right of Entry and Inspection:** The building inspector or other Town agent, employee or representative who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special warrant may be obtained in accordance with Wis. Stat. Sec. 66.01109.

**(6) Penalties:** Any person, firm, corporation, business or entity who fails to comply with any provisions of this ordinance shall, upon conviction thereof, forfeit an amount set forth in Section 2.13 Penalties of the Town of Black Wolf Zoning Ordinance, plus the cost or prosecution for each violation; and, in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. Each day of violation shall represent a separate violation of the ordinance as described herein.

All ordinances or parts of ordinances, contradicting the provisions of this ordinance are hereby repealed.

This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced/Adopted: June 12, 2006  
s/ Frank Frassetto, Town Chairman  
Attest: s/ Ellen Chmielewski, Town Clerk