

# **TOWN OF RUDOLPH**

## **Zoning and Building Ordinance**

**Adoption Date**

June 4, 2014

Approved by Wood County

Board of Supervisors:

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Prepared By:  
Town of Rudolph Land Use & Zoning Commission  
Wood County Planning Office

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**TOWN OF RUDOLPH  
WOOD COUNTY, WISCONSIN  
ZONING AND BUILDING ORDINANCE**

**The Town Board of Rudolph, Wood County, Wisconsin, Does Ordain as follows:**

**SECTION 1. PURPOSES AND INTERPRETATION**

**1.01 Purposes.**

1. An ordinance to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purposes to divide the town of Rudolph, Wood County, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

2. The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the residents of the town of Rudolph, Wood County, Wisconsin.

**1.02 Interpretation.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where the ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits, or by easement, covenants or agreements, the provisions of this ordinance shall govern.

## SECTION 2. DEFINITIONS

In this ordinance the following words and phrases have the designated meanings:

**Alternative Tower Structure** - Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.

**Antenna** - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Backhaul Network** - The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and or long distance providers, or the public switched telephone network.

**Bed and Breakfast Establishment** - Any place of lodging that provides four or fewer rooms for rent to tourists or transients, provides no meals other than breakfast, is the owner's personal residence and is occupied by the owner at the time of rental.

**Billboard** - A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**Building, Accessory** - Structures used for benefit of main buildings (i.e. garage, tool shed).

**Building, Principal** - A non-accessory building used for the protection of goods or personal property in which a principal use of the premises on which it is located is conducted.

**Collocation** - The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

**Conditional Use** - A use that, because of special requirements or characteristics, may be allowed in a particular zoning district provided the establishment, maintenance, and operation of the use shall have been approved by the Land Use and Zoning Commission and a conditional use permit granted after a public hearing and concurrence of the Town Board.

**Condominium (Condo)** -- A multiple dwelling or development containing individually owned dwelling units and jointly owned facilities, which dwelling or development is subject to the provisions of Wisconsin state statutes and local laws.

**Excavation Pits** - See nonmetallic mining

**FAA** - Federal Aviation Administration.

**FCC** - Federal Communications Commission.

**Feedlot** - A feedlot shall be determined to be any of the following facilities, when they are a

business and means of livelihood:

1. Any tract of land or structure wherein any type of fowl or the byproducts thereof are raised in close quarters for sale at wholesale or retail.
2. Any structure, pen or corral wherein livestock such as cattle, horses, sheep, goats, swine, and the like, are maintained in close quarters for the express purpose of raising such livestock for sale.

**Fixture** - A thing is deemed to be affixed to a building when it is attached to it by being imbedded in it, permanently resting upon it, or permanently attached to what is thus permanent, as by means of cement, plaster, nails, bolts, or screws.

**Height** - When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.

**Human Habitation** - Structures used as human residence or dwelling, including commercial and industrial structures.

**Home Occupation** - Any occupation for gain or support, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no more than one person other than a member of the residential family is employed on the premises and that no more than twenty five percent (25%) of the floor area of any floor of the residence, excluding accessory buildings, is used for the home occupation.

**Kennels** - Any place where 4 or more dogs five months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

**Mobile Home** - That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances. §66.0435 (1)(d)

**Mobile Home Park** - Any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for the accommodation. §66.0435 (1)(e)

**Nonmetallic Mining** - Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, de-watering and blending.

**Permanent Building Equipment** - Any and all provisions in buildings for water, sewer, light, heat, power or ventilation services that are permanently attached and thus made permanent by means of cement, plaster, nails, bolts, or screws.

**Preexisting Towers/Antennas** - Any tower or antennas for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance.

**Signs** - Any permanent outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard (see also definition of “billboard”) or other things, which are designated, intended or used to advertise or inform, and which any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of a public roadway.

**Surity (Verb)** - To guarantee or an obligation by written agreement.

**Surety (Noun)** - A person who is a guarantor of an obligation by written agreement.

**Tower** - Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**Truck Garden** - A garden where vegetables are grown to be marketed at a separate location.

**Use, Conforming** - The existing lawful use of a building or premises at the time of enactment of this ordinance.

**Use, Nonconforming** - An existing use of a building or premises that was valid when brought into existence, but by subsequent regulation becomes no longer conforming.

**Variance** - To authorize upon appeal in specific cases a departure from any provision of the zoning requirements for a specific parcel, without changing the zoning ordinance or the underlying zoning of the parcel.

*Note: There are two types of variances area and use. An area variance allows a deviation from the dimensional (i.e., height, bulk, yard) requirements of the ordinance. A use variance authorizes the property owner to establish a use that is otherwise prohibited in that zoning district. Use variances are not an adequate substitute for the rezoning process and generally not permitted. Many states do not allow use variances.*



## SECTION 3. GENERAL PROVISIONS

### 3.01 Except as Otherwise Provided

1. The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
2. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one main residential building on one lot.
3. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of housing units be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located (see Section 6, Schedule of Regulations).
4. In any Commercial or Industrial District, wherever a lot abuts upon a public or private right-of-way, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the right-of-way shall at all times be free and unobstructed to the passage of traffic.
5. All wind energy generating facilities are considered a conditional use and subject to procedures and requirements of Section 7, Conditional Uses. In addition a building permit fee as listed in Section 11.06, Fee Schedule, Town of Rudolph, is required.

### 3.02 Nonconforming Uses, Structures, and Lots.

#### 1. General.

**A. Building Repair.** Provisions of this ordinance shall not be construed to prevent the customary and necessary maintenance or repairs of buildings, utilities and property.

**B. Exempt Building Permits.** Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this ordinance, or any amendments to this ordinance, and the construction of which shall have been started within 12 months from the date of such permit.

**C. Continuation of Nonconforming Use, Structure or Lot.** Any nonconforming uses, structures, or lots which existed lawfully at the time of the adoption of this ordinance and which remain nonconforming, and any such building, structure or use which shall become nonconforming upon the adoption of this ordinance or of any subsequent amendment thereof, may be continued as provided in this section.

#### 2. Nonconforming Structures.

**A. Replacement of Structures.** Existing lawful nonconforming structures may be continued and replaced if damaged by fire, explosion, act of God, or vandalism. Any replacement structure must conform to as many standards in the ordinance as possible for

that zoning district, and may not be more nonconforming than the previous structure. In cases where the structure is nonconforming because it does not meet the minimum lot size, setbacks from lot lines, or maximum lot coverage of buildings, construction of the new residence may be limited to the area of the previous building footprint.

**B. Structure Expansion.** No nonconforming structure shall be expanded or enlarged if it cannot meet the minimum setback, maximum building height, parking, and truck unloading requirements of this ordinance without an appropriate variance issued.

**C. Relocation.** Should such structure be moved, it shall thereafter conform to the regulations of the zone to which it is moved.

**D. Lot Lines.** The size and shape of a lot shall not be altered in any way so as to increase the degree of nonconformity of a building or use.

### 3. Nonconforming Uses.

**A. Limitations.** No nonconforming use shall be expanded or enlarged. No use shall be expanded within a structure which, as of the effective date of this ordinance, or amendment, was only partially designed for or devoted to carrying on such use.

**B. Discontinuance.** If any nonconforming use of structure or land is discontinued for twenty-four (24) consecutive months, any further use of structure or land shall conform to the regulations of the zone in which it is located unless otherwise specifically stated.

**C. Changing Use.** If no structural alterations are made, a nonconforming use of a building or lot may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use, such use shall not thereafter be changed to a less restricted nonconforming use.

### 4. Nonconforming Lots.

**A. Reduction or Subdividing.** No conforming lots shall be reduced or subdivided so as to make the lot nonconforming. No nonconforming lots shall be subdivided so as to make the lot more nonconforming.

### 3.03 Parking.

1. Unless otherwise specified, the parking requirements in Table 1, Parking Schedule, must be provided for in the listed uses.
2. Uses not listed. In the case of structures or uses not mentioned in the Parking Schedule, the provisions for a use that is similar shall apply.
3. In cases where more than one use is present on a single site, parking shall be provided so as to equal the total number of stalls required for each individual use.
4. Handicap parking is required pursuant to Americans with Disabilities Act (A.D.A.) Accessibility

Guidelines for Buildings and Facilities, Section 4.1.1 Application, and 4.1.2 Accessible Sites and Exterior Facilities.

<b>Table 1: Parking Schedule</b>	
<b>USE</b>	<b>MINIMUM PARKING REQUIRED</b>
Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Multiple-family dwellings and condominiums	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, sororities, dormitories, lodging, and boarding houses	1.5 stall for each 2 beds 2 stalls for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 2 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus 5 stall for each 10 students at 16 years of age or more
Restaurants, clubs, lodges, bars, place of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for each 2 employees
Financial institutions, business, laboratories, and warehouses	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 4 seats
Bowling alleys	5 stalls for each alley

### **3.04 Nuisance Odors.**

**1.** No person shall conduct any agricultural, commercial or industrial uses, activities, or operations without taking proper and reasonable precautions and methods to prevent or limit any nauseous odors or smells from being allowed to emanate from any buildings, structures, equipment, facilities, or fields in the town of Rudolph. After written notice by the Town Board of Rudolph, all proper and reasonable precautions and methods to prevent or limit nauseous or smelly substances or matters from being allowed, shall be taken for a period of time as determined by the Town Board. The following exceptions will apply:

**A.** Animal manure land spread in the town of Rudolph pursuant to rules of the State Department of Natural Resources.

**B.** Animal manure stored in any manure storage facility located on the land where the manure was originally generated and collected in the town of Rudolph, provided the facility was built to meet or exceed USDA Soil Conservation Service standards and specification, or the standards as set in the Wood County Animal Waste Storage Ordinance, #801.

**C.** Proper handling practices for materials necessary in the course of doing business as per Wisconsin Administrative Code and OSHA standards.

**2.** The town of Rudolph shall develop its ordinances, plans, and zoning, and enforce its ordinances and zoning related to agricultural uses and practices, so they are consistent with the purpose and intent of Section 823.08, Wisconsin Statutes. (1999-2000), commonly known as the "Right to Farm" Act.

**3.05 Wireless Telecommunications Towers.** Wireless telecommunications towers and antennas may be installed, erected and maintained pursuant to the provisions of this section. Telecommunication towers and antennas shall not be regulated or permitted as essential services, public utilities or private utilities.

**1. Purpose .** The purpose of this section is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the legitimate interest of the Town in regulating local zoning. The goals of this ordinance are to protect land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Land Use and Zoning Commission shall give due consideration to the Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

**2. Applicability.**

**A. New Towers and Antennas.** All new towers or antennas in the town of Rudolph shall be subject to these regulations except as provided in Sections 3.05(2)(B), 3.05(2)(C) and 3.05(2)(D).

**B. Amateur Radio Station Operator/Receive Only Antennas.** This ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

**C. Citizens Band Radio.** This ordinance does not restrict the use of citizen band radio.

**D. Preexisting Towers or Antennas.** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section 3.05(4)(B).

**3. Permit Required.** No tower or antenna shall be installed unless the owner or his agent first obtains a permit from the Zoning Administrator. The following shall be required as part of the application submittal.

**A.** A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.

**B.** The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties.

C. The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower.

D. Landscape plan showing specific plant materials.

E. Method of fencing, including location, materials and finished color and, if applicable, vegetative screening.

F. Description of compliance with Section 3.05(4).

**4. General Requirements.** In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any tower or antenna:

**A. Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. All towers in the town of Rudolph shall be inspected every 2 years at the owner's expense by a qualified inspector. A copy of this report shall be filed with the Town Clerk, along with current contact information. If, upon inspection, a qualified inspector concludes that a tower fails to comply with such codes and standards and/or constitutes a danger to persons or property, the owner will be notified and have 30 days to respond to the notice with a detailed plan for repairs to bring such tower into compliance with such standards, and an additional 30 days to bring such tower into compliance. Failure to bring such tower into compliance within said 60 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

**B. State or Federal Requirements.** All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of a tower and antenna governed by this ordinance shall bring such tower and antenna into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

**C. Collocation.** A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.

**D. Height.** The height of an antenna affixed to tower shall not be restricted, provided such device is installed and maintained in accord with applicable state or building codes, and in compliance with current standards of the FAA, FCC and any other agency of the

state or federal government with the authority to regulate antennas.

**E. Setbacks.** A tower shall be considered an industrial structure and subject to the same setback requirements.

**F. Aesthetics.** Towers shall maintain galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant 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.

**G. Signs.** No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

**H. Lighting.** Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

**I. Fencing.** A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

**J. Landscaping.** A buffer of evergreen plants of sufficient height to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible.

(1) Appurtenant Equipment and Buildings. Antennas mounted on structures or rooftops: The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.

(2) Antennas mounted on utility poles, light poles or towers. The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of nonvegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

## **5. Permitted Uses.**

**A. Antennas or Towers on Existing Structures.** An antenna or tower on the roof of a residential, commercial, industrial, professional, or institutional structure may be allowed, provided that such device is installed and maintained in accord with applicable state or local building codes, and complies with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.

**B. Antennas on Existing Towers.** The attachment of a new antenna on an existing tower may be allowed, to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided that; (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a monopole; (2) An existing tower may be, modified or rebuilt to accommodate the collocation of additional antennas and may be moved on site within 50 feet of its existing location provided all setbacks requirements are met, but the relocation may only occur one time per communication tower; (3) After a tower is rebuilt to accommodate collocation, only one tower may remain on the site; and (4) The on-site relocation of a tower which complies with the setback in Section 3.05(4)(E) shall only be permitted when approved by the Town.

**C. Cable Microcell Network.** The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

**6. Conditional Uses.** The installation of towers and antennas, including the placement of appurtenant equipment or buildings, may be allowed only by conditional use permit and only in non-residential zoning districts. An application for a conditional use permit shall be subject to the procedures and requirements of Section 7. In addition, a conditional use permit proposal shall include plans, specifications and other pertinent information and materials to demonstrate compliance with this ordinance.

**7. Removal of Abandoned Antennas and Towers.** An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such antenna or tower shall remove the tower or provide proof of operation within 90 days of receipt of notice from the Town notifying the owner of such abandonment. Determination of the date of abandonment shall be made by the Zoning Administrator who shall have the right to request documentation and/or affidavits from the facility owner/operator regarding the active use of the tower. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

**8. Nonconforming Uses.**

**A. No expansion of Nonconforming Use.** 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. Preexisting Towers.** Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, or replacement of an existing tower other than routine maintenance



shall comply with the requirements of this ordinance.

**9. Wireless Telecommunications Towers and Antennas.**

Table 2: Minimum Separation Distance Between Towers				
NEW TOWER TYPE	Existing Tower Type			
	Lattice	Guyed	Monopole: 75 ft in Height or Greater	Monopole: Less than 75 Ft. in height
Lattice	5000ft	5000ft	1500ft	750ft
Guyed	5000ft	5000ft	1500ft	750ft
Monopole: 75 ft in Height or Greater	1500ft	1500ft	1500ft	1500ft
Monopole: Less than 75 Ft. in height	750ft	750ft	750ft	750ft

**A. Separation Between Towers.** Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

**B. Availability of Suitable Existing Towers; Other Structures or Alternative Technology.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant’s proposed antenna. Evidence submitted to the Town to determine that no existing tower, structure or alternative technology 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 which meet the applicant’s engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet the applicant’s engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support the 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.

(7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

### 3.06 Kennels and Regulation of Dogs.

**1. Purpose.** It is the purpose of this section to promote the health, welfare, and safety of the people of Rudolph and require that the number of dogs be limited in all districts.

Furthermore, it is the purpose of this section to minimize public nuisances associated with animals in all zoned districts, such as unsanitary conditions, property damage, foul odors, excessive disturbing noises, and other nuisances.

**2. Conditional Use.** Any place where 4 or more dogs over 5 months of age are kept, raised, sold, boarded, bred, shown, treated or groomed constitutes excess dogs according to this ordinance. Exceeding the number of dogs noted above is allowed provided a conditional use permit has been secured pursuant to the procedures in Section 7, Conditional Uses of this ordinance.

The Town Board may authorize the Town Clerk to issue a conditional use permit pursuant to Section 7, Conditional Uses, after review, a public hearing (class 2 notice), notification of adjacent and opposite property owners, and recommendation by the Land Use and Zoning Commission provided such uses are in accordance with the purpose and intent of this ordinance.

A conditional use permit for excess dogs will be granted provided they are compatible with neighboring land uses, and appropriate measures are taken if necessary that consider: appropriate fencing, screening or buffering, and measures to minimize any foul odor or excessive disturbing noises.

**3. Non-Conforming Residences.** Any nonconforming residence where four or more dogs are kept at the time of adoption of this ordinance will be considered a nonconforming use if no attempt to secure a conditional use permit is taken. Nonconforming kennels will be allowed to continue with the same licensed or unlicensed animals as the day of adoption of this ordinance. Nonconforming kennels will not be allowed to expand the number of animals unless a conditional use permit is secured pursuant to Section 7, Conditional Uses of this ordinance.

**4. Exemptions.** Any location with excess dogs as defined by this ordinance requires property owners of the Town to obtain a conditional use permit “any place where 4 or more dogs over 5 months of age are kept, raised, sold, boarded, bred, shown, treated or groomed.”

Temporary boarding situation will be considered on a case by case basis.

Kennel licenses as defined by 174.053 Wisconsin Statutes pertains to the *licensing of dogs only* that is required by 174.05 Wisconsin Statutes. A kennel license allows dog owners to obtain individual licenses for more than 1 dog for a flat rate instead of obtaining individual licenses for more than 1 dog at the per dog rate. Obtaining a kennel license from the state of Wisconsin does not guarantee a conditional use permit for operating a kennel (as described in Section 1, Definitions of this ordinance) in the town of Rudolph.

**5. Incorporation by Reference to State Statutes.** The Statutory provisions describing and defining regulations with respect to the keeping of dogs in the following numbered sections of the Wisconsin Statutes are hereby adopted and by reference made a part of this ordinance.

- 174.02 – Owner’s liability for damage caused by dog; penalties; court order to kill a dog.
- 174.042 – Dogs running at large and untagged dogs subject to impoundment; penalties.
- 174.05 – Dog license tax.
- 174.052 – Publication of the dog license requirement and rabies vaccination requirement.
- 174.053 – Kennel licenses.
- 174.055 – Exemption of dogs for blind, deaf and mobility impaired.
- 174.056 – Dogs for blind, deaf and mobility-impaired admitted to public places.
- 174.06 – Listing.
- 174.065 – Collection.
- 174.07 – Dog license and collar tags.

### 3.07 Signs

**1. Purpose.** The purpose of this section is to promote and protect the public safety, comfort, convenience and general welfare by the orderly placement and erection of signs in the town of Rudolph. It is also the purpose of this ordinance to preserve the rural character of the Town through the preservation of views of the natural landscape by minimizing the visual impact of signs.

**2. General Requirements.** The following sign requirements are applicable in all zoning districts.

**A. Computation of Area of Individual Signs.** The area of a sign face shall be computed by means of smallest square, circle, triangle, rectangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

**B. Sign Facing** - All signs may have two exposed faces unless specifically stated otherwise in this ordinance.

**C. Setbacks.**

(1) No signs shall be allowed in the public right-of-way of roads.

(2) No permanent or temporary signs in any district shall be located as to obstruct the sight lines of traffic.

**D. Removal of signs.** Signs that are no longer functional, or considered abandoned by the Zoning Administrator shall be removed or relocated within 90 days following such dysfunction, at the cost of the owner.

**E. Signs Requiring Permits.** Any permanent signs over 32 square ft are required to obtain a permit pursuant to Section 11.01(4), Building Permits and Inspection, of this ordinance. Cost of the permit is subject to the Fee Schedule, Town of Rudolph in Section 11.06.

**F. Preexisting/Nonconforming signs.** Any signs that did meet code regulations when originally installed, but do not conform to sign regulations of this section are considered legal nonconforming signs. These signs will be allowed to continue unless they are determined to be a hazard to public safety, or are determined to be abandoned or no longer functional by the Zoning Administrator. No nonconforming signs shall be replaced except to a conforming sign.

**G. Sign Variances.** Any request for a variance from the terms and conditions of this ordinance will be subject to the authorization of the town of Rudolph, Board of Appeals as described in Section 10, Board of Appeals.

## **H. Maintenance and Repair.**

(1) **Lot Maintenance.** The person responsible for a ground sign, and owner of the land on which the sign is located, shall keep growth cut and debris cleaned up and removed from the lot on which the sign is located.

(2) **Unsightly Signs.** Unsightly advertising, business, and nameplate signs shall be repaired or removed by the owner of sign or property upon notice of the Zoning Administrator.

### **3. Permitted Signs.** The following signs are permitted in all zoning districts.

**A. Nameplate signs.** Nameplate sign or professional nameplate sign identifying the owner, occupant or home occupation of the building or dwelling unit. Maximum size = 16 square feet.

**B. Neighborhood identification signs.** A sign, masonry wall, landscaping or similar may be combined to form a display for neighborhood or subdivision identification provided the legend shall consist only of the neighborhood or subdivision name. Maximum size = 32 square feet.

**C. Signs for Nonprofit organizations.** Emblem or insignia of legal nonprofit organization, including off-premise signs giving direction to non-profit organization. Where more than one such sign is located on a single parcel, all such signs on that parcel must be on a single structure and present a single facing or exposure. Maximum size = 16 square feet.

**D. Temporary Signs.** The following temporary signs are permitted in all zoning districts.

(1) **Civic, Philanthropic, Educational or Religious Drives.** Temporary signs pertaining to drives or events of civic, philanthropic, educational or religious organizations are permitted, provided such are posted not more than 30 days before said event and removed within 7 days after the event. Maximum size = 32 square feet.

(2) **Rummage/Yard Sales.** Temporary signs used to advertise rummage/yard sales. These signs may be erected no more than two days before the sale and must be taken down no later than the day after the sale. Maximum size = 16 square feet.

(3) **Seasonal Farm Produce.** Temporary signs used to advertise seasonal farm produce. Maximum size = 16 square feet.

**E. Lease or “For Sale” signs.** Signs pertaining to the lease or sale of a building or property. Maximum size = 16 square feet.

**F. New Subdivision or Development.** One sign advertising a new subdivision or development. Maximum size = 32 square feet.

**G. Construction Contractor Signs.** One unilluminated sign identifying an engineer, architect, contractor, company or product engaged in or used in construction of the building. Maximum size = 16 square feet.

**H. Institutional Signs.** One identification sign for churches, schools, hospitals, clubs, libraries, or similar uses, to be solely for the purpose of displaying the name of the institution and its activities and services. Maximum size = 32 square feet.

**I. Agricultural Signs.** Agricultural signs pertaining to the products of the agricultural premises. Two such signs shall be permitted per farm. Maximum size = 32 square feet.

**J. No Trespassing Signs or no Dumping Signs.**

Maximum size = 3 square feet.

**K. Public Signs.** Public signs required as specifically authorized for a public purpose by any law, statute or ordinance. Maximum size = none.

**K. Government Signs.** Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performances of his/her public duty. Maximum size = none.

**L. Billboards**

Maximum size = 32 square feet.

**4. Prohibited Signs and Associated Lighting.** The following signs and associated lighting are prohibited in all zoning districts.

**A. Billboards.** Billboards over 32 square feet are prohibited.

**B. Illuminated signs giving off intermittent or rotating beams.**

**C. Misleading Signs.** Signs that resemble any official marker erected by a governmental agency or display such words as “stop”, “danger”, etc.

**D. Animated Signs.** Signs that contain, include, or are composed of any conspicuous animated part.

**E. Nuisance Lighting.** Sign lighting shall not shine into any part of a residence or into any residential district so as to cause a nuisance.

**5. Specific Zoning District Requirements.**

**A. Residential Districts.** The following signs are permitted in the residential district.

(1) **All signs listed in 3.07(3) Permitted Signs.**

**B. Commercial and Industrial Districts.** The following signs are permitted in commercial and industrial districts.

**(1) Pylon Signs.** Each lot of record is permitted one pylon sign (freestanding sign supported by one or more pillars, upright supports, or posts). Maximum size = 150 square feet. Side yard setback = 25 feet. Maximum Height = 35 feet.

**(2) All signs listed in 3.07(3) Permitted Signs.**

**C. Agricultural District.** The following signs are permitted in the agricultural district.

**(1) All signs listed in 3.07(3) Permitted Signs.**



### **3.08 Filling and Grading.**

- 1.** Filling and grading operations within 300 feet of a stream or river, or 1,000 feet of a lake, pond or flowage, shall conform to requirements of the Wood County Shoreland and Floodplain ordinances. Contact the Wood County Planning & Zoning Office, Courthouse, 400 Market Street, Wisconsin Rapids, WI 54494, for further information.
  
- 2.** Filling may be permitted in areas not under the jurisdiction of the Wood County Shoreland and Floodplain ordinances, provided that the fill material:
  - A.** Shall be suitable for its intended use: no fill intended for supporting buildings shall consist of junk, wood, paper, muck, peat or any similar materials which could cause subsidence.
  
  - B.** Is protected from erosion so as to not cause siltation of adjacent lands or navigable waters. The use of a temporary ground cover or other conservation practices such as sediment catch basins or diversion terraces may be required in order to prevent erosion.
  
  - C.** Shall rest on a firm bottom and is stabilized according to accepted engineering standards.
  
  - D.** Shall not impede the drainage from adjacent lands as to create significant harm without the adjacent landowners' written consent.
  
  - E.** Shall not, in any manner, alter the course of a waterway on property belonging to other than the applicant.
  
- 3.** Grading of an area greater than the specified area may be permitted, provided that:
  - A.** The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical.
  
  - B.** Precautions shall be taken to prevent erosion and sedimentation through the use of silting basins, diversion, terraces or similar practices used individually or in combination where circumstances warrant such.
  
  - C.** It shall conform to the provisions of the Wood County Shoreland and Floodplain ordinances. Contact the Wood County Planning & Zoning Office, Courthouse, 400 Market Street, Wisconsin Rapids, WI 54494, for further information.

### **3.09 Land Division.**

**1. Purpose.** It is the purpose of this section to establish procedures to review the division of land within the town of Rudolph for the following purposes: to ensure that future development occurs in accordance with the Town of Rudolph, Land Use Plan; to ensure that land divisions meet the requirements of the Town of Rudolph, Zoning and Building Ordinance as well as applicable County and State laws.

**2. Applicability.**

**A.** Any Certified Survey Map (CSM) or plat submitted to the town of Rudolph by the Wood County Planning and Zoning Office as required by Wood County Land Subdivision Ordinance, #701.

**3. Review.** When reviewing land subdivision plats or certified surveys the town of Rudolph Land Use and Zoning Commission requires that the land division meets the following requirements:

**A.** Compliance with all requirements of the Town of Rudolph, Zoning and Building Ordinance, the Wood County Land Subdivision Ordinance, and Chapter 236, Wisconsin Statutes.

**B.** Setbacks of existing and proposed structures from lot lines meet the requirements of the zoning district.

**C.** The minimum lot size meets the requirements of the zoning district.

**D.** To ensure that conforming uses are not made nonconforming by land subdivision.

**E.** Ensure that that legally nonconforming uses are not made more nonconforming.

**F.** The land subdivision is in agreement with the Town of Rudolph Comprehensive Plan.

**4. Recommendation of Alternative Designs.** A special meeting may be called by the Land Use and Zoning Commission to make recommendations to the landowner or developer so that they may consider alternate design options. Alternate design options, commonly known as cluster development or Open Space Design Standards (OSDS), are recognized in the Town of Rudolph, Comprehensive Plan as effective ways of allowing new development, while maintaining the scenic beauty and rural character of the area.

**5. Review and Approval.** Land division review is subject to the review fees of Section 11.06.

**A. Preliminary Plats and Final Plats.**

**(1)** On receipt of any preliminary plats or final plats, the Town Clerk will forward copies to the Zoning Administrator, and the Land Use and Zoning Commission members.

(2) The Land Use and Zoning Commission shall approve or deny all preliminary plats, or final plats within 60 calendar days of the filing day of the plat with the Wood County Planning & Zoning Office.

## **B. Certified Survey Maps.**

(1) On receipt of any Certified Survey Maps, the Town Clerk will forward copies to the Zoning Administrator, and the Land Use and Zoning Committee members.

(2) The Zoning Administrator shall review and make recommendation to approve or reject Certified Survey Maps to the Town Board. If the map is rejected, the reason shall be forwarded to the landowner or developer. All reviews of CSM's shall be completed within 30 calendar days of the filing date of the map with the Wood County Planning & Zoning Office.

**3.10 Wind Energy Facilities.** Wind Energy Facilities may be installed, erected and maintained pursuant to the provisions of this section.

**1. Purpose.** The purpose of this section is to permit the construction and operation of Wind Energy Facilities in the Town of Rudolph. Facilities will be considered to further efforts of introducing renewable energy resources to the town. The goals of this ordinance are to protect land uses from potential adverse impacts of Wind Energy Facilities; encourage new Wind Energy Facilities in a way that minimizes the adverse visual impact through careful design, siting, and landscape screening; consider the public health and safety impacts of Wind Energy Facilities, and avoid potential damage to adjacent properties from failure through engineering and careful siting of facilities. In furtherance of these goals, the Land Use and Zoning Commission shall give due consideration to the Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of Wind Energy Facilities.

## **2. Applicability.**

**A. New Wind Energy Facilities.** All new wind energy facilities in the town of Rudolph shall be subject to these regulations.

(1) Wind Energy System – Small: A wind energy system that has;  
(a) a nameplate capacity of 100 kilowatts or less; and  
(b) a total height of 170 feet or less; and  
(c) a rotor diameter of 60 feet or less.

(2) Wind Energy System – Large: A wind energy system that has;  
(a) a nameplate capacity over 100 kilowatts; or  
(b) a total height over 170 feet; or  
(c) a rotor diameter over 60 feet.

**B. Meteorological Towers (Met Towers).** Met towers shall be permitted under the same standards, permit requirements, and permit procedures as a wind energy facility.

**C. Preexisting Wind Energy Facilities.** Preexisting wind energy facilities shall not be required to meet the requirements of this ordinance except for 3.10(4)(B); provided, however, that any such preexisting facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this ordinance prior to recommencing production of energy. No modifications or alteration to an existing Wind Energy Facility shall be allowed without full compliance of this ordinance.

**3. Permit Required.** No Wind Energy Facility shall be installed unless the owner or his agent first obtains a permit from the Zoning Administrator. The following shall be required as part of the application submittal.

**A.** A scaled site plan clearly indicating the wind energy facility location, manufacturer and model, rotor diameter, tower height, tower style, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, adjacent power lines, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.

**B.** The setback distance between the proposed facility and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties.

**C.** The separation distance from other wind energy facilities, towers, antennas or sites approved for wind energy facilities, towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower.

**D.** Landscape plan showing specific plant materials.

**E.** Method of fencing, including location, materials and finished color and, if applicable, vegetative screening.

**F.** Description of compliance with Section 3.05(4).

**4. General Requirements.** In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any Wind Energy Facility

**A. Building Codes.** To ensure the structural integrity of wind energy facilities, the owner shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes. All electrical components of the wind energy facilities shall conform to relevant and applicable local, state, national codes and relevant and applicable international standards. All large wind energy facilities in the town of Rudolph shall be inspected one time every year at the owner's expense by a qualified inspector. All small wind energy facilities shall be subject to inspection by a qualified inspector at the owner's expense upon the request of the town board. A copy of this report shall be filed with the Town Clerk, along with current contact information. If, upon inspection, a qualified inspector concludes that a facility fails to comply with such codes and standards and/or constitutes a danger to persons or property, the owner will be notified and have 30 days to respond to the notice with a detailed plan for repairs to bring such tower into compliance with such standards, and an additional 30 days to bring such tower into compliance. Failure to bring such facility into compliance within said 60 days shall constitute grounds for the removal of the wind energy facility at the owner's expense.

**B. State or Federal Requirements.** All wind energy facilities shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with regulatory authority. If such standards and regulations are changed, then the owner of a facility governed by this ordinance shall bring it into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring wind energy facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the facility at the owner's expense.

**C. Setbacks.** A wind energy facility shall be located not closer than a distance equal to 100% of the height of the facility from:

- (1) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
- (2) Any overhead utility lines unless written permission is granted by the affected utility;
- (3) All property lines, unless written permission is granted from the affected land owner or neighbor.

**D. Minimum Ground Clearance.** The blade tip of any wind turbine shall, at its lowest point have ground clearance of no less than thirty-five (35) feet.

**E. Aesthetics.** The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit.

**F. Signs.**

- (1) No advertising material or signage other than warning or equipment information shall be allowed on any Wind Energy Facility. This prohibition shall include the attachment to any facility of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
- (2) Each wind tower must have a placard posted in plain view and easily readable by a person on the ground. The placard must provide a telephone number for law enforcement or other officials to call for purposes of noise complaint investigation, sound level measurement, or administration of this ordinance.

**G. Lighting.** Wind Energy Facilities shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

**H. Fencing.** A wind energy facility shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

**I. Signal Interference.** The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signal caused by any

Wind Energy Facility. (If the applicant is a public utility, s.PSC 113.0707 also applies.)

**J. Shadow Flicker.** The wind energy facility owner/or operator shall make reasonable efforts to minimize or mitigate shadow flicker to any occupied building on nonparticipating landowners' property.

**K. Ice Shedding.** The wind energy facility owner and/or operator shall ensure that ice from the wind turbine blades does not impact any non-participating landowners' property.

**L. Sound Levels and Measurement.** The noise generated by the operation of a wind energy facility may not exceed the ambient noise level by more than 5 dB(A) as measured at any point on property adjacent to the parcel on which the large wind energy system is located. The noise level generated by the operation of a large wind energy system will be determined during the investigation of a noise complaint by comparing the sound level measured when the wind generator blades are rotating to the sound level measured when the wind generator blades are stopped.

#### **M. Safety**

- (1) All wiring between Wind Turbines and the Wind Energy Facility substation shall be underground.
- (2) Wind Turbine towers shall not be climbable up to 15 feet above ground level.
- (3) All access doors to Wind Turbine and electrical equipment shall be lockable.
- (4) Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and Wind Energy Facility entrances.
- (5) The owner/operator of the large wind energy facility shall coordinate with the Wisconsin Public Service Commission (PSC) to test for stray voltage before, during and after construction upon request by the Rudolph Town Board.
- (6) The owner/operator of the wind energy facility shall provide qualified personnel to conduct training sessions to emergency responders whenever possible.
- (7) The owner/operator of the large wind energy facility shall be responsible for the total cost of any incident(s) that occur on or at the facilities and/or properties.

**N. Landscaping.** A buffer of evergreen plants of sufficient height to effectively screen the Wind Energy Facility compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible.

**5. Utility notification and interconnection.** Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for

Interconnecting Distributed Generation Facilities.”

**6. Conditional Uses.** The installation of Wind Energy Facilities, including the placement of appurtenant equipment or buildings, may be allowed only by conditional use permit and only in non-residential zoning districts. An application for a conditional use permit shall be subject to the procedures and requirements of Section 7. In addition, a conditional use permit proposal shall include plans, specifications and other pertinent information and materials to demonstrate compliance with this ordinance.

**7. Removal of Abandoned Wind Energy Facility.** A Wind Energy Facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such facility shall remove it or provide proof of operation within 90 days of receipt of notice from the Town notifying the owner of such abandonment. Determination of the date of abandonment shall be made by the Zoning Administrator who shall have the right to request documentation and/or affidavits from the facility owner/operator regarding the active use of the facility. Failure to remove an abandoned Wind Energy Facility within said 90 days shall be grounds to remove the facility at the owner’s expense.

**8. Nonconforming Uses.**

**A. No expansion of Nonconforming Use.** Wind energy facilities that are constructed and installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

**B. Preexisting Towers.** Preexisting wind energy facilities shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting facilities. New construction or replacement of an existing wind energy facilities other than routine maintenance shall comply with the requirements of this ordinance.

## SECTION 4. HOME OCCUPATION

**4.01 General Requirements.** No home occupation, as defined in Section 2 of this ordinance, shall be permitted that:

1. Involves external alteration that effects a substantial change in the residential character of the building or is visible from the street.
2. Generates traffic, parking, and/or sewerage or water use in excess of what is normal in the neighborhood.
3. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance.
4. Results in outside storage or display of raw materials, waste, or finished products associated with the home occupation.
5. Involves other characteristics that are deemed by the Land Use and Zoning Commission and confirmed by the Town Board, to be unsuitable or incompatible with the surrounding uses.

**4.02 Permitted Home Occupations.** The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:

1. Dressmaking, sewing, and tailoring.
2. Painting, Sculpturing, or writing.
3. Telephone answering.
4. Home crafts, such as model making, rug weaving, lapidary work, and cabinet making.
5. Tutoring, limited to four students at a time.
6. Home cooking and preserving.
7. Computer programming.
8. Barber shops and beauty parlors.

**4.03 Conditional Uses.** Any proposed home occupation that is not specifically permitted by Section 4 shall require that a conditional use be granted or denied by the Land Use and Zoning Commission upon consideration of those standards in Section 4.01. The procedures and considerations for obtaining a conditional use permit are found in Section 7, Conditional Uses.



## **SECTION 5. DISTRICTS**

**5.01 Districts.** For the purposes of this ordinance, the town of Rudolph, Wood County, Wisconsin, is hereby divided into the following districts:

1. Residential District: R-1
2. Agricultural District: AG-1
3. Commercial District: C-1
4. Industrial District: I-1
5. Recreational District: REC
6. Nonmetallic Mining Overlay District: M

### **5.02 Official Zoning Map.**

1. The boundaries of the districts listed in Section 5.01 are hereby established as shown on the map titled "Official Zoning Map, Town of Rudolph, Wood County, Wisconsin" dated \_\_\_\_\_, hereinafter referred to as the "Official Zoning Map". That map is made a part of this ordinance. All notations and references shown on the Official Zoning Map are as much a part of this ordinance as though specifically described herein.
2. In un-subdivided property, the district boundary lines shown on the Official Zoning Map shall be determined by use of the scale shown on such map.

### **5.03 Residential District: R-1**

**1. Purpose.** The residential district is intended to be used where concentrations of single- and two-family homes have developed, are likely to develop or are proposed to be developed in the unsewered areas of the town of Rudolph. The purpose of this district is to provide areas in the town of Rudolph where a higher density lifestyle can be developed and preserved with protection from encroachment of other, incompatible uses. Certain neighborhood facilities are allowed to provide support services to the residential uses, including churches, schools, recreational facilities and libraries, provided the requirements of this ordinance can be met with respect to parking, lighting, signing, etc. It is the intent that this district not allow uses which will be a detriment to the health and safety of persons living in the R-1 districts or which will have a negative impact on property values of the permitted uses, such as commercial and industrial uses that generate traffic or keeping of farm animals where odors and noise may be offensive in the higher density developments. Because of local soil conditions and potable water availability, dwelling units larger than two-family will be encouraged to locate in areas where public sewer and water is, or is proposed to be available.

#### **2. Permitted Uses.**

- A. One- and two-family dwellings.
- B. Churches, schools and libraries, provided they meet the parking and setback

requirements of this ordinance.

**C.** Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

**D.** Parks, playgrounds and municipal recreational and community center buildings and grounds.

**E.** Accessory buildings, including private garages and buildings clearly incidental to the use of the property, provided, however, that no accessory building may be used as a separate dwelling unit.

**F.** Truck gardening, provided the area of vegetable production does not exceed 1 acre in size.

**3. Conditional Uses.** Uses not listed in the preceding paragraph may be allowed as a conditional use provided they are found to be compatible with the neighborhood in which they are proposed, provided there are no negative environmental impacts, the procedures in Section 7 are adhered to, and provided the intent of this ordinance (Section 1.02) and this district (Section 5.03(1)) are adhered to. Examples of uses that may be approved as conditional uses in the R-1 district are: four-family dwelling units, 2 – 4 unit condominiums, day care centers, bed & breakfast establishments (subject to Chapter 254, Wisconsin Statutes) and home occupations (as per Section 4.03 of this ordinance).

#### **4. Height, Yard, Area and Other Requirements.**

**A.** See Section 3.01(2).

**B.** See Section 6, Schedule of Regulations.

#### **5. Prohibited Uses.**

**A.** There shall be no more than one unlicensed road worthy vehicle stored outdoors per household in the R-1 district.

**B.** There shall be no wind energy generation facilities allowed in the R-1 district.

**C.** There shall be no non-operable vehicles, or parts thereof, stored outdoors in the R-1 district.

#### **5.04 Agricultural District: AG-1**

**1. Purpose.** The primary purpose of the AG-1 district is to preserve productive agricultural land for food and fiber production, preserve productive farms by preventing land use conflicts between incompatible uses, control public service costs throughout the AG-1 district to protect the economic viability of family farms, maintain a viable agricultural base to support agricultural processing and service industries, provide for limited residential uses in a rural environment, and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Section 71.57, Wisconsin Statutes.

## **2. Permitted Uses.**

- A.** One- and two-family residence provided it meets the density requirements specified in Section 5.04(4).
- B.** General farming and truck gardening.
- C.** Tree farming.
- D.** Churches, schools and libraries.
- E.** Municipal buildings, parks, playgrounds and municipal recreational and community center buildings and grounds.
- F.** Accessory buildings, including private garages and buildings clearly incidental to the use of the property, provided, however, that no accessory building may be used as a separate dwelling unit.
- G.** Farm ponds, provided they are one acre or less, have a maximum bottom slope of 3:1, and there is no more than one pond per 40-acre parcel.

## **3. Conditional Uses.**

- A.** Feedlots.
- B.** Uses not listed in Section 5.04(2) or 5.04(3)(A) may be allowed as a conditional use provided they are found to be compatible with neighboring uses, provided there are no negative environmental impacts, the procedures in Section 7 are adhered to, and provided the intent of this ordinance (Section 1.02) and this district (Section 5.04(1)) are adhered to. Examples of uses that may be approved as conditional uses in the AG-1 district are: farm equipment sales and/or service; home occupations (as per Section 4.04 of this ordinance); condominiums, day care centers; radio or TV broadcasting tower and/or studio; airports; funeral homes and cemeteries; trap or skeet shooting facilities; gun clubs and gun and archery shooting ranges; and similar and compatible uses as determined by the Land Use and Zoning Commission and confirmed by the Town Board.

## **4. Height, Yard, Area and Other Requirements.** See Section 6, Schedule of Regulations.

### **5.05 Commercial District: C-1**

**1. Purpose.** This district is designed to provide for a wide range of retail stores and personal service establishments which cater to frequently recurring needs. The commercial district is to be characterized by attractive commercial and service buildings located in areas with easy access to town residents and passers-by. The C-1 district should be buffered from nearby homes so as not to create noise and lighting conflicts.

## **2. Permitted Uses.**

- A.** Convenience stores, filling stations, and vehicle sales and service establishments.
- B.** Grocery stores and bakeries.
- C.** Clothing shops, dry goods stores.
- D.** Professional offices, banks, medical clinics and similar professional office facilities.
- E.** Funeral homes.
- F.** Nurseries and greenhouses.
- G.** Similar and compatible uses as determined by the Land Use and Zoning Commission and confirmed by the Town Board.

**3. Conditional Uses.** Uses not listed in Section 5.05(2) may be allowed as a conditional use provided they are found to be a commercial activity, are compatible with neighboring uses, that there are no negative environmental impacts, the procedures in Section 7 are adhered to, and provided the intent of this ordinance (Section 1.02) and this district (Section 5.05(1)) are adhered to.

**4. Height, Yard, Area and Other Requirements.** See Section 6, Schedule of Regulations.

### **5.06 Industrial District: I-1**

**1. Purpose.** The purpose of the industrial district is to provide areas in the town of Rudolph where manufacturing of products from raw materials can develop. Manufacturing uses may require large tracts of land and, in some cases, may require outside storage of materials or product. Some industrial developments may create or tend to create conditions considered to be a public or private nuisance or hazard. In certain cases, manufacturing activities may require special safeguards, equipment, processes, barriers or other forms of protection in order to reduce, eliminate, or separate those conditions from the public or the environment. Because the amount of industrial development in the town of Rudolph is minimal, because the Town is located adjacent to Wisconsin Rapids, which has an industrial park near the Town, and because industrial development is expected to occur only intermittently, it is in the best interest of the Town to consider industrial development proposals on a case-by-case basis. Therefore, all uses in the industrial district shall be conditional uses.

**2. Conditional Uses.** The following listed uses are allowable as conditional uses and are subject to the procedures established in Section 7 of this ordinance and shall be reviewed on a case-by-case basis with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby properties, the creation of health hazards, the potential for environmental damage and other factors deemed important in the town of Rudolph.

- A.** Manufacturing establishments in which raw materials are transformed into finished products and establishments engaged in assembling component parts of manufactured products.

**B.** Other industrial or commercial activities which poses potential special problems relating to the creation of hazards or nuisance conditions.

**C.** The outdoor storage of industrial products, machinery, equipment or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.

**D.** Railroads, railroad yards and structures normally incidental to the operation of railroads, not including warehouses owned by establishments other than railroad companies.

**E.** Facilities for the production, processing and storage of concrete and concrete products.

**F.** Garbage, rubbish or waste disposal.

**G.** Creameries, cheese factories, milk processing plants.

**H.** Similar and compatible uses as determined by the Land Use and Zoning Commission and confirmed by the Town Board.

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

**A.** See Section 6, Schedule of Regulations.

**5.07 Recreational District: REC**

**1. Purpose.** To provide for the orderly and attractive grouping of recreation-oriented establishments, facilities and structures.

**2. Permitted Uses.**

**A.** Public and private parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds, bathing beaches, ice rinks, ski and sledding hills, and shelter buildings.

**B.** Public and private campgrounds.

**C.** Public and private recreational and community center buildings and grounds.

**D.** Amusement parks and water parks with a maximum allowable horsepower on self propelled vehicles of five (5) horsepower.

**3. Conditional Uses.** Uses not listed in Section 5.07(2) may be allowed as a conditional use provided they are found to be a recreational activity, are compatible with neighboring uses, that there are no negative environmental impacts, the procedures in Section 7 are adhered to, and provided the intent of this ordinance (Section 1.02) and this district (Section 5.07(1)) are adhered to.

**4. Height, Yard, Area and Other Requirements.**

**A.** See Section 6, Schedule of Regulations.

## 5.08 Nonmetallic Mining Overlay District: M

**1. Purpose.** It is the purpose of this overlay district to establish conditional regulations and performance standards for the extraction, processing, utilization and transport of mineral resources and products in such a manner as to ensure maximum protection to surrounding properties and the physical environment through siting of activities and structures, buffering, setbacks, visual screening, height limitations, access routing, and noise, vibration, air quality and water quality controls.

It is further the purpose of this overlay district to unconditionally require that any excavation or mining activity falling under the jurisdiction of this section, develop and submit a reclamation plan and map to the Land Use and Zoning Commission for approval as per Section 5.08 (4) Reclamation Permit Requirements.

**2. Extent.** This section does not apply to excavations or mining operations of one acre or less, provided slopes do not exceed 3:1, and where only one is present per 40-acre parcel.

**3. Conditional Uses.** Mining of nonmetallic minerals and the processing for manufacture of materials incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted in non-residential zoned districts in the town of Rudolph provided a conditional use permit has been secured as per the procedures in Section 7 of this ordinance. The Land Use and Zoning Commission may require any or all of the following development site standards, special regulations, or performance standards or other conditions as they may deem necessary (see Section 7) as part of the conditions for granting a conditional use permit. All conditional use permit applications for nonmetallic mining must include a preliminary copy of the nonmetallic mining reclamation plan that meets the requirements of Section NR 135.19, Wisconsin Administrative Code.

### A. Development Site Standards.

**(1) Net Lot Area.** The net lot area requirement shall be determined by the sum of the area to be extracted plus that area required to meet the minimum setback standards, or the area required to meet the performance standards set by this ordinance, whichever is greater.

**(2) Lot Coverage, Percent of.** Not more than 10% of the net area of the lot may be covered by buildings, including accessory buildings.

**(3) Yards, Front, Side and Rear.** All quarries, pits, open mines, processing plants, screening, sorting, storage, stoneworks, stone cutting, stone polishing, loading, batching, mixing, maintenance, service and repair equipment, facilities and structures shall be set back from zone boundaries and lot lines an amount sufficient to achieve the performance standards set in the conditional use permit and in conformance with setbacks established by Section 6, Schedule of Regulations, whichever is greater.

**(4) Open Space and Green Area.** Not less than 25% of the net lot area designated for mineral resource development shall be maintained in open space, including required buffer areas, landscaped or planted berms, forested areas or areas devoted

to agriculture.

**(5) Exclusion from Setback Line Limitations.** Security patrol roads, directional and safety warning signs, security fences and acoustical or visual screens, berms or walls may be permitted within the setback area.

**B. Special Regulations.** In addition to the above requirements, the following special regulations shall apply to mineral resource extraction, processing, utilization and related uses.

**(1) Fencing.** Quarries, pits, open mines and material stockpiles shall be enclosed by fencing of a design and materials that discourage entry onto the site of such operation.

**(2) Degree of slope.** Slopes created by mining extraction must have a minimum 2 to 1 ratio, horizontal to vertical, to minimize cave-in and slump, wind and water erosion, and lateral shifting of the undisturbed ground surface near the mine excavation. For stored ores, gravels, sands, or soils, the minimum slope ratio shall be 1 to 1. On actively mined faces where a 2 to 1 ratio for slope is not possible, safety fencing above the slope must be provided.

**(3) Parking.** Off-street parking shall be provided at a rate of 1 space for each 1 1/2 employees on the major shift, plus one space for each business vehicle plus sufficient loading and waiting space.

**(4) Screening.** Adequate planting and/or fencing shall be provided along all public roads and residential dwellings adjacent to the property involved, sufficient to screen the operation from public view, as reasonably as possible and as approved by the Land Use and Zoning Commission and confirmed by the Town Board in granting a conditional use permit.

**(5) Hours of Operation.** In cases where noise, vibration, vehicle traffic, lights, or other intrusions may disrupt surrounding property owners, the Land Use and Zoning Commission may require reasonable hours of operation. However, during a public emergency during which sand and/or gravel is needed and upon the order of the Director of the Emergency Management Agency of the County, the County Sheriff, or the County Board Chairperson, operation may proceed outside of the imposed hours of operation.

**C. Performance Standards.**

**(1) Visual Effects.** The line of sight for developed residential property (whether developed prior to or subsequent to the operation of the quarry) to quarries, pits, structures, and stock piles, loading areas, access roads, and other facilities shall be interrupted so as to reduce to the maximum extent practicable the visual intrusion of surrounding occupied properties not owned or leased by the owner or operator of the area zoned for mineral resource recovery.

**(2) Dust.** Any operation shall comply with all applicable federal, state, and local air

pollution control laws and regulations.

**(3) Protect Water Table.** No extractive operation shall be conducted in such a manner as to permanently raise or lower the water table of surrounding inhabited properties.

**(4) Dust Free Roads.** The operator of the excavation shall maintain all haulage roads used in connection with this operation, whether under their control and ownership, a private road, or that of a municipality, as much as possible in a dust free condition.

#### **4. Reclamation Permit Requirements. .**

**A. Reclamation Permits.** All operators of nonmetallic mining sites within the Town shall possess a reclamation permit from the County of Wood pursuant to Wood County Ordinance #802, Nonmetallic Mining Reclamation, administered by the Wood County Land Conservation Department, Wood County Courthouse, 400 Market Street, PO Box 8095, Wisconsin Rapids, WI 54495-8095.

**B. Reclamation Plans.** All operators of nonmetallic mining sites shall submit a reclamation plan upon application for a reclamation permit that meets the requirements of Section NR 135.19, Wisconsin Administrative Code.

**C. Statutory Authority.** Nonmetallic mining reclamation is subject to the Wood County Nonmetallic Mining Reclamation Ordinance #802, under authority of Section 295.13(1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code, and Section 59.51, Wisconsin Statutes.

**D. Local Zoning Authority.** Issuance of reclamation permit by Wood County does not grant or guarantee prospective nonmetallic mine operators a conditional use permit to operate at a specific location in the town of Rudolph. The siting of a nonmetallic mining operation is subject to the local zoning authority of the town of Rudolph. All prospective operators are required to obtain a conditional use permit from the Land Use and Zoning Commission as described in Section 5.08(3) of this ordinance.



## SECTION 6. SCHEDULE OF REGULATIONS

### 6.01 Schedule of Area, Yard, Building (Bulk), and Unit Requirements

Zone Category	Permitted Uses	<u>Minimum Lot Size<sup>1</sup></u>		<u>Minimum Yard Requirements<sup>4</sup></u> <u>Principal Buildings</u>				<u>Percent of Maximum Lot Coverage of Buildings<sup>3</sup></u>
		<u>Area</u>	<u>Width</u>	<u>Front<sup>2</sup></u>	<u>Rear</u>	<u>One Side</u>	<u>Both Sides</u>	
		(sq. ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	
R-1	Residential	30,000	150	35	25	25	25	50
AG-1	Agricultural	43,560	200	35	25	25	25	50
C-1	Commercial	30,000	150	35	25	25	25	50
I-1 <sup>5</sup>	Industrial	30,000	150	35	25	25	25	50
REC	Recreational	30,000	150	35	25	25	25	50

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<sup>1</sup>Does not apply to parcels laid out or platted prior to Oct. 14, 1992.

<sup>2</sup>No Part of a building, structure, or mobile home, whether used for residential purposes, or for any other purpose, shall be built within thirty-five (35) feet of the road right-of-way with the right-of-way considered to be a minimum of four (4) rods. Buildings must be setback 50feet from state highway right of way.

<sup>3</sup>Maximum lot coverage for buildings on corner lots shall be 60 percent.

<sup>4</sup> All dimensions taken from foundations, allowing a two (2) foot dripline

<sup>5</sup> For industrial structures, the height of the structure or the standard setback distance, whichever is greater. For tower structures, the engineered fall zone is considered the height for this ordinance.

### 6.02 Additional Setback Requirements.

1. Setback requirements shall apply to building at the end of an existing road as though the road were extended one-quarter mile (see Figure 1). If said existing road is laid on a section line, setback requirements shall apply to building at each end of said road as though that road were extended to the end of that section line (see Figure 2).
2. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.
3. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

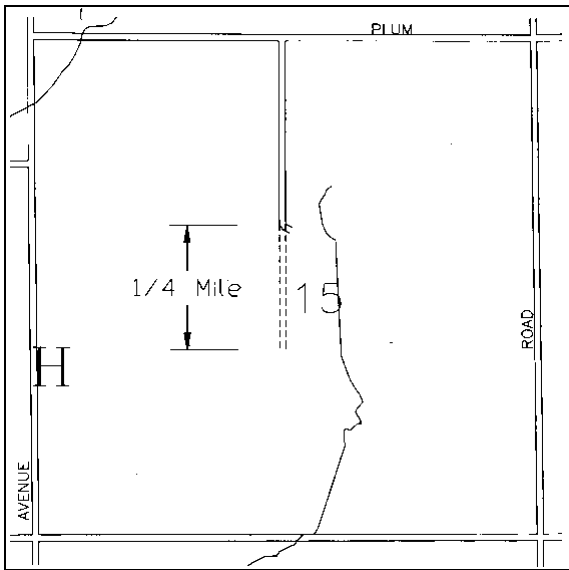


Figure 1. Setback extends 1/4 mile on roads not following section lines.

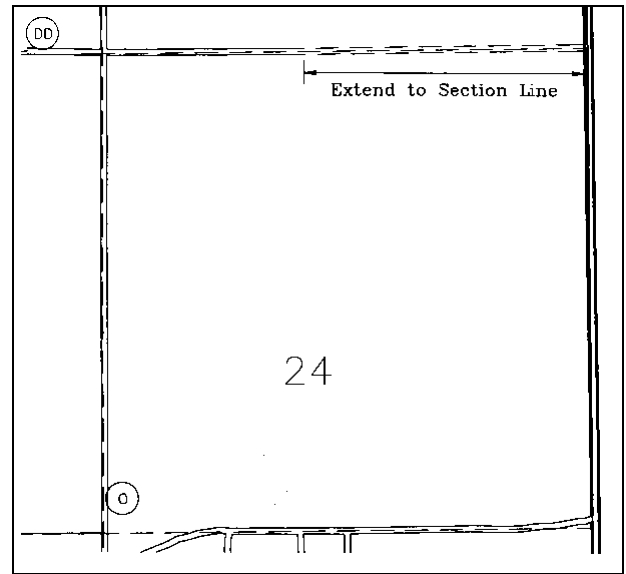


Figure 2. Setback extends to end of section line when existing road follows a section line.

## SECTION 7. CONDITIONAL USES

### 7.01 General.

**1. Authorization.** Uses listed as "conditional uses" within zoning districts may be allowed provided the establishment, maintenance, and operation of the use shall have been approved by the Land Use and Zoning Commission and a conditional use permit granted after a public hearing and concurrence of the Town Board.

**2. Review Required.** Whenever it is proposed to establish a conditional use specified in this ordinance, the Land Use and Zoning Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and other aspects of the proposed use.

### 7.02 Procedure.

**1.** A request for a conditional use permit shall be submitted in writing to the Town Clerk who will promptly refer the application to the Land Use and Zoning Commission. All requests for conditional use permits shall be submitted by the first day of the month, prior to the month of the conditional use hearing. The request shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately, the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the building or structure.

A conditional use information sheet will be sent to those requesting it, providing a list of the required information to apply for a conditional use permit. A checklist may be provided by the Land Use and Zoning Commission to identify issues that may need to be considered for the permit.

**2.** The Town Board may authorize the Town Clerk to issue a conditional use permit pursuant to Section 7, Conditional Uses, after review, a public hearing (class 2 notice), notification of adjacent and opposite property owners, and recommendation by the Land Use and Zoning Commission provided such uses are in accordance with the purpose and intent of this ordinance.

### 7.03 Conditions and Guarantees.

**1.** Prior to granting a permit for a conditional use, the Land Use and Zoning Commission may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to secure compliance with the standards specified in Section 7.04. Establishment, maintenance and operation shall be construed to include, but not be limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Land Use and Zoning Commission shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this ordinance. In all cases in which a permit for conditional use is granted, the Land Use and Zoning Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and

will be complied with. Conditional use permits are granted for a limited period of time as determined by the Land Use and Zoning Commission, are subject to review at the expiration of the permit, and are not transferable.

2. Conditional uses shall comply with all other provisions of this ordinance such as lot width and areas, yards, height, parking and loading.

#### **7.04 Standards.**

**1. Land Use and Zoning Commission Findings.** No permit for a conditional use shall be granted unless the Land Use and Zoning Commission shall find the following:

**A.** That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, comfort or general welfare.

**B.** That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

**C.** That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

**D.** That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.

**E.** That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets.

#### **7.05 Determination.**

1. The Land Use and Zoning Commission shall report its decision within 60 days after the filing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and all conditions made applicable thereto.

#### **7.06 Termination.**

1. Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit shall be terminated by action of the Land Use and Zoning Commission and may be considered by the commission as a violation of this ordinance.

2. No application for a conditional use which has been denied wholly or in part by the Land Use and Zoning Commission shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

## **SECTION 8. LAND USE AND ZONING COMMISSION**

**8.01 Establishment.** There is hereby established a Land Use and Zoning Commission for the town of Rudolph for the purpose of reviewing planning and zoning related matters in the town of Rudolph, interpreting the intent of this zoning ordinance, recommend granting conditional uses, and recommending to the Town Board amendments to the ordinance as are in harmony with the general purpose and intent and in accordance with general or specific rules contained in this ordinance.

### **8.02 Membership.**

1. The Land Use and Zoning Commission shall consist of five members plus 2 alternates, appointed by the Town Chairperson, subject to confirmation by the Town Board. No member of the Land Use and Zoning Commission shall be a member of the Town Board or the Board of Appeals. The Town Chairperson shall appoint one of the members to Chair the Commission. The Land Use and Zoning Commission shall elect one of its members as Vice-Chair and one member as Secretary.

2. Members of the Land Use and Zoning Commission shall all reside within the town of Rudolph. Terms shall be staggered for three-year periods. Of those first appointed, one shall serve for 1 year, two for 2 years and two for 3 years. Successors shall be appointed in a like manner at the expiration of each term and their term shall be 3 years in all cases. Vacancies shall be filled for the unexpired terms of members whose terms shall become vacant. The members shall receive such compensation as determined by the Town Board. Members of the Land Use and Zoning Commission shall be removable by the Town Board for cause upon written charges and after public hearing before the Town Board.

### **8.03 Duties and Responsibilities.**

1. **Review Amendment Requests.** To review requests, conduct public hearings and make recommendations for amendments to the zoning text and official zoning map and forward such recommendations to the Town Board.

2. **Conduct Public Hearings.** To conduct public hearings in response to conditional use petitions and recommend approval, modification or denial of the petition to the Town Board together with a list of conditions to be met by the petitioner.

3. **Interpret Ordinance.** To interpret the provisions of this ordinance in such a manner as to carry out the intent and purpose of the Town of Rudolph, Land Use Plan, as shown on the district map accompanying and made a part of this ordinance.

4. **Update Land Use Plan and Zoning Ordinance.** To, at the direction of the Town Board, update the Town of Rudolph, Land Use Plan, and the associated zoning and subdivision ordinances which aid compatibility with, and implementation of the Town's development goals and objectives as described in the Town of Rudolph, Land Use Plan.

5. **Land Division Review.** To review all certified survey maps, and preliminary plats or final plats for compliance with local zoning ordinances or regulations as listed in Section 3.09, Land Division.

## **8.04 Rules of Conduct.**

**1. Rules.** Meetings of the Land Use and Zoning Commission shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall be open to the public in compliance with the Wisconsin open meeting law. Regular meetings will be held 3 times a year in the months of January, May and September.

**2. Minutes.** The Land Use and Zoning Commission Secretary shall keep minutes of its proceedings, showing the vote on each subject that requires Commission action. Minutes of each meeting, along with recommendations for Town Board action shall be forwarded to the Town Board immediately following the Land Use and Zoning Commission meeting so that the Town Board can accept the minutes at their next regular meeting and take action on recommendation within a reasonable time after the Land Use and Zoning Commission meeting. All records of the Land Use and Zoning Commission shall be public record.

## SECTION 9. ZONING ADMINISTRATOR

**9.01 Establishment.** There is hereby created the office of Zoning Administrator. The Zoning Administrator shall be responsible for the issuing of building permits and associated record keeping, and ordinance interpretation as it relates to the enforcement of this ordinance.

**9.02 Membership.** The Zoning Administrator shall be appointed by the Town Board for the term of two years, at a salary to be fixed by the Town Board; and shall hold office two years unless sooner removed by the Town Board and until a successor shall have been duly appointed. The Zoning Administrator shall be a resident of the town of Rudolph and maintain an office therein.

**9.03 Duties and Responsibilities.** In the administration and enforcement of this ordinance, the town of Rudolph Zoning Administrator shall have the following duties and responsibilities:

**1. Enforcement.** Except as otherwise provided in this ordinance, have the general management and control of all matters pertaining to that office and shall enforce this ordinance, all state laws, county ordinances, town ordinances, and lawful orders of the Town Board relating to the construction, alteration, repair removal and safety of buildings and other structures of permanent building equipment.

**2. Record Keeping.** Keep a record of all applications for building permits in a book used for such purpose and regularly number each permit in the order of its issuance. The Administrator shall keep a record showing the number, description and size of all buildings erected during his term of office indicating the kind of material used. The Zoning Administrator shall submit monthly to the Town Clerk copies of permits issued and the fees collected during the previous month. A copy of the permit shall also be furnished to the Assessor.

**3. Form Preparation.** Prepare suitable forms for the applications and permits required and keep in an office a proper daily record of all inspections made and all removal and condemnation of buildings and a record of all fees earned; and the Zoning Administrator shall make an annual report covering the period closing March 15th of each year to the Town Board, to be filed on or before April 1st, showing the total amount of fees earned and general summary of the work of that office during said period.

**4. Interpret Ordinance.** Have full power to interpret the provisions of this ordinance relating to building subject to the conditions contained in the ordinance.

**5. Enter Public or Private Premises.** Have the power and authority with prior notification, while under construction to enter upon any public or private premises and make inspection thereof and to require the production of any permit for any building, structure or permanent equipment thereof. Any person interfering with the Zoning Administrator while in the performance of the duties of that office, described herein, shall be deemed guilty of a misdemeanor and punished as therein provided.

**6. Library of Codes and Ordinances.** At Town expense, maintain a library of applicable ordinances, laws, lawful orders, codes and such other material as will enable proper fulfillment of the duties of that office and interpret to others the provisions of this ordinance.

## SECTION 10. BOARD OF APPEALS

**10.01 Establishment.** A Board of Appeals is hereby established to hear and decide appeals where it is alleged that there has been an error in any order, requirement, decision or determination made by any administrative official, and to authorize upon appeal in specific cases a departure from any provision of the zoning requirements for a specific parcel.

**10.02 Membership.** The Board of Appeals shall consist of five members appointed by the Town Board, for three years, except that of those first appointed one shall serve for one year, two for two years and two for three years. The members shall be compensated at a rate as determined by the Town Board and shall be removable by the Town Board for cause upon written charges and after a public hearing. The Town Board shall designate one of the members Chairperson. The Board of Appeals may employ a secretary, and others may be employed with the consent of the Town Board. The Town Board shall appoint two alternate members for a term of three years, who shall act with full power, only when a member of the Board of Appeals refuses to vote because of conflict of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. No member of the Board of Appeals may serve on the Town Land Use and Zoning Commission or the Town Board.

### **10.03 Rules of Conduct.**

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

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

**3. Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the town of Rudolph affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officers from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals not more than thirty (30) days after the filing of the notice of appeal and shall give public notice thereof at least ten (10) days prior to the time of hearing as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

**10.04 Duties and Responsibilities.** The Board of Appeals shall have the following duties and responsibilities:

**1. To Hear and Decide Appeals.** To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.



**2. To Authorize Variances.** To authorize upon appeal in specific cases a departure from any provision of the zoning requirements for a specific parcel, without changing the zoning ordinance or the underlying zoning of the parcel. To grant a variance, the Board of Appeals must find four things: (1) The variance will not be contrary to the public interest; (2) Substantial justice will be done by granting the variance; (3) The variance is needed so that the spirit of the ordinance is observed; and (4) Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. A 1998 decision by the Wisconsin Supreme Court held that the legal standard of unnecessary hardship requires that the property owner demonstrate that without the variance, he or she has no reasonable use of the property.

**3. Permit Projects and Establish Conditions.** Permit the erection and use of building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this ordinance for such public utility purposes that are reasonably necessary for the residents' of the town of Rudolph convenience and welfare.

**4. Change or Modify Administrative Decisions.** The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the administrative official. The concurring vote of four members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirement of this ordinance.

**5. Interpret Ordinance.** Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan as shown on the "Official Zoning Map" made a part of this ordinance.

## SECTION 11. BUILDING PERMITS AND INSPECTION

### 11.01 Application For and Issuance of Building Permits.

1. No building, structure, permanent building equipment, or any part thereof, wireless telecommunications tower, or wind energy generating facility, shall hereafter be built, enlarged, altered, or demolished within, or moved into the town of Rudolph unless a permit is obtained by the owner or the owner's agent from the Zoning Administrator.
2. This ordinance shall not be construed to require a permit for any repairs, replacements or minor alterations of a value of \$5,000 or less which do not change the number of rooms, area, or structural strength. Repairs that are considered ordinary repairs and upkeep do not need a permit. Examples of repairs that are considered normal repair and upkeep include re-roofing, new windows, interior or exterior painting, new siding, and new doors.
3. The term "project" as used in this section shall include any building, structure or permanent equipment thereof, and any enlargement, alteration, moving or demolishing of any building, structure or permanent equipment therein, also any material in any equipment or underground tanks, vaults and similar structures.
4. Any permanent signs over 32 square feet are required to obtain a permit from the Zoning Administrator.
5. Application for a building permit shall be made in writing on a form furnished by the Zoning Administrator and shall state the name and address of the owner of the project and the owner of the land upon which it is to be constructed. With such application there shall be submitted to the Zoning Administrator a set of plans covering the proposed project, alterations or improvements, showing the location of any proposed building with respect to adjoining streets, alleys, lot lines and other buildings. The plans so submitted shall contain the above information required and shall be sufficient to fully inform the Zoning Administrator with reference to the work to be performed and the premises to be occupied. **No building permit shall be issued for any building designed for human habitation unless a sanitary permit has been obtained.**
6. If the Zoning Administrator finds that the proposed project will comply in every respect with this ordinance, the project shall be officially approved and a receipt showing the fees paid for such permit shall be issued to the applicant.
7. In a project where multiple building permits are required and inspections for both permits can be combined, the applicant will only be required to pay the cost of the higher priced permit.

### 11.02 Building Permit Fees.

1. Before receiving a building permit the owner or his agent shall pay to the Zoning Administrator the: fees as shown in Section 11.06, Fee Schedule, Town of Rudolph, Building Permit Fees.
2. A building permit must be obtained before beginning any project (as described in 11.01(3)) that requires a building permit. Any project started prior to obtaining a permit is subject to double the building permit fees listed in Section 11.06, Fee Schedule, Town of Rudolph, Building Permit Fees.

3. Contact is to be made to Zoning Administrator a minimum of 10 days prior to commencement of project to guarantee building permit being on hand at project start date.

### **11.03 Display and Use of Permit.**

1. With every permit issued, the Zoning Administrator shall issue to the applicant a weather-proof card, properly filled out, and it shall be the duty of the applicant to place the card in a conspicuous place on the premises where the project is to be constructed, the card to be unobstructed from public view and not more than 15 feet above grade.

2. The building permit shall have lapsed and be void unless the building operations shall be commenced within 12 months from the date thereof.

3. The Zoning Administrator may re-issue permit for one additional year without cost on projects not started or not completed in original issue year. A new permit must be obtained if the project has been modified.

**11.04 Revocation of Permit.** If the Zoning Administrator shall find at any time that the above mentioned ordinance, laws, rules, orders, plans and specifications are not being complied with, the Zoning Administrator may revoke the building permit and written notice of such action shall be posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work on said building until the permit has been reissued, excepting such work as the Zoning Administrator may deem necessary as a condition precedent to the reissuance of a permit.

**11.05 Inspection and Enforcement.** It shall be the duty of the, Land Use and Zoning Commission, and the members of the Town Board to report at once to the Zoning Administrator any building or buildings in which work is being carried on without a permit as required by this ordinance. Buildings shall be inspected at such time and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. If, upon inspection of a completed building, the Zoning Administrator shall be satisfied that the ordinance has been complied with, a Certificate of Compliance shall be issued or any changes necessary to such compliance shall be prescribed. After the issuance of such Certificate no structural part of the building shall be changed. No building or part thereof shall be occupied as a residence by the owner until such Certificate of Compliance has been issued, except that in those cases where the owner of real estate desires to first erect upon the premises a building to be later used as a garage or to first erect a basement and for the present to be occupied as a home pending the erection of a permanent place of abode, a Certificate of Compliance shall be issued by the Zoning Administrator if the building so erected is suitable for residence purposes, and compliance in all respects with the ordinance has been made.

## 11.06 Fee Schedule, Town of Rudolph

<b>Building Permit Fees</b>		
1.	For structural alterations exceeding \$5,000 in value or which increase the area of the building or cover more than ordinary repair and upkeep. Examples of repairs that are considered ordinary repair and upkeep include re-roofing, new windows, interior or exterior painting, new siding, and new doors.	\$25.00
2.	For permanent signs over 32 square feet,	\$20.00
3.	For moving a building from one location to another within the town of Rudolph,	\$25.00
4.	For the installation of commercial fuel tanks, except for residential heating tanks, and general farm use tanks,	\$50.00
5.	For the erection or placement of any new building to be used as a single-family dwelling,	\$50.00
6.	For the erection of a multiple-family dwelling or condominium,	\$50.00 per unit
7.	For the erection of any public, commercial or industrial building,	\$100.00
8.	For the erection of any other building for which fees are not set specifically herein, such as accessory buildings, private garage, and exceeds \$1,000 assessed value,	\$25.00
9.	For moving any building of any kind or nature that will be used as a residence from outside the town of Rudolph to within the limits thereof, the sum of, (Note: Pursuant to Sec. 12.03 requires \$500 bond)	\$50.00
10.	For razing a building,	\$0.00
11.	Site Address Number (commonly known as a “fire number” or “building number”)	\$35.00
12.	For moving any building that is not considered a residence from outside the town of Rudolph to within the limits thereof, the sum of, (Note: Pursuant to Sec. 12.03 requires \$500 bond)	\$35.00
13.	For the erection of any wind generation facility.	\$50.00
	<ul style="list-style-type: none"> <li>• Any project started prior to obtaining a permit is subject to double the building permit fee.</li> <li>• In a project where multiple building permits are required and inspections for both permits can be combined, the applicant will only be required to pay the cost of the higher priced permit.</li> <li>• Contact is to be made to Zoning Administrator a minimum of 10 days prior to commencement of project to guarantee building permit being on hand at project start date.</li> </ul>	

<b>Wireless Telecommunications Towers Permit Fees</b>	
1. For the erection of any wireless telecommunications tower	\$3000.00

<b>Variations, Conditional Use Permits, Appeals, Zoning Amendments, and Land Subdivision Review</b>	
1. For application for a conditional use permit , zoning amendment or land sub-division review at regularly scheduled land Use and Zoning commission meeting	\$00.00
2. For appeal or request for a variance to the Board of Appeals ( \$225 plus \$35 publication fee )	\$260.00
<p><i>Note: All applications for variations, conditional use permits and zoning amendments require a public hearing. Annually in January, May and September the Land Use and Zoning Commission meets to consider conditional use applications, land division reviews and ordinance and zoning amendments. During these 3 meetings, the hearing fee and cost of publication of hearing notice are waived. Special meetings of LU &amp; ZC and <u>all</u> applications to the Board of Appeals for an appeal or variance consideration do require the fee.</i></p>	

## **SECTION 12. UNSAFE BUILDINGS**

**12.01 Orders to Vacate.** Whenever the Zoning Administrator shall find that any building or structure or any part thereof is dangerous to life, health, or adjoining property by reason of defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation, unsanitary condition or other cause, the Zoning Administrator shall order the building vacated for repairs when the Zoning Administrator deems it necessary to properly preserve life and health of the occupants. Upon receiving such order, the owner or tenants of said building or structure shall thereupon immediately cause the same to be made safe, sanitary or removed as ordered. Any person who fails or refuses to comply with such order shall be deemed guilty of violation of this ordinance.

**12.02 Zoning Administrator May Enter Premises.** When public safety and public health demand immediate action the Zoning Administrator may enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed. The expense of said work may be recovered by the Town in an action against the owner or tenant.

**12.03 Bond Required.** Before any permit to move any building on or over any public roadway within, into, or out of the town of Rudolph is granted by the Zoning Administrator, the applicant shall give a bond in the sum of Five Hundred Dollars (\$500), with good and sufficient sureties, conditioned among other things that said party will save and indemnify judgments, costs and expenses which may in any way accrue against the town, and to hold the said Town harmless against all liability, judgment, cost and expense in consequence of said permit.

**12.04 Moving of Buildings.** The moving of a building shall be continuous during all hours of the day and the night if the Inspector so orders, until completed, with the least possible obstruction to traffic. No building shall be allowed to remain over night upon any street, crossing or intersection or upon any public highway and a lighted lantern shall be kept at each end of the building during the night.

## SECTION 13. UTILITY SETBACKS

Any utility poles, cables, lines, pipes or other equipment lying within forty-one and one quarter feet of the center of any highway, whether above ground or under ground, shall be located at the expense of the utility owning the same. In the event that any such poles, cables, lines, pipes or other equipment lying within forty-one and one quarter feet of the center of any such highway require relocation because of the improving, repairing or widening of such highway, the cost of such relocation shall be borne by the utility owning the same.

## SECTION 14. CHANGES AND AMENDMENTS

**14.01 Procedure.** The Town Board may from time to time on its own motion, or petition from the public, recommend to the Land Use and Zoning Commission to amend, supplement, or change the district boundaries or the regulations herein or subsequently established upon giving notice by publication of a Class 2 notice in the official newspaper, of the proposed amendment, supplement or change and of hearing thereon, an opportunity to any person interested to be heard. Petitions for rezoning must be accompanied by plans and information sufficient to provide the Town Board with an understanding of the intended use and the nature and the layout of the facilities. The petitioner shall submit proof that any septic system or other private sewage system to be installed or used upon the premises to be rezoned has been approved by the Wood County Planning and Zoning Office and complies with all town, county, state or other applicable regulations.

**14.02 Protests.** In case of protest against a proposed change or amendment, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of land included in such proposed amendment, or by the owners of twenty percent (20%) or more of the area of the land adjacent extending 100 feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by the favorable vote of two-thirds of members of the Town Board.

## SECTION 15. VIOLATION AND PENALTIES

**15.01 Violations.** It shall be a violation of this ordinance to make any use of property not expressly permitted by this ordinance or a permit or other approval granted hereunder.

**15.02 Administrative and Legal Expenses.** Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, but subsequently complies with this ordinance, shall pay the reasonable administrative and legal expenses necessarily incurred by the Town to obtain such compliance.

**15.03 Forfeiture and Imprisonment.** Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall, upon conviction, pay a forfeiture of not less than \$10.00 nor more than \$200.00, together with the costs of prosecution or in default thereof, by imprisonment in the county jail of Wood County for a term of not more than 30 days. Each day that a violation continues shall constitute a separate offense.

## SECTION 16. VALIDITY

**16.01 Severability.** Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not effect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

**16.02 Effective Date.** This ordinance shall be in force from and after its passage, approval, publication and recording according to law.

Date passed by Town Board:	<i>June 4, 2014</i>
Town Chairperson:	<i>James Bushmaker</i>
Town Clerk:	<i>Amy Arnold</i>
Date approved by Wood County Board Supervisors:	<i>July 15, 2014</i>



SECTION 17. OFFICIAL ZONING MAP

