



Sawyer County

Agenda

Administration Committee Meeting

Thursday, December 9, 2021 @ 10:00 AM

Assembly Room/Virtual Meeting

Date Revised: Wednesday, December 8, 2021 4:11 PM

Page

1. CALL TO ORDER

- a. The public is **strongly encouraged** to access the public meeting remotely due to public health and safety concerns. To view or participate in the **virtual meeting** from a computer, iPad, or Android device please go to <https://zoom.us/j/92546130740>. You can also use the dial in number for listening only at 1-312-626-6799 with the Webinar ID: 925 4613 0740. If additional assistance is needed please contact the County Clerk's Office at 715-634-4866 prior to the meeting. If you are on a computer, click the "Raise Hand" button and wait to be recognized. If you are on a telephone, dial *9 and wait to be recognized.

2. ROLL CALL

3. CERTIFICATION OF COMPLIANCE WITH THE OPEN MEETINGS LAW

4. MEETING AGENDA

5. PUBLIC COMMENTS

- a. At this time, members of the public will be given the opportunity to address the Committee on items not on the agenda. Please adhere to the following when addressing the Committee:
 - Comments will be limited to 3 minutes or less per individual.
 - Comments should be directed to the Committee as a whole and not directed to individual Committee members.
 - The Committee cannot respond to your comments during this time.
 - Please sign in and fill out a public comment sheet if you wish to speak on an item.

6. APPROVAL OF MINUTES FROM PREVIOUS MEETING

- a. [11.4.21 Admin Minutes DRAFT](#)

	7. CONSIDERATION OF 2022 COOPERATIVE LAW ENFORCEMENT AGREEMENT (DISCUSSION AND POSSIBLE ACTION)
6 - 7	a. Resolution to Approve 2022 Cooperative Law Enforcement Agreement 2021- Resolution Approving 2022 Cooperative Law Enforcement Agreement
8 - 20	b. 2022 Cooperative Law Enforcement Agreement - FINAL 2021-12-06 - 2022 Cooperative Law Enforcement Agreement - FINAL
	8. VETERANS SERVICE DEPARTMENT REPORT
21 - 24	a. Veteran Service Office Report 9.Dec.2021
	9. INFORMATION TECHNOLOGY DEPARTMENT REPORT
25	a. IT-2021-12-09-Administration-Committee
	10. HUMAN RESOURCES REPORT
26 - 30	a. 1) Human Resource Report December 2021 2) Sawyer County Service Letter 11-18-21
	11. APPOINTMENTS (DISCUSSION AND POSSIBLE ACTION)
	a. County Board Supervisor
	b. County Treasurer
	c. Approve bank signature cards effective January 3, 2022, with new Treasurer
	d. Emergency Management Director
	e. Corporation Counsel
	12. MUNICODE CODIFICATION UPDATE (DISCUSSION AND POSSIBLE ACTION)
31 - 383	a. Draft of Updated County Ordinances Codified
	13. COUNTY ADMINISTRATOR'S REPORT
384 - 385	a. Administrator's Report 2021-12
	14. CLOSED SESSION
	a. 19.85 (1)(c) Enter closed session to consider employment, promotion, compensation or performance evaluation data of any public employee

over which the governmental body has jurisdiction or exercises responsibility.

15. OPEN SESSION

16. FUTURE AGENDA ITEMS

17. CORRESPONDENCE, REPORTS FROM CONFERENCES AND MEETINGS, OTHER MATTERS FOR DISCUSSION ONLY

DISCLAIMER:

A quorum of the County Board of Supervisors or of any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a determination that attendance at the meeting is necessary to carry out the Board or committee's function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.

Copy sent via email to: County Clerk and News Media. Note: Any person wishing to attend whom, because of a disability, requires accommodation should call the Sawyer County Clerk's Office (715.634.4866) at least 24 hours before the scheduled meeting so appropriate arrangements can be made.

**Minutes of the November 4th meeting of the Sawyer County
Administration Committee
Of the Sawyer County Board of Supervisors
Assembly Room; Sawyer County**



Voting Committee Members (X) Present:

- ☒ Chair: **Tweed Shuman**
- ☒ Vice Chair: Dale Schleeter
- ☒ James Schlender
- ☒ Ron Kinsley
- ☒ Tom Duffy

Others Present:

Tom Hoff	Molly Lank-Jones
Lynn Fitch	Dawn Petit – Virtual
Mike Coleson	Ron Buckholtz
Gary Elliott	Stacey Hessel
Dianne Ince	Linda Zillmer
Carol Pfaff	Sherry Machones
Donna Knuckey	

Call to Order – Chair Shuman called the meeting to order at 10:00 am.

Certification of Compliance with the open meeting law was met. Roll Call taken; quorum was met.

Meeting Agenda –

Public Comments – Donna Knuckey, Molly Lank-Jones, Carol Pfaff, Sherry Machines, Linda Zillmer, Ron Buckholtz and Dawn Petit

Minutes from the previous meeting – A motion was made by Mr. Kinsley to approve the minutes of the October 14, 2021, meeting; second by Mr. Schleeter. Motion carried without negative vote.

Veterans Service Department Report – A written report was provided. Mr. Elliot reviewed the call activity and advised that they have received 106 disability pension claims to date. Their training is current.

Information Technology Department Report – A written report was provided. Mr. Coleson advised that the department has been asked to assist in setting up the new court system audio recorder and will do so later this month. Mr. Schlender acknowledged the good work that Mike and Alex have done.

Resignation Letter – Sawyer County Treasurer – Ms. Dianne Ince will be retiring on December 31, 2021, after 23 years of service. The position can be filled by board appointment for the remainder of the term or by special election. Mr. Shuman requested a notice of the position be posted immediately.

Human Resources Report – A written report was provided.

2020 Sawyer County Supervisory District Final Plan – Mr. Kinsley made a motion; second by Mr. Duffy to accept the Resolution Approving the 2020 Final Sawyer County Supervisory District Plan and move it to County Board for approval; second by Mr. Duffy. Motion passed without negative vote.

County Administrator's Report – Mr. Hoff advised that the courtroom remodeling plans are in final stages and reviewing interior specs and layout. Solar power options were considered and are not deemed cost-effective in this project. Airport fuel testing procedures are being reviewed, the Municode codification project is nearing completion, two broadband grant requests were approved using ARPA funds, and we are awaiting the final stages of the opioid settlement opinion.

2022 Updated Budget – Mr. Schlender made a motion to fund Weiss Community Library and Winter Library at the current level projected in the Administrator’s budget and to fund the LCO Library at its last year’s level of \$25,802; second by Mr. Kinsley. The motion passed 4 – 1 with a “nay” vote from Mr. Schleeter.

Meeting Date/Time – The next meeting of the Administration Committee will be Thursday, December 9, at 10:00 am in the Assembly Room.

Meeting adjourned at 11:05 am

Minutes recorded by Lynn Fitch, County Clerk

DRAFT

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SAWYER COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. _____

WHEREAS, Wis. Stat. § 59.54(12) and Wis. Stat. § 165.90 permit Sawyer County (the “County”) to enter into cooperative county-tribal law enforcement agreement;

WHEREAS, the County and the Lac Courte Oreilles Band of Lake Superior Chippewa Indians (“LCO”) have previously entered into a law enforcement agreement as part of a grant program with the State of Wisconsin for the purpose of establishing and maintaining a cooperative law enforcement program between the County and LCO (the “Grant”);

WHEREAS, the Grant for the term of January 1, 2022 through December 31, 2022 (the “2022 Grant”) requires that each party thereto pass a resolution approving a cooperative agreement with the other party to memorialize the terms and conditions to be performed by each party pursuant to the 2022 Grant;

WHEREAS, a 2022 Cooperative Law Enforcement Agreement (the “2022 Law Enforcement Agreement”) was developed from a similar agreement used in previous years between the County and LCO and updated to reflect certain revisions and to establish a Joint Task Force program to be funded by the 2022 Grant. A copy of the 2022 Law Enforcement Agreement is attached hereto and incorporated herein as Exhibit A;

WHEREAS, pursuant to Wis. Stat. § 59.54(12), the Sawyer County Board of Supervisors (“County Board”) must approve the 2022 Law Enforcement Agreement;

WHEREAS, the County Administration Committee reviewed and discussed the 2022 Law Enforcement Agreement at its meeting on December 9, 2021, and voted to recommend that the County Board approve the 2022 Law Enforcement Agreement at its meeting on December 16, 2021; and

WHEREAS, the County Board considered the 2022 Law Enforcement Agreement at its meeting on December 16, 2021.

NOW, THEREFORE, BE IT RESOLVED, the Sawyer County Board of Supervisors determines the following:

1. Recitals. The Recitals set forth above are true and correct, and are hereby incorporated into this Resolution.
2. Approval of 2022 Law Enforcement Agreement. The County Board hereby approves the 2022 Law Enforcement Agreement as set forth in Exhibit A.

46 3. Health, Welfare and Safety. The County's approval of this Resolution and the 2022
47 Law Enforcement Agreement as set forth in Exhibit A is beneficial to the health,
48 welfare and safety of the County's residents, taxpayers and visitors.
49
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52 This Resolution is recommended for adoption by the Sawyer County Board of Supervisors at its
53 meeting on December 16, 2021, by this Sawyer County Administration Committee on this
54 December 9, 2021.
55

56
57 _____
58 Tweed Shuman, Chair
59

Dale Schleeter, Vice Chair

60 _____
61 Ron Kinsley, Member
62

Tom Duffy, Member

63 _____
64 (Vacant)
65

66 This Resolution is hereby adopted by the Sawyer County Board of Supervisors this 16th day of
67 December, 2021.
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69

70
71 _____
72 Tweed Shuman,
73 Sawyer County Board of Supervisors Chairman
74

Lynn Fitch,
Sawyer County Clerk

75 Exhibit A – 2022 Cooperative Law Enforcement Agreement

2022
COOPERATIVE LAW ENFORCEMENT
AGREEMENT

Between



SAWYER COUNTY
SAWYER COUNTY SHERIFF'S OFFICE

and the



LAC COURTE OREILLES BAND OF
LAKE SUPERIOR CHIPPEWA INDIANS

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- 7. MOU for Jail Services
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- 9. Sawyer County Workforce & Economic Profile

ARTICLE I
TITLE AND AUTHORITY

This Cooperative Law Enforcement Agreement ("Agreement") is made effective as of this _____ day of December, 2021 between the Lac Courte Oreilles Band of Lake Superior Chippewa Indians (the "Tribe"), an inherently sovereign Indian Tribe organized pursuant to the provisions of the Indian Reorganization Act of 1934, 25 U.S.C. Sec 5101 *et seq.*, and Sawyer County, a political subdivision of the State of Wisconsin, duly organized as a County under state law (the "County"); and Sawyer County Sheriff's Office (the "Sheriff's Office"), collectively referred to as the "Parties," and each is a "Party."

The County is authorized to enter into this Agreement pursuant to Wis. Stat. § 165.90 and properly approved this Agreement with adoption of the attached Resolution, as required by Wis. Stat. § 59.54(12) (*See Exhibit 1-County Resolution with 2022 Cooperative Law Enforcement Agreement attached thereto*). The Tribal Governing Board, as the governing body of the Tribe, is authorized to enter into agreements, including this Agreement, with other governmental bodies, including "with any County" pursuant to Article V, Section 1 (c) of the Constitution and Bylaws of the Tribe and properly approved this Agreement with adoption of the attached Resolution (*See Exhibit 2-LCO Resolution*). This Agreement is in the nature of an enforceable contract and a cooperative County-Tribe law enforcement program under Wis. Stat § 165.90

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ARTICLE II
MISSION STATEMENT

The Tribe and the County wish to promote the general welfare of all residents of Sawyer County; by providing improved law enforcement services thereby increasing their ability to protect life and property; to preserve the public peace and to maintain order, with focus on the Tribe's Reservation. Continued funding of the Program, as described in Article III of this Agreement, is necessary for the Tribe and the County to achieve this Mission Statement.

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ARTICLE III PROGRAM ELEMENTS

A. PROGRAM DESCRIPTION

The cooperative law enforcement program between the Tribe and the County will provide the necessary funding (salary, fringe, equipment) for the County and the Tribe in the formation of a Joint Task Force. The Sheriff's Office and the Tribe will work together to form a cooperative task force between the Sawyer County Sheriff's Office and the Tribe's Law Enforcement Department to provide additional law enforcement for special detail work that would include but not limited to drug interdiction, warrant details and traffic safety patrols. The Joint Task Force will enforce the laws of the State of Wisconsin (the "State") and the County, along with the laws of the Tribe; work within the Tribe's Reservation;; and fulfill the duties and obligations as specified in Article III, Section D of this Agreement (collectively the "Program"). As used in this Agreement, the "Tribe's Reservation" refers to the territory described in Article I, Section 1 of the Amended Constitution and Bylaws of the Tribe, in addition to all other land that qualifies as Indian country pursuant to 18 U.S.C. 1151.

The County and the Tribe will administer the Program within Sawyer County, which is the fifth largest in the State with an area of 1,256 square miles. The population of Sawyer County was 16,700 in 2021, an increase from 2020. (See *Exhibit 3-DOJ Grant Preliminary Data*) Specifically, the Program will continue to serve the Tribe's Reservation, which is approximately 78,045 acres and has 412 miles of County and State roads. The Tribe currently has 8,230 enrolled Tribal Members of which 2,335 Members reside on the reservation. (See *Exhibit 4-LCO Population Report*).

The number of Tribal Members continues to increase. Members and their families continue to return from metropolitan areas across the country. It is important to note that the influx of all individuals from metropolitan areas has contributed to ongoing alcohol/drug abuse problems on the reservation. The Tribe will be better equipped to address these law enforcement concerns as a result of this agreement and additional funding for law enforcement.

B. NEED FOR FUNDING

The County will continue to work closely with members of the Tribe's Law Enforcement Department to deter and solve crime on the Tribe's Reservation. The size and unique nature of Sawyer County, the grant of jurisdiction under Public Law 280, staffing and funding limitations of the Sheriff's Office and the Tribe's Law Enforcement Department and increased crime all justify continued funding of the Program.

Sawyer County is a high tourism area. Visitors travel to Sawyer County for numerous reasons, including fishing, hunting, skiing, golfing, biking, motor sports and other outdoor activities and events. At peak times, the population will double or triple. The large number of tourists contributes to increased calls for all law enforcement agencies.

The Tribe and the Sheriff's Office have identified increased youth crime rates, methamphetamine abuse, heroin abuse, opioid abuse, alcohol and other drug abuse, domestic violence and gang related activity as some of the most urgent law enforcement problems within the Tribe's Reservation. Sheriff's Office records indicate a significant number of crime complaints in Sawyer County (*See Exhibit 5-SWSO Crime Statistics*). In addition, the Lac Court Oreilles Tribe's records indicate a significant number of crime complaints on the LCO Reservation (*See Exhibit 6- LCO PD Crime Statistics*). It should be noted that Exhibits 5 and 6 relating to crime statistics, and the additional materials provided therein, are included in the reporting requirements of Wis. Stat. 165.90 (4)(b).

On August 16, 1991, the State Governor and the Chairman of the Tribe signed the first gaming compact between the State and the Tribe, which authorized casino-style class III games. The Tribe continues to work hard to expand its gaming market. The number of people who travel to the Tribe's Reservation to visit its gaming establishment continues to increase. The need for additional law enforcement personnel increases with the number of people in the area.

Public Law 280 mandates that the State, through its counties, provide law enforcement services to Indian country in Wisconsin. The County must pay for these services on the Tribe's Reservation out of its funding sources, including the tax base. Since the Tribe's Reservation generally is exempt from state and local property taxation, it generally does not add to the property tax base to pay for County law enforcement. Therefore, Public Law 280 puts an added burden on the County without supplying funding to offset the additional burden. The County simply is unable to provide law enforcement needed on the Tribe's Reservation without additional funding. To compound the problem, the application of Public Law 280 to the Tribe's Reservation has hindered the Tribe's efforts to secure adequate law enforcement funding from federal sources.

The Sheriff's Office has a staff that currently includes only eighteen (17) full-time Patrol Deputies and two (2) Investigators. The Sheriff's Office provides 24-hour coverage seven days per week for the County, the fifth largest in the State with an area of 1,256 square miles. In doing so, the Sheriff's Office provides law enforcement coverage to the Tribe's Reservation as required under Public Law 280 and responds to all calls when there are no Tribal Deputies on-duty. In addition, the Sheriff's Office provides backup for Tribal Deputies during potentially dangerous calls for service.

It is a challenge for the Sheriff's Office to provide adequate law enforcement coverage throughout the entire County. On a normal shift, three Patrol Deputies, including a Supervisor, are working. This number may be lower depending on vacation schedules and sick days. A Joint Task Force devoted to the Reservation will assist to alleviate the burden on the understaffed Sheriff's Office, allowing the Sheriff's Office to increase law enforcement activities within reservation portion of the County and provide for a quicker response times.

In 2004, in an effort to provide additional law enforcement to the residents of the Tribe's Reservation, the Tribe established and funded a Law Enforcement Department, which currently includes ten (10) full-time Officers and two (2) part-time Officers. Additional funding in the form of the Joint Task Force would significantly assist the tribe and its law enforcement efforts on reservation.

With its limited staff, the Tribe's Law Enforcement Department strives to provide 24-hour coverage seven days a week, but on occasions, such as vacation time or officer's sick leave, no Tribal Officer is on duty.

With the funding from this Program, the County will continue to work closely with members of the Tribe's Law Enforcement Department to deter and solve crime on the Tribe's Reservation and will serve to build increased cooperation between the various law enforcement agencies. In this regard, it is important to note that the Tribe and the County have worked hard to cooperate in many areas, including in the area of law enforcement, for the benefit of County residents.

A few examples of the successes of the past cooperative law enforcement agreement are as follows:

On February 25, 2021, as a result of an LCO Police Department investigation into illegal drug activity, the Sawyer County Sheriff's Office assisted the LCO Police in the execution of a search warrant on a residence suspected of illegal drug trafficking. As a result, seven people were arrested and charged with felony drug charges.

On April 06, 2021 the Sawyer/Washburn County SWAT team assisted the LCO Police Department in serving a felony arrest warrant at a residence on the LCO Reservation. After nearly an hour, SWAT negotiators were able to call out the suspect and two individuals were taken into custody without incident.

On June 22, 2021 LCO Police Officers assisted Sawyer County Sheriff's Deputies during a traffic pursuit where the subject was attempting to flee. LCO police officers successfully deployed tire deflation devices near an intersection and were able to disable the fleeing vehicle. The operator of the vehicle was arrested on felony charges of Terroristic Threats, First Degree Recklessly Endangering Safety, Felon in Possession of a Firearm, Felony Bail Jumping and Flee/Elude Officer.

However, even with these types of activities, drug activity continues to be most significant in Sawyer County and on the Tribe's Reservation. With on-going arrests and joint investigations, the drug abuse, most significantly methamphetamine and opioid abuse in Sawyer County continues to grow at an alarming rate and remains a significant problem in Sawyer County and on the LCO Reservation. In 2021 to date, there have been five (5) drug related deaths in Sawyer County in addition to six (6) suicides and two (2) homicides.

The Joint Task Force will serve an important role in deterring and addressing

these activities and other crimes.

The 2022 proposed cost for the Program is Forty-Eight Thousand, Eight Hundred Eighty-Seven and 00/100 (\$48,887), (See *Exhibit 5- 2022 Proposed Budget*). The remaining costs identified in the 2022 Proposed Budget are usual and necessary costs incident to the program and are estimates based upon past amounts and projected future increases.

C. ADMINISTRATION AND DISBURSEMENT

The County will administer the funds received under the Program for the Joint Task Force, including all costs identified in *Exhibit 5, 2022 Proposed Budget*. The County shall disburse funds in accordance with its normal payroll and expense reimbursement practices. The Tribe's Law Enforcement Department will invoice Sawyer County for expenses incurred as part of the Task Force. At the end of any Program year, any remaining fund balance will be used for jail space in accordance with the Memorandum of Understanding for Jail Services between the Tribe, County and Sheriff's Office (See *Exhibit 7-MOU*) or shall be distributed to the Tribe for its use solely for law enforcement purposes, as determined by the Tribe.

D. LAW ENFORCEMENT SERVICES

Nothing in this Agreement will limit, in anyway, the obligation of the Sheriff's Office under Public Law 280. Therefore, the Sheriff's Office will continue to provide law enforcement on the Tribe's Reservation and without limitation, will respond to calls for assistance in enforcing State, County and Tribal laws on the Tribe's Reservation. Consistent with this, the Joint Task Force will work within the Tribe's Reservation; enforce State criminal laws, along with the laws of the Tribe; and fulfill the following duties in addition to those stated in (*Exhibit 8-Job Description*):

1. The Joint Task Force will include Deputies / Officer's from both Sawyer County and the Tribe's Law Enforcement Department.
2. To the extent deemed enforceable against the individual suspected of violating Tribal laws, codes, or ordinances, refer all violations of Tribal laws, codes and ordinances on the Tribe's Reservation to Tribal Law Enforcement.
3. The Joint Task Force will patrol the Tribe's Reservation to provide a law enforcement presence to deter crime and perform duties of a patrol officer.
4. The Joint Task Force will enforce all legally enforceable court orders of the County and the Tribe.
5. Appear in the courts of the County and the Tribe.

6. Respond to accidents, including administering first aid, completing accident reports and issuing citations.
7. Investigate crime on the Tribe's Reservation, including, but not limited to, violent domestic abuse, child abuse and neglect, vandalism, burglaries, property crimes, drug trafficking, substance abuse and elder abuse.
8. Investigate complaints on the Tribe's Reservation and refer to appropriate agencies in accordance with state or federal law.
9. The Joint Task Force will patrol and respond to calls on the Tribal Reservation and assist other law enforcement agencies outside of the Tribal Reservation only when necessary.
10. The Sheriff and the Tribe's Chief of Police will report to the Tribe as requested by the Tribal Governing Board and/or Sheriff or Chief of Police. These meetings will account for the Joint Task Force's time and statistical information as agreed and be available for meetings with the Tribe as reasonably requested.
11. The Sheriff and the Tribe's Chief of Police will be available to attend Public Safety Committee meetings of the Tribe and County as requested by the either Committee.
12. The Sheriff and/or designee will act as liaison between the governments of the County and the Tribe.

E. SUPERVISION AND CONTROL

The County Sheriff, and the Tribe's Chief of Police, shall jointly supervise and control the Joint Task Force in the performance of all duties, including scheduling work hours, data reporting, and maintenance and handling of evidence.

The County Sheriff, and the Tribe's Chief of Police shall use their best efforts to schedule the Task Force to work on dates and times that will be conducive to the special detail. The County Sheriff, and Tribe's Chief of Police shall periodically conference to discuss scheduling requirements.

F. PROGRAM INPUT

The Program provides for coordination between the County and the Tribe regarding law enforcement within the Tribe's Reservation through the consistent and active presence of law enforcement within the Tribe's Reservation. In addition, the County Sheriff, Tribe's Chief of Police and the Public Safety Committee's for the Tribe and County shall meet with the Tribe upon reasonable request to discuss the Program.

G. DEPUTIZING, TRAINING, INSURANCE AND HIRING

All County Deputies participating in the Joint Task Force are subject to the minimum qualifications stated in this Section G, including the willingness of the County Sheriff to deputize such person. The County will provide all bonding, liability, worker's compensation, vehicle and all additional required insurances and shall provide the Tribe with written proof of such coverage upon request of the Tribe. The County will provide all necessary training to the County Deputies.

The Sawyer County Sheriff's Office will utilize the County approved testing, screening and selection procedures to develop a list of qualified personnel to provide law enforcement coverage to the Tribe's Reservation.

The Tribe and County agree that members of the Joint Task Force must meet the following minimum qualifications prior to employment:

1. Shall be over the age of 18;
2. Shall possess a high school diploma or the equivalent;
3. Shall possess a valid Wisconsin driver's license;
4. Shall not have been convicted of any state or federal felony crimes;
5. Shall be free of any physical, emotional or mental condition that may adversely affect the performance of duties;
6. Shall be of good moral character;
7. Shall have completed basic police recruit academy and be certified by the State of Wisconsin as a police officer; and
8. Shall meet all requirements of the Wisconsin Training and Standards Bureau to maintain their certification as a Wisconsin Law Enforcement Officer.

H. RECORDS AND DATA COLLECTION

Members of the Task Force will prepare, complete and maintain records and data in accordance with applicable policies, procedures and practices of their respective agency.

Respective agencies in the Joint Task Force will maintain the original records of incidents, complaints, violations and relevant statistical information and shall provide all such materials to the Tribe to the extent permitted by law. The Tribe shall maintain records of incidents, complaints and violations of Tribal Law solely at the Tribe's Law

Enforcement Department. The Sheriff's Office and the Tribe's Law Enforcement Department shall maintain such records as confidential to the extent required by law.

The Parties agree to cooperate in timely preparation and submission of the annual report required under Wis. Stat. 165.90 (4) (b).

I. MISCELLANEOUS PROVISIONS

Any notice permitted or required under this Agreement shall be deemed duly provided if transmitted by facsimile to the number listed below and followed by a hard copy sent first class mail to the applicable address; or if delivered personally; or if sent certified mail, return receipt requested to the applicable address:

If to the Tribe:

Louis Taylor Sr, Chairman
Lac Courte Oreilles Band of
Lake Superior Chippewa Indians
13394 W. Trepania Road
Hayward, WI 54843

With a copy to:

Attorney General's Office
Lac Courte Oreilles Band of
Lake Superior Chippewa Indians
13394 W. Trepania Road
Hayward, WI 54843

If to the County:

Tweed Shuman, Chairman
Sawyer County Board of Supervisors
10610 Main Street
Hayward, WI 54843

With a copy to:

Thomas J. Duffy, Corporate Counsel
10594 Main Street
Hayward, WI 54843

If to the Sheriff's Office:

Douglas Mrotek, Sheriff
Sawyer County Sheriff's Office
15880 E. 5th Street, P.O. Box 567
Hayward, WI 54843

With a copy to:

Joe Sajdera, Chief Deputy
Sawyer County Sheriff's Office
15880 E. 5th Street, P.O. Box 567
Hayward, WI 54843

All immunities of the Tribe, as recognized by law, shall inure to the benefit of the County law enforcement Deputies when assisting in enforcing the Tribe's laws upon deputation of such Deputies. All of the immunities, including conditional immunities, of the County shall inure to the benefit of the County Deputies when acting as a deputy of the County under the Program.

Neither the Tribe nor its officers, directors, employees, representatives, or agents shall be liable to the County or Sheriff's Office or any of their respective Deputies,

directors, employees, representatives or agents for any loss, damage, expense or casualty arising from any acts or omissions of the County Deputies in performance of the Agreement.

The Tribe, County and Sheriff's Office each shall indemnify, defend and hold the other party or parties harmless from and against all liabilities, awards, damages, expenses and fees, including reasonable attorney fees and court costs, arising from or in connection with any action, suit or claim brought by any third party arising from or in connection with the negligent or intentional acts or omissions of their respective deputies, officers, directors, employees, representatives, agents and their successors and assigns in the performance of this Agreement.

The County and Sheriff's Office acknowledge that the Tribe is a federally recognized Indian tribe, which possesses sovereign immunity from suit, unless expressly waived by the Tribe or Congress. Nothing in this Agreement shall be interpreted to waive the sovereign immunity of the Tribe.

Nothing in this Agreement shall be construed to cede or confer any jurisdiction on any Party, to waive any immunities, to modify the legal requirements for arrest or search and seizure or to otherwise modify the legal rights of any person, to accomplish any act that would violate State or federal law or subject the Parties to any liability to which they are not otherwise subject to under law.

This Agreement shall be interpreted in accordance with the laws of the State of Wisconsin and it may not be varied or modified in any manner, except in a subsequent writing executed by the Parties.

This Agreement constitutes the entire understanding between the Parties with respect to the subject matter of this Agreement and supersedes any prior discussions, negotiations, agreements or understandings.

The failure of any Party to insist upon the performance of any terms or conditions, or the waiver of any breach shall not be construed as thereafter waiving any such terms and conditions or a subsequent breach.

No Party shall be in default or otherwise responsible for a failure to perform any obligation under this Agreement because of an act of God, act of war or terrorism, civil disturbance, epidemic, pandemic, unavailability of labor, material, power or communication. In any such event, the Party so claiming shall provide the other Parties with prompt written notice explaining the event.

The headings contained in this Agreement are for convenience and reference purposes only and shall not be construed as affecting the interpretation or meaning of the terms or conditions of this Agreement.

The invalidity of any portion of this Agreement shall not be deemed to affect the

validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be affected, but shall be enforceable to the fullest extent permitted by law.

This Agreement may be executed in any number of counterparts; each of which when executed and delivered shall be an original, but all such counterparts shall constitute the same agreement.

This Agreement shall not be in effect until approved by resolution of the Tribe and County and signed by an authorized signatory of each party. This Agreement shall remain in effect during the applicable funding year. This Agreement is contingent upon approval by the State Department of Justice as a cooperative County-Tribe law enforcement program and the receipt of the necessary funding for implementation under Wis. Stat. 165.90.

Each signatory to this Agreement represents that he has the legal authority to sign this document.

The Parties have made this 2022 Cooperative Agreement operative as set forth herein.

**LAC COURTE OREILLES BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS**

By: _____
Louis Taylor Sr.,
Chairperson

COUNTY OF SAWYER

By: _____
Tweed Shuman,
Chairperson

SAWYER COUNTY SHERIFF'S OFFICE

By: _____
Douglas Mrotek,
Sheriff

Gary Elliott
Veteran Service Officer
OFFICE: (715) 634-2770
FAX: (715) 638-3213

Sawyer County
Veteran Service Office
15872 E. Fifth Street
Hayward, WI 54843



Administrative Committee Meeting, December 9, 2021

A. **Budget Performance Report:** Attached.

B. **Office Report:**

Contacts:

November: 358 phone calls, 282 letters/emails/faxes and 110 office visits.

VA Disability Compensation/Pension Claims:

The Veteran Service office submitted 116 disability/pension claims to date and received retroactive payment of \$352,906.04 for claims decided in the Veteran's favor.

Training: Up to date.

Respectfully submitted,

Gary Elliott
CVSO



Budget Performance Report

Fiscal Year to Date 12/01/21

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
Fund 100 - General Fund										
REVENUE										
Department 57 - Veteran's Administration										
43565	State Aid/Veteran's Grant	8,500.00	.00	8,500.00	.00	.00	.00	8,500.00	0	.00
46250	Veterans' Trans. Fees	9,000.00	.00	9,000.00	.00	.00	1,200.00	7,800.00	13	1,175.00
49220	Transfer From Spec. Rev. Fund	4,000.00	.00	4,000.00	.00	.00	4,000.00	.00	100	4,000.00
49300	Use of Prior Years' Fund Balance	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0	.00
Department 57 - Veteran's Administration Totals		\$26,500.00	\$0.00	\$26,500.00	\$0.00	\$0.00	\$5,200.00	\$21,300.00	20%	\$5,175.00
REVENUE TOTALS		\$26,500.00	\$0.00	\$26,500.00	\$0.00	\$0.00	\$5,200.00	\$21,300.00	20%	\$5,175.00
EXPENSE										
Department 57 - Veteran's Administration										
State Account 54710 - Veteran's Relief										
50322	Veterans' Relief Expenses	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0	1,499.36
State Account 54710 - Veteran's Relief Totals		\$5,000.00	\$0.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$5,000.00	0%	\$1,499.36
State Account 54720 - Veteran's Office										
50111	Regular Salaries	116,504.00	.00	116,504.00	.00	.00	80,455.51	36,048.49	69	87,907.32
50112	Salaries Overtime	.00	.00	.00	.00	.00	.00	.00	+++	258.38
50144	Term Life Ins./Employer's Share	45.00	.00	45.00	.00	.00	26.61	18.39	59	10.34
50147	Workers Comp	4,350.00	.00	4,350.00	.00	.00	3,356.91	993.09	77	2,496.16
50151	FICA-Employer's Share	8,913.00	.00	8,913.00	.00	.00	6,805.06	2,107.94	76	7,266.82
50152	Retirement-Employer's Share	6,430.00	.00	6,430.00	.00	.00	5,693.58	736.42	89	6,006.90
50155	Flex Administration Fees	88.00	.00	88.00	.00	.00	67.90	20.10	77	51.60
50158	Unemployment Compensation	.00	.00	.00	.00	.00	.00	.00	+++	1,860.00
50225	Telephone	500.00	.00	500.00	.00	.00	364.52	135.48	73	491.49
50226	Hardware/Software	898.00	.00	898.00	.00	.00	74.83	823.17	8	.00
50241	Repairs/Maintenance-Vehicles	2,500.00	.00	2,500.00	.00	.00	175.95	2,324.05	7	264.47
50247	Repairs-Buildings	252.00	.00	252.00	.00	.00	.00	252.00	0	.00
50270	Insurance Claim	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0	.00
50311	Postage	200.00	.00	200.00	.00	.00	63.59	136.41	32	115.22
50312	Office Supplies	900.00	.00	900.00	.00	.00	601.69	298.31	67	85.76
50313	Printing	2,600.00	.00	2,600.00	.00	.00	1,924.83	675.17	74	2,253.40
50325	Registration Fees	1,200.00	.00	1,200.00	.00	.00	30.00	1,170.00	2	.00
50329	Dues/Subscriptions	350.00	.00	350.00	.00	.00	104.95	245.05	30	279.00
50335	Meal Expenses	100.00	.00	100.00	.00	.00	105.00	(5.00)	105	.00
50336	Lodging	2,000.00	.00	2,000.00	.00	.00	490.25	1,509.75	25	.00
50339	Travel	1,500.00	.00	1,500.00	.00	.00	(23.68)	1,523.68	-2	.00
50343	Boards & Commissions	900.00	.00	900.00	.00	.00	150.00	750.00	17	150.00
50349										
50349-342	Flags	1,000.00	.00	1,000.00	.00	.00	974.08	25.92	97	962.10
50349 - Totals		\$1,000.00	\$0.00	\$1,000.00	\$0.00	\$0.00	\$974.08	\$25.92	97%	\$962.10
50351	Vehicle Fuel	6,300.00	.00	6,300.00	.00	.00	1,247.63	5,052.37	20	1,069.43



Budget Performance Report

Fiscal Year to Date 12/01/21

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
Fund 100 - General Fund										
EXPENSE										
Department 57 - Veteran's Administration										
State Account 54720 - Veteran's Office										
50805	Capital Outlay-Small Equipment (1000 - 5000)	400.00	.00	400.00	.00	.00	.00	400.00	0	.00
State Account 54720 - Veteran's Office Totals		\$162,930.00	\$0.00	\$162,930.00	\$0.00	\$0.00	\$102,689.21	\$60,240.79	63%	\$111,528.39
State Account 54730 - Care of Veteran's Graves										
50220	Contracted Expenses	6,000.00	.00	6,000.00	.00	.00	6,624.00	(624.00)	110	6,296.00
State Account 54730 - Care of Veteran's Graves Totals		\$6,000.00	\$0.00	\$6,000.00	\$0.00	\$0.00	\$6,624.00	(\$624.00)	110%	\$6,296.00
Department 57 - Veteran's Administration Totals		\$173,930.00	\$0.00	\$173,930.00	\$0.00	\$0.00	\$109,313.21	\$64,616.79	63%	\$119,323.75
EXPENSE TOTALS		\$173,930.00	\$0.00	\$173,930.00	\$0.00	\$0.00	\$109,313.21	\$64,616.79	63%	\$119,323.75
Fund 100 - General Fund Totals										
REVENUE TOTALS		26,500.00	.00	26,500.00	.00	.00	5,200.00	21,300.00	20%	5,175.00
EXPENSE TOTALS		173,930.00	.00	173,930.00	.00	.00	109,313.21	64,616.79	63%	119,323.75
Fund 100 - General Fund Totals		(\$147,430.00)	\$0.00	(\$147,430.00)	\$0.00	\$0.00	(\$104,113.21)	(\$43,316.79)		(\$114,148.75)
Fund 213 - Veteran's Service Grant										
REVENUE										
Department 00 - General										
43565	State Aid/Veteran's Grant	.00	.00	.00	.00	.00	8,500.00	(8,500.00)	+++	8,545.00
49300	Use of Prior Years' Fund Balance	7,448.00	.00	7,448.00	.00	.00	.00	7,448.00	0	.00
Department 00 - General Totals		\$7,448.00	\$0.00	\$7,448.00	\$0.00	\$0.00	\$8,500.00	(\$1,052.00)	114%	\$8,545.00
REVENUE TOTALS		\$7,448.00	\$0.00	\$7,448.00	\$0.00	\$0.00	\$8,500.00	(\$1,052.00)	114%	\$8,545.00
EXPENSE										
Department 00 - General										
State Account 54700 - Veteran's Grant Expenses										
50111	Regular Salaries	.00	.00	.00	.00	.00	8,316.05	(8,316.05)	+++	6,932.06
50226	Hardware/Software	.00	.00	.00	.00	.00	.00	.00	+++	898.00
50247	Repairs-Buildings	7,448.00	.00	7,448.00	.00	.00	.00	7,448.00	0	10.00
50325	Registration Fees	.00	.00	.00	.00	.00	.00	.00	+++	630.00
50329	Dues/Subscriptions	.00	.00	.00	.00	.00	100.00	(100.00)	+++	.00
50335	Meal Expenses	.00	.00	.00	.00	.00	.00	.00	+++	45.00
50351	Vehicle Fuel	.00	.00	.00	.00	.00	83.95	(83.95)	+++	29.94
State Account 54700 - Veteran's Grant Expenses Totals		\$7,448.00	\$0.00	\$7,448.00	\$0.00	\$0.00	\$8,500.00	(\$1,052.00)	114%	\$8,545.00
Department 00 - General Totals		\$7,448.00	\$0.00	\$7,448.00	\$0.00	\$0.00	\$8,500.00	(\$1,052.00)	114%	\$8,545.00
EXPENSE TOTALS		\$7,448.00	\$0.00	\$7,448.00	\$0.00	\$0.00	\$8,500.00	(\$1,052.00)	114%	\$8,545.00
Fund 213 - Veteran's Service Grant Totals										
REVENUE TOTALS		7,448.00	.00	7,448.00	.00	.00	8,500.00	(1,052.00)	114%	8,545.00
EXPENSE TOTALS		7,448.00	.00	7,448.00	.00	.00	8,500.00	(1,052.00)	114%	8,545.00
Fund 213 - Veteran's Service Grant Totals		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00



Budget Performance Report

Fiscal Year to Date 12/01/21
Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
Fund 411 - Veteran's Transportation Grant										
REVENUE										
Department 00 - General										
43566	Veterans' Trans. Grant	12,000.00	.00	12,000.00	.00	.00	6,903.91	5,096.09	58	9,594.39
	Department 00 - General Totals	\$12,000.00	\$0.00	\$12,000.00	\$0.00	\$0.00	\$6,903.91	\$5,096.09	58%	\$9,594.39
	REVENUE TOTALS	\$12,000.00	\$0.00	\$12,000.00	\$0.00	\$0.00	\$6,903.91	\$5,096.09	58%	\$9,594.39
EXPENSE										
Department 00 - General										
State Account 54725 - Capital Outlay/Van Purchase										
50247	Repairs-Buildings	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0	.00
59210	Transfer to General Fund	4,000.00	.00	4,000.00	.00	.00	4,000.00	.00	100	4,000.00
	State Account 54725 - Capital Outlay/Van Purchase Totals	\$9,000.00	\$0.00	\$9,000.00	\$0.00	\$0.00	\$4,000.00	\$5,000.00	44%	\$4,000.00
	Department 00 - General Totals	\$9,000.00	\$0.00	\$9,000.00	\$0.00	\$0.00	\$4,000.00	\$5,000.00	44%	\$4,000.00
	EXPENSE TOTALS	\$9,000.00	\$0.00	\$9,000.00	\$0.00	\$0.00	\$4,000.00	\$5,000.00	44%	\$4,000.00
Fund 411 - Veteran's Transportation Grant Totals										
	REVENUE TOTALS	12,000.00	.00	12,000.00	.00	.00	6,903.91	5,096.09	58%	9,594.39
	EXPENSE TOTALS	9,000.00	.00	9,000.00	.00	.00	4,000.00	5,000.00	44%	4,000.00
	Fund 411 - Veteran's Transportation Grant Totals	\$3,000.00	\$0.00	\$3,000.00	\$0.00	\$0.00	\$2,903.91	\$96.09		\$5,594.39
Grand Totals										
	REVENUE TOTALS	45,948.00	.00	45,948.00	.00	.00	20,603.91	25,344.09	45%	23,314.39
	EXPENSE TOTALS	190,378.00	.00	190,378.00	.00	.00	121,813.21	68,564.79	64%	131,868.75
	Grand Totals	(\$144,430.00)	\$0.00	(\$144,430.00)	\$0.00	\$0.00	(\$101,209.30)	(\$43,220.70)		(\$108,554.36)

Mike Coleson
Sawyer County IT Director



December 9, 2021

10610 Main Street, Suite 58. - Hayward, WI 54843

Phone **715-634-8185**

Toll Free **877-699-4110**

Fax **715-634-3546**

Email mcoleson@sawyercountygov.org

To: Administration Committee
Tweed Shuman, Dale Schleeter, Ron Kinsley, Thomas
Duffy, and Tom Hoff
IT Department Report

Agenda items

N/A

Projects completed

- Small courtroom: moved AV equipment to back office. 1st stage for new DAR and video equipment.

Projects in progress

- New Courtroom/Jail/Courthouse systems integration: How to extend and integrate systems like proximity readers, Panic buttons, surveillance, detention doors.
- Law Enforcement Radio Tower project. We will be running our own backbone network on several towers for better Law D performance. Coordinating with John Kruk.
- Jail camera replacements and network wiring

Pending Projects

- Email MFA authentication for all departments
- Planning for 2022 projects:
 - o Fault tolerant systems for courthouse and sheriff.
 - o Video DVR server replacements for Sheriff 2022.

Helpdesk and support activities

Average of 6 support calls per day. (Slight increase) Remote / On-site comparison: about 5%-95%. Remote support has stabilized greatly.

Human Resource Report December 9, 2021

2021 Turnover

11/1/2021	Nancy Isham	Maintenance	PT
11/1/2021	Sydney Kidder	HHS	FT to PT
11/1/2021	Nick Heinen	Sheriff	PT
11/14/2021	Michael Swan	Highway	LTE
11/15/2021	Lauralee Kane	Treasurer	FT
11/18/2021	Talinia Olson	Highway	LTE term complete
11/23/2021	Nick Heinen	Sheriff	Resigned
11/23/2021	Faith Ciesielski	Ambulance	Resigned

Recruiting for EMS Positions

Recruiting for Youth Justice Social Worker

Recruiting for Mental Health Therapist

Recruiting for part-time LTE Veteran Van drivers

Recruiting for CPS Social Worker

Updating policy manual

Met with our Work Comp Loss Control Consultant and then he met with several departments.
Copy of report attached.

Ongoing personnel issues



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November 24, 2021

Rose Lillyroot- Human Resource Coordinator
10610 Main Street
Hayward, WI 54843
Rose.lillyroot@sawyercountygov.org

RE: Loss Control Meetings 11-18-21 with Sheriff's Office, Highway Department and Ambulance Department

Dear Rose,

This letter is to summarize the meetings in Sawyer County I had with the departments listed below on 11-18-21. The purpose of the meetings was to provide training for the highway department and review loss trends, risk exposures and determine appropriate loss controls for the Sheriff's Office and Ambulance Departments.

Highway Department: I presented to the highway department staff during their fall safety training day 11-18-21. The purpose of the training was to provide a basic understanding of working in cold weather and using proper clothing, hydration and nutrition to mitigate potential hazards while working outside this winter. The staff were highly engaged and receptive to the material.

Sheriff's Office: I met with Doug Mrotek (Sheriff), Joe Sajdera (Chief Deputy) and Greg Ripczynski (Patrol Lieutenant). We reviewed loss trends for this office and noted Slips/trips/falls (STF) and chemical exposures were among the most frequent causes of claims (see chart at end of letter). We discussed reducing the potential for chemical exposures and needlesticks/cuts due to illegal substances and drug paraphernalia with consistent use of PPE; Doug described solid controls and training for use of provided PPE to his department. I will send Doug information on STF resources including footwear recommendations and ice traction devices. The office was previously given footwear guidelines for its employees and agreed that newer employees may not have received the information. I commend the Sheriff's Office for its consistent practice of filing Notice Only claims, consistent use of light duty to reduce indemnity costs and filing the majority of claims within the recommended 0-3-day window.

Ambulance Department: I met with Nate Dunston (Director) to review loss trends for the department and noted Slips/trips/falls (STF), exposures to communicable diseases and lifting were the most frequent causes of claims (see chart at end of letter). Nate explained the current controls for reducing exposure to communicable diseases with consistent use of PPE. Nate also demonstrated the recently acquired powered patient moving devices to reduce the amount of lifting for staff. I will send Nate information on STF resources including footwear recommendations and ice traction devices. I commend this department for its consistent practice of filing Notice Only claims and consistent use of light duty to reduce indemnity costs. We reviewed the benefits of promptly

John Schweiss | Loss Control Representative | 1900 S. 18th Avenue | West Bend, WI 53095
Ph: (262) 278-4708 | Cell: (612) 273-3340 | Toll Free: (888) 236-5010 | E: jschweiss@wbmi.com | thesilverlining.com



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reporting claims within 3 days; the goal is to report +70% of claims in 0-3 days which aids in containing costs (7 of the 18 total claims were filed 3+ days).

Rose, thank the staff for meeting with me and the highway department for participating in the training. Please contact me if you have any loss control questions and service needs.

Regards,

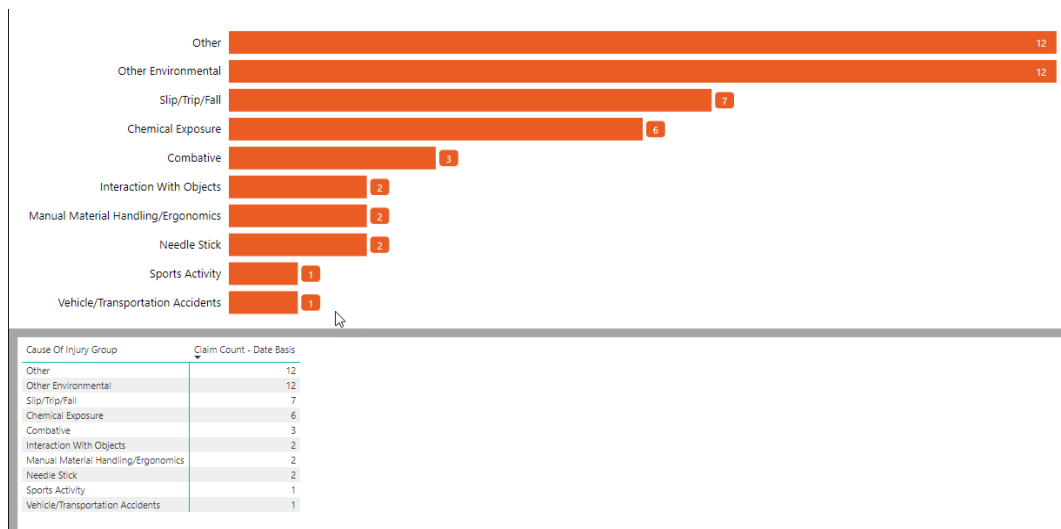
John Schweiss OTR/L, MS
Loss Control Consultant
West Bend Mutual Insurance-Argent

Attachments: Recommendations and Loss Trends

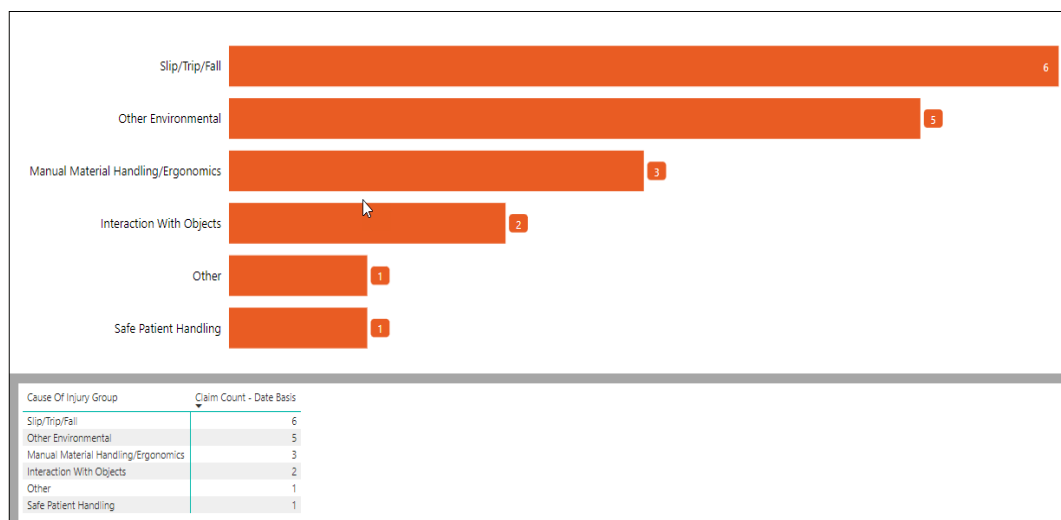
CC: Tom Hoff- County Administrator
Bill Sailer (Arthur J. Gallagher RMS, Inc.)
Kellen Lager (AJ Gallagher RMS, Inc.)
Andrew Blaugh-Argent (Underwriting)
Brittany Dziubek (Claims Representative)

Tom.hoff@sawyercountygov.org
William.Sailer@AJG.com
Kellen.Lager@AJG.com
ABlaugh@wbmi.com
BDziubek@WBMI.com

Sheriff Office's Claims Frequency by Cause of Injury



Ambulance Department's Claims Frequency by Cause of Injury



RECOMMENDATIONS

21-01 (resubmitted) To reduce the likelihood of injuries due to slips, trips, and falls for all employees, work with management and other necessary parties to create and implement a comprehensive Slip Trip Fall prevention program. Facets of this program may include, but are not limited to:

- (a) Written roles and responsibilities for STF prevention among all employees (department leadership, staff, upper management, etc.)
- (b) Regular floor cleaning to maintain work areas cleared of potential trip hazards
- (c) The use of logs to document snow and ice removal efforts in outside work areas and parking lots
- (d) Required slip-resistant footwear for all staff as well as any other PPE deemed necessary
- (e) Training for employees on required STF prevention measures and PPE
- (f) House audits to ensure compliance with STF prevention program

Safety and health are the responsibilities of your company. Please understand that the information and the services provided do not guarantee that your premises and/or operations are completely free of all hazards, or in compliance with OSHA or any other municipal, state, or federal ordinances or regulations. The information and services received are not a substitute for ongoing safety /loss control programs designed and implemented by your company.

CODE OF ORDINANCES
OF
SAWYER COUNTY, WISCONSIN

Published in 2021 by Order of the Board of Supervisors



Municipal Code Corporation P.O. Box 2235 Tallahassee, FL 32316
info@municode.com 800.262.2633 www.municode.com

PROOFS

OFFICIALS

of

SAWYER COUNTY, WISCONSIN

AT THE TIME OF THIS CODIFICATION

[Board Member]

[Board Member]

[Board Member]

Board of Supervisors

[Name of County Administrator]

County Administrator

[Name of Corporation Counsel]

Corporation Counsel

[Name of County Clerk]

County Clerk

PROOFS

PREFACE

This Code constitutes a codification of the general and permanent ordinances of Sawyer County, Wisconsin.

Source materials used in the preparation of the Code were the ordinances and resolutions adopted by the Board of Supervisors. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

Each section number consists of three parts separated by a hyphen. The figure before the hyphen refers to the chapter number, the middle figure refers to the article number and the last figure refers to the position of the section within the article. Thus, the second section of chapter 1 is numbered 1-1-1, and the first section of chapter 6, article II is 6-2-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1-1 and 6-1-2 is desired to be added, such new section would be numbered 6-2-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Roger D. Merriam, Senior Code Attorney, and Ramona Connors, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Rebecca Roeker, Corporation Counsel, Mr. Tom Hoff, County Administrator, and Ms. Lynn Fitch, County Clerk, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the County readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the County's affairs.

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All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the Sawyer County, Wisconsin. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; State law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and Sawyer County, Wisconsin.

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PROOFS

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

ARTICLE I. IN GENERAL

Sec. 1-1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Code of Ordinances of Sawyer County, Wisconsin," and may be so cited. Such Code may also be cited as the "Sawyer County Code."

State law reference—Codification of ordinances, Wis. Stats. §§ 59.02, 66.0103.

Sec. 1-1-2. Definitions and rules of construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances unless the context requires otherwise or unless a term is specifically defined in an ordinance:

- (1) *General.*
 - a. When provisions conflict, the specific prevails over the general. All provisions shall be liberally construed so that the intent of the Board of Supervisors may be effectuated.
 - b. Unless otherwise specifically defined in an ordinance, words and phrases shall be construed according to the common and approved usage of the language; but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings shall be construed according to such meanings.
 - c. Provisions shall be interpreted and applied so as to be the minimum requirements adopted for the promotion of and in the best interest of the public health, safety, comfort, convenience and general welfare.
 - d. If any manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the manifest intention of any provision, the use of a word or words to which no meaning can be attached, or the use of one word or words where it is manifest that a different word or words should have been used to express the intent of any provision, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the words correctly spelled, and as supplied, omitted or substituted, were used originally. However, this subsection shall not have the effect of permitting any change to be made should there exist doubt as to the meaning of the provision in question.
 - e. Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.
- (2) *Board of Supervisors, County Board.* The terms "Board of Supervisors," and "County Board," mean the Sawyer County Board of Supervisors.
- (3) *Code.* The term "Code" means the Code of Ordinances of Sawyer County, Wisconsin, as designated in Section 1-1-1 as now or hereafter revised or amended.
- (4) *Computation of time.*
 - a. The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded.
 - b. If the last day within which an act is to be done or proceeding had or taken falls on a Sunday or legal holiday the act may be done or the proceeding had or taken on the next secular day.

- c. When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or the filing with any officer, agent, agency, department or division of the County, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report, notice or other document is required to be filed, do not include any office hours thereof on such Saturday, said proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or a legal holiday.
 - d. Regardless of whether the time for the taking of any proceeding or the doing of an act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time.
 - e. The term "legal holiday" as used in this Subsection (4) means any Statewide legal holiday provided in Wis. Stats. § 995.20 or as otherwise designated by the County. When an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by law for performing such act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this subsection.
- (5) *Conjunctions.* In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows, except that the terms "and" and "or" may be interchangeable when the context so requires:
- a. The term "and" indicates that all the connected terms, conditions, provisions or events apply.
 - b. The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
 - c. The term "either...or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.
- (6) *County.* The term "County" means Sawyer County, Wisconsin.
- (7) *County Administrator.* The term "County Administrator" refers to the County Administrator of Sawyer County.
- (8) *Delegation of authority.* A provision that authorizes or requires a County officer or County employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.
- (9) *Department Administrator or Department Director.* The reference to a Department Administrator or Department Director is a reference to a County officer.
- (10) *Gender.* Words of one gender include all other genders.
- (11) *Includes.* The term "includes" does not limit a term to a specified example.
- (12) *May.* The term "may" is to be construed as being permissive and not mandatory.
- (13) *May not.* The term "may not" has a prohibitory effect and states a prohibition.
- (14) *Month.* The term "month" means a calendar month.
- (15) *Must.* The term "must" is to be construed as being mandatory.
- (16) *Oath or affidavit.* The term "oath" or "affidavit" includes an affirmation in all cases whereby law an affirmation may be substituted for an oath.
- (17) *Officers, departments, etc.* References to officers, departments, boards, commissions or employees are references to County officers, County departments, County boards, County commissions and County employees.

- (18) *Owner*. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property.
- (19) *Person*. The term "person" means any human being, any governmental or political subdivision or public agency, any public or private corporation, any limited liability company, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.
- (20) *Personal property*. The term "personal property" includes, but is not limited to, money, goods, chattels, things in action, evidences of debt and energy.
- (21) *Premises*. The term "premises," as applied to real property, includes land and structures.
- (22) *Property*. The term "property" includes real and personal property.
- (23) *Real estate and real property*. The terms "real estate" and "real property" include lands, tenements and hereditaments and all rights thereto and interests therein.
- (24) *Shall*. The term "shall" is to be construed as being mandatory.
- (25) *Signature*. If the signature of any person is required, it shall always be the handwriting of such person or, if the person is unable to write, the person's mark or the person's name written by some other person at the person's request and in the person's presence, or, subject to any applicable requirements under Wis. Stats. Ch. 137, the electronic signature of the person.
- (26) *State*. The term "State" means the State of Wisconsin.
- (27) *Street or highway*. The term "street" or "highway" includes any public way, road, highway, street, avenue, boulevard, bridge, viaduct, trestle and the approaches to any bridge, viaduct or trestle within the County.
- (28) *Week*. The term "week" shall be construed to mean seven consecutive days.
- (29) *Wis. Admin. Code*. The abbreviation "Wis. Admin. Code" refers to the Wisconsin Administrative Code, as now or hereafter amended.
- (30) *Wis. Stats.* The abbreviation "Wis. Stats." refers to the Wisconsin Statutes, as now or hereafter amended.
- (31) *Written or in writing*. The term "written" or "in writing" includes any form of recorded message capable of comprehension by ordinary visual means and includes any representation of the words, letters, symbols or figures. This subsection does not affect any ordinance relating to or setting forth signature requirements.
- (32) *Year*. The term "year" means a calendar year.

Sec. 1-1-3. Catchlines or titles of sections; history notes; references.

(a) The catchlines or titles of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor, unless expressly so provided, shall they be so deemed when any such section, including the catchline or title, is amended or reenacted.

(b) History notes that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(c) Editor's notes or cross references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(d) Unless specified otherwise, all references to chapters, sections or subsections are to chapters, sections or subsections of this Code.

Sec. 1-1-4. References to state statutes, administrative codes or other legal authorities.

References to state statutes, administrative codes or other legal authorities are to same as may be amended.

Sec. 1-1-5. Effect of repeal of ordinances.

(a) Unless specifically provided otherwise, the repeal of an ordinance does not revive any previously

repealed ordinance.

(b) The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal.

Sec. 1-1-6. Effective date ordinances and amendments thereto.

Unless otherwise stated in an ordinance, an ordinance or amendment to an ordinance becomes effective on the day it is approved by the County Board.

Sec. 1-1-7. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances of Sawyer County, Wisconsin, is hereby amended to read as follows: . . ."

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances of Sawyer County, Wisconsin, is hereby created to read as follows: . . ."

(d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate.

(e) A revised ordinance is to be understood in the same sense as the original unless the change in language indicates a different meaning so clearly as to preclude judicial construction.

Sec. 1-1-8. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the County. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be removed from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts or ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

- (1) Arrange the material into appropriate organizational units.
- (2) Supply appropriate catchlines or titles, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines or titles, headings and titles or in any such catchlines or titles, headings and titles already in the Code.
- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ through _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).

Sec. 1-1-9. General penalty; continuing violations.

- (a) In this Code, the term "violation of this Code" means any of the following:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance, by statute adopted by reference in this Code, by State rule or regulation adopted by reference in this Code, or by order, rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance, by statute adopted by reference in this Code, by State rule or regulation adopted by reference in this Code, or by order, rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance, by statute adopted by reference in this Code, by State rule or regulation adopted by reference in this Code, or by order, rule or regulation authorized by ordinance.
- (b) In this Code, the term "violation of this Code" does not include the failure of a County officer or County employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until payment of such forfeiture and the costs of prosecution, but not exceeding 30 days for each violation; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State.
- (d) Except as otherwise provided by law or ordinance:
- (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - (2) With respect to violations that are not continuous with respect to time, each act constitutes a separate offense.
- (e) The imposition of a forfeiture does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
- (f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

State law reference—Ordinance violations, Wis. Stats. § 66.0109 et seq.

Sec. 1-1-10. Severability.

The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code, for the Board of Supervisors declares that it is its intent that it would have enacted this Code and all provisions adopted by reference in this Code without such invalid or unconstitutional provisions.

Sec. 1-1-11. Code does not affect prior offenses or rights.

- (a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.
- (b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any ordinance on the effective date of this Code.

Sec. 1-1-12. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion thereof pertaining to the following not in this Code, which ordinances designated continue in full force and effect to the same extent as if published at length in this Code:

- (1) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other

instruments of indebtedness.

- (2) Authorizing or approving any contract, deed, or agreement.
- (3) Making, amending, or approving any appropriation or budget.
- (4) Granting any right or franchise.
- (5) Providing for salaries or other officer or employee benefits.
- (6) Naming or renaming a park or recreational facility.
- (7) Adopting or amending the comprehensive plan.
- (8) Dedicating, establishing, setting a speed limit or other use restriction, naming, renaming, locating, relocating, opening, paving, widening, repairing, vacating or discontinuing any road.
- (9) Establishing the grade, curbline or width of any road.
- (10) Dedicating, accepting or vacating any plat or subdivision.
- (11) Rezoning specific property or amending the zoning map.
- (12) That is temporary, although general in effect.
- (13) That is special, although permanent in effect.
- (14) The purpose of which has been accomplished.

Sec. 1-1-13. Repealer.

Except as provided in Section 1-1-12, all ordinances or portions of ordinances in conflict with this Code are hereby repealed.

ARTICLE II. CITATIONS

Sec. 1-2-1. Purpose.

The purpose of this article is to achieve greater efficiency and economy in the enforcement of certain County ordinances and to guarantee the fairness and consistency of enforcement procedures.

(Ord. of 7-20-1995; Ord. of 5-23-1996; Ord. of 6-19-1997; Ord. of 2-19-2004; Ord. of 6-15-2006; Ord. of 9-18-2008; Ord. of 6-20-2013; Ord. of 6-20-2013(1), § 1)

Sec. 1-2-2. Authority.

(a) This article is created pursuant to the authority granted by Wis. Stats. § 66.0113. The County elects to use the citation method of enforcement of certain ordinances including those for which a statutory counterpart exists.

(b) Nothing contained in this article shall be construed to prevent the use of any other method of enforcing County ordinances, including, but not limited to, the use of summons and complaint under Wis. Stats. Chs. 66 and 299; and Sections 10-6-30, 10-6-38, 10-6-39, 10-9-5, 20-2-10 and 22-1-13.

(Ord. of 7-20-1995; Ord. of 5-23-1996; Ord. of 6-19-1997; Ord. of 2-19-2004; Ord. of 6-15-2006; Ord. of 9-18-2008; Ord. of 6-20-2013; Ord. of 6-20-2013(1), § 2)

Sec. 1-2-3. Ordinance affected.

Citations may be issued in the enforcement of the following ordinances:

- (1) Sawyer County Zoning Ordinances (Chapter 10, Article IX).
- (2) Sawyer County Subdivision Control/Condominium Ordinance (Chapter 22).
- (3) Sawyer County Private Sewage System Ordinance (Chapter 10, Article II).
- (4) Sawyer County Ordinance for Nonmetallic Mining Reclamation (Chapter 10, Article VI).
- (5) Sawyer County Property Address System Ordinance (Chapter 20, Article II).

(6) Sawyer County Shoreland-Wetland Protection Ordinance (Chapter 10, Article VIII).

(7) Sawyer County Peace and Good Order Ordinance (Section 16-1-1).

(Ord. of 7-20-1995; Ord. of 5-23-1996; Ord. of 6-19-1997; Ord. of 2-19-2004; Ord. of 6-15-2006; Ord. of 9-18-2008; Ord. of 6-20-2013; Ord. of 6-20-2013(1), § 3)

Sec. 1-2-4. Authorized person to issue citations.

The following persons may issue citations authorized under this article:

- (1) Any County law enforcement officer.
- (2) Any designated employee of the County Zoning and Conservation Department.
- (3) Any designated employee of the Land Records Department.

(Ord. of 7-20-1995; Ord. of 5-23-1996; Ord. of 6-19-1997; Ord. of 2-19-2004; Ord. of 6-15-2006; Ord. of 9-18-2008; Ord. of 6-20-2013; Ord. of 6-20-2013(1), § 4)

Sec. 1-2-5. The citation.

Citations issued pursuant to this article shall provide for the following:

- (1) The name and address of the alleged violator.
- (2) The factual allegations describing the alleged violation.
- (3) The time and place of the offense.
- (4) The section of the ordinance violated.
- (5) A designation of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court and a statement describing whether the appearance is mandatory.
- (7) A statement which in essence informs the alleged violator:
 - a. That the alleged violator may make a cash deposit based on the schedule established by this article to be mailed or delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
 - b. That if the alleged violator makes such a deposit the alleged violator need not appear in court unless subsequently summoned.
 - c. That if the alleged violator makes a cash deposit and does not appear in court, either the alleged violator will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Wis. Stats. Ch. 814, not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under Wis. Stats. § 66.0113(3)(d), or the County may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Wis. Stats. Ch. 814.
 - e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by Wisconsin Statute punishable by fine or imprisonment, or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stats. § 800.093.
 - f. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that the alleged violator read the statement required under this Subsection (7) and shall send the signed statement with cash

deposit.

g. Such other information as may be deemed necessary.

(Ord. of 7-20-1995; Ord. of 5-23-1996; Ord. of 6-19-1997; Ord. of 2-19-2004; Ord. of 6-15-2006; Ord. of 9-18-2008; Ord. of 6-20-2013; Ord. of 6-20-2013(1), § 5)

State law reference—Similar provisions, Wis. Stats. § 66.013(1)(b).

Sec. 1-2-6. Form of citation.

The form of the citation used under this article shall be approved by the County District Attorney and the County Zoning Committee. Such approval shall be recorded in said Committee's minutes.

(Ord. of 7-20-1995; Ord. of 5-23-1996; Ord. of 6-19-1997; Ord. of 2-19-2004; Ord. of 6-15-2006; Ord. of 9-18-2008; Ord. of 6-20-2013; Ord. of 6-20-2013(1), § 6)

Sec. 1-2-7. Procedure.

The procedure provisions of Wis. Stats. § 66.0113 are hereby adopted and incorporated herein by reference.

(Ord. of 7-20-1995; Ord. of 5-23-1996; Ord. of 6-19-1997; Ord. of 2-19-2004; Ord. of 6-15-2006; Ord. of 9-18-2008; Ord. of 6-20-2013; Ord. of 6-20-2013(1), § 7)

Sec. 1-2-8. Nonexclusivity.

(a) Adoption of this article in no way precludes the adoption of any other ordinance providing for the enforcement of any law or ordinance relating to the same or any other matter. The issue of a citation under this article in no way precludes proceeding under any other law or ordinance relating to the same or any other matter.

(b) Submission of a deposit shall in no way alleviate the alleged violator of future citations, should the alleged offense remain uncorrected. If compliance or correction is not satisfied within 15 working days from the initial court date, additional citations shall be issued on a daily basis.

(c) The payment of a forfeiture does not eliminate the need to comply with the terms of the ordinance or to remove any unauthorized development or mitigate any environmental damage caused by the violation.

(Ord. of 7-20-1995; Ord. of 5-23-1996; Ord. of 6-19-1997; Ord. of 2-19-2004; Ord. of 6-15-2006; Ord. of 9-18-2008; Ord. of 6-20-2013; Ord. of 6-20-2013(1), § 8)

Sec. 1-2-9. Schedule of deposits.

(a) The following schedule of cash deposits is established for use with citations issued under this article. The schedule is set by the County Zoning Committee.

(b) Deposits shall be made in cash, money order, or certified check to the County Clerk of Court, who shall provide a receipt.

<i>Ordinance Violation</i>	<i>Deposit</i>	<i>Sections</i>
Action Conducted Without Specified Permit		
1) Land use permits	\$250.00	10-9-49—10-9-52
2) Sanitary permits	\$250.00	10-2-3
3) Sign permits	\$50.00	10-9-239(a)
4) Conditional use permit	\$250.00	10-9-419—10-9-424
Violation of conditions of conditional use permit	\$350.00	10-9-398—10-9-424 and 10-9-49—10-9-52
Violation of conditions of variance approval	\$350.00	10-9-49—10-9-52, 10-9-92, and 10-9-93
Setback violations		

	1) From roads and highways	\$200.00	10-9-178(a)(1)
	2) From navigable waters	\$200.00	Chapter 10, Article VIII
	3) From lot lines	\$200.00	Chapter 10, Article IX
	Dimensional requirements from wetlands	\$200.00	10-8-5
	Shoreline vegetation requirements	\$500.00	Chapter 10, Article VIII
	Zone district permitted use violations	\$200.00	10-9-443—10-9-454
	Placement of major recreational equipment/vehicles	\$200.00	10-9-264 and 10-9-353
	Violations of requirements for mobile home parks and campgrounds	\$150.00	10-9-263 and 10-9-264
	Violations of requirements for drainage, sanitation and water supply	\$150.00	10-8-1—10-8-16 and 10-9-185
	Violation of requirements for filling, grading, lagooning, dredging, ditching and excavating	\$300.00	10-8-8
	Violation of impervious surface standards	\$200.00	10-8-9
	Violation of requirement for chickens	\$50.00	10-9-191
	Violations of airport safety regulations	\$150.00	10-9-211—10-9-219
	Violation of requirement for signs	\$50.00	10-9-239—10-9-242
	Mineral extractions		
	1) No conditional use permit prior to opening	\$350.00	Chapter 10, Article IX
	2) Violation of requirements for mineral extractions	\$500.00	10-9-286—10-9-290
	Salvage yards		
	1) No conditional use permit prior to opening	\$600.00	10-9-309
	2) Violation of requirements for salvage yards	\$450.00	10-9-309—10-9-313
	Subdivisions and certified surveys		
	1) Creation of lot(s) without certified survey	\$150.00 per lot	22-1-3
	2) Violation of requirements for subdivisions	\$150.00 per lot	22-1-2—22-1-13
	Private on-site waste treatment systems (POWTS)		
	1) Unauthorized installation/repair of POWTS	\$300.00	SPS 383
	2) Failure to comply with order to repair failing POWTS	\$500.00	SPS 383
	3) Holding tanks		
	a) Failure to provide pumping report	\$150.00	SPS § 383.18
	b) Pumping holding tank in unauthorized area	\$500.00	NR 811 and 812
	4) POWTS setbacks	\$200.00	SPS 383
	5) Improper disposal of household domestic waste	\$300.00	SPS 383 Wis. Stats. §145.20
	6) Failure of service provider to report POWTS inspection,	\$300.00	SPS 383

	maintenance and servicing within 30 calendar days of providing service		
	7) Failure of POWTS owner to report POWTS inspection, maintenance and servicing within 30 calendar days of servicing date	\$50.00	SPS 383
Falsifying permit applications			
	1) Providing or listing false information on a land use permit	\$300.00	10-9-49—10-9-52
	2) Providing or listing false information on a conditional use permit	\$300.00	10-9-49—10-9-52 and 10-9-424
	3) Providing or listing false information on a sign permit	\$100.00	10-9-239—10-9-242
	4) Providing or listing false information on a County or State sanitary permit	\$300.00	SPS383
Nonconforming uses, structures and property			
	1) Violation of requirements for discontinuing a nonconforming use	\$150.00	10-9-71(1)
	2) Violation of requirements for discontinuing a nonconforming structure	\$150.00	10-9-71(1)
	3) Violation of the maintenance and repair requirements for nonconforming boathouses	\$150.00	10-9-71(2)
	4) Violation of requirements for discontinuing the nonconforming use of a temporary structure.	\$150.00	Chapter 10, Article IX
	5) Violation of requirements for discontinuing nuisances as nonconforming uses	\$150.00	10-9-71(3)
	6) Violation of requirements for construction activities exceeding 50% of the estimated fair market value of a structure with a nonconforming use	\$150.00	10-9-72(a) and (b)
	7) Violation of requirements for construction activities exceeding 50% of the estimated fair market value of a nonconforming structure	\$150.00	10-9-72(a) and (b)
Adverse effects on adjacent properties		\$300.00	10-9-186 and 10-9-187
Nonmetallic mining reclamation			
	1) Violation of requirements to submit a reclamation plan	\$250.00	MR24.00
	2) Violation of requirements to submit financial assurance	\$250.00	MR24.00
	3) Failure to follow an approved reclamation plan	\$500.00	MR24.00
	4) Failure to complete the Reclamation Report or falsifying information on the Reclamation Report	\$500.00	MR25.00
Property Address Violations			
	1) Failure to obtain New and Replacement Signs	\$100.00	PASO 7.0
	2) Willful Damage to a Property Address Sign	\$200.00	PASO 7.0
	3) Failure to Report Accidental Damage	\$50.00	PASO 7.0

All Court costs per County Clerk of Court Schedule at the time of citation.

(Ord. of 7-20-1995; Ord. of 5-23-1996; Ord. of 6-19-1997; Ord. of 2-19-2004; Ord. of 6-15-2006; Ord. of 9-18-2008; Ord. of 6-20-2013; Ord. of 6-20-2013(1), § 11)

PROOFS

Chapter 2

ADMINISTRATION**ARTICLE I. IN GENERAL****Sec. 2-1-1. Self-organized county.**

(a) *Authority.* This section is adopted under authority granted by Wis. Stats. § 59.10. To give the County the largest measure of self-government under that statute, the contents of the County Board of Supervisors Policy and Procedure Manual shall be liberally construed in favor of the rights, powers, and privileges of the County to exercise any organizational or administrative power not contrary to the Wisconsin Constitution or to any enactment of the State Legislature that is of Statewide concern and which uniformly affects every county.

(b) *Title.* This section shall be known as the "Sawyer County Self-Organized County Ordinance."

(c) *General provisions.*

(1) For the purpose of improving the ability of the County government to organize its administrative structure, the County elects to become a self-organized county and to act under the provisions of Wis. Stats. § 59.10(1).

a. *Terms of office for election of County Board of Supervisors.* Supervisors are County officers and shall be elected for two-year terms in the election to be held on the first Tuesday in April in even numbered years and shall take office the third Tuesday in April of that year.

b. *Methods for filling vacancies on the County Board.* Vacancies shall be filled by procedures determined by the County Board and defined in the County Board of Supervisors Policy and Procedure Manual.

c. *Compensation of County Board members.* The method of compensation for County Board Supervisors shall be determined by the County Board. The County Board shall, at or before its annual meeting in odd numbered years by a two-thirds vote of members entitled to a seat, fix the compensation of the Board members to be next elected. The Board may also, at or before its annual meeting in odd numbered years by a two-thirds vote of members entitled to a seat, provide additional compensation for the County Board Chairperson. In addition to the per diem, the County Board Supervisors shall receive mileage for attending Board meetings and other official meetings in accordance with the County Board of Supervisors Policy and Procedure Manual.

(2) The County Clerk shall file a certified copy of the Self-Organized County Ordinance with the Wisconsin Secretary of State upon passage by the County Board.

(Ord. No. 1-2016, §§ A--C, 5-19-2016)

Sec. 2-1-2. Use of parcel identification number required.

(a) This section is adopted pursuant to the authority of Wis. Stats. § 59.43(7)(b).

(b) Any conveyance, as defined in Wis. Stats. § 706.01(4), of any interest in real estate located in the County shall contain reference to the parcel identification number affected.

(Ord. No. 2-99, §§ I, II, 1-1-2000)

ARTICLE II. OFFICERS AND EMPLOYEES**Sec. 2-2-1. Cutoff time for filing and recording documents with Register of Deeds.**

(a) This section is adopted pursuant to the authority of Wis. Stats. § 59.20(3)(c).

(b) The purpose of this section is to provide the Register of Deeds office sufficient time in which to complete the processing of documents filed for recording on the same day they are received by setting a cut-off time for receipt of documents. Documents shall be accepted up to the end of the business day but processed the next business day if received after the cut-off time.

(c) In order to assure the complete processing, recording, and indexing of documents on the same day they

are received, the Register of Deeds office must receive a document no later than 3:00 p.m. Documents received after 3:00 p.m. shall be processed on the next official business day. For all other purposes, the office shall remain open to the public until 4:00 p.m. on all official business days.

(Ord. of 9-6-2005, §§ I-III)

ARTICLE III. FINANCE

Sec. 2-3-1. Dishonored check fee.

The County Treasurer is hereby authorized to charge a fee in the amount established by resolution for all checks returned due to insufficient funds, where a stop payment order has been issued, no account on file or item returned refer to maker. The Treasurer is authorized to refuse to accept a check in payment of any obligation owing the County from an individual who has an outstanding obligation to pay the fee assessed by this section. The Treasurer may also apply any future payments from an individual owing a fee to the fee first and then to the obligation intended to be paid; however, the Treasurer shall notify the person making the payment that a balance remains due the County because of the application of the payment to the fee.

(Ord. No. 1-2004, § 1, 12-16-2004)

Sec. 2-3-2. Authority of register of deeds to retain certain payments and refunds.

(a) This section is adopted pursuant to the authority of Wis. Stats. § 59.54(24)(b).

(b) The Register of Deeds may retain certain overpayments of fees, licenses and similar charges unless a refund is specifically requested in writing by the payor. The Register of Deeds may waive underpayments of not more than \$2.00 when the administrative cost of collection would exceed the amount of underpayment.

(Ord. No. 1-2003, §§ I, II, 5-15-2003)

ARTICLE IV. PUBLIC RECORDS RETENTION*

***State law reference**—Public records generally, Wis. Stats. § 16.61; optical disc and electronic storage standards for local government records, Wis. Stats. § 16.612.

Sec. 2-4-1. Purpose; general retention period.

The purpose of this article is to establish a department Records retention schedule and authorize destruction of certain County Records pursuant to that schedule on an annual basis. Record custodians do not have authority to destroy the Records prior to the established retention period unless such Records have been reproduced as original Records pursuant to Wis. Stats. § 16.61(7). If there is not a specific law requiring a specific retention period, all Records must be retained seven years unless the Public Records and Forms Board fixes a shorter period.

(Ord. No. 2-2002, § 1, 4-16-2002)

Sec. 2-4-2. Historical Society notification.

Prior to the destruction of any public Record, at least 60 days' notice of said destruction shall be given in writing to the State Historical Society of Wisconsin (SHSW). The SHSW has waived the required 60-day notice for any Record designated "Waived" (notification requirement waived) in the retention schedule. The SHSW must be notified 60 days prior to destruction of any Record designated with "Notify" (notification required). "N/A" indicates not applicable and applies to any Records designated for permanent retention with the original custodian. Notice to SHSW is also required prior to destruction of any Record not listed in this schedule.

(Ord. No. 2-2002, § 2, 4-16-2002)

Sec. 2-4-3. Destruction of Records after request for inspection.

No requested Record may be destroyed until after the request is granted or 60 days after the request is denied. If any action is commenced under Wis. Stats. § 19.37, the requested Record may not be destroyed until a court order is issued and all appeals have been completed.

(Ord. No. 2-2002, § 3, 4-16-2002)

Sec. 2-4-4. Destruction of Records pending litigation.

No Record subject to pending litigation shall be destroyed until the litigation has been resolved.

(Ord. No. 2-2002, § 4, 4-16-2002)

Sec. 2-4-5. Microfilming and/or other methods of preserving department Records.

Departments may keep and preserve public Records through the use of microfilm provided that the microfilming meets the applicable standards established in Wis. Stats. § 16.67(7). Departments should consider factors such as the retention period and estimated cost of the microfilming in deciding which Records to microfilm. After verification, paper records can be destroyed if these Records are to be preserved on microfilm.

(Ord. No. 2-2002, § 5, 4-16-2002)

Sec. 2-4-6. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *FIS* means current fiscal year.
- (2) *Legal Custodian* means the individual responsible for maintaining Records pursuant to Wis. Stats. § 19.33.
- (3) *Record* is as defined in Wis. Stats. § 19.32(2).

(Ord. No. 2-2002, § 6, 4-16-2002)

Sec. 2-4-7. Record retention and destruction.

The Records set forth in Section 2-4-8 shall be held and/or disposed of as provided therein. All paper Records shall be destroyed by shredding, all electronic Records shall be destroyed by erasing, and all microfilm Records shall be shredded.

(Ord. No. 2-2002, § 7, 4-16-2002)

Sec. 2-4-8. Records retention schedules.

(a) *Health and human services Records*. The following Records are subject to uniform regulation unless otherwise specified and can be held or disposed of according to the following schedules in this section:

	<i>Records</i>	<i>Retention</i>	<i>Authority</i>	<i>State Historical Society Notification</i>
(1)	Case Records and other material of all public assistance kept as required under Wis. Stats. Ch. 49	If no payments have been made for at least three years and a fact sheet and financial Records retained per DHSS	Wis. Stats. § 59.52(4)(a)18	Notify
(2)	Original fiscal Records	7 years		Waived
(3)	Juvenile examination Records under Wis. Stats. § 48.59	7 years		Waived
(4)	Open public assistance case Records:			
	a. All data forms; case determination sheets; work sheets; medical assistant certification sheets; sheets which document the verification of changeable items, such as income or health status;	To cover most recent 6-year period		Waived

	correspondence, to and from applicants and recipients; and any other documents needed to support income maintenance agency decisions			
	b. Sheets which document the verification of unchangeable items, such as Social Security number, birth dates, and citizenship	As long as case is open		Waived
	c. Financial Records for all payments not on file in CRN	As long as case is open		Waived
(5)	Closed public assistance cases and denied cases:			
	a. Records specified in HFS 245.03(1)(a)	36 months following date of closing		Notify
	b. Most recent data, Records specified in HFS 245.03(1)(b) and (c) and materials relating to any lack of cooperation on the part of the recipient	6 years from date of closing		Notify
	c. Most recent date form and Records specified in HFS 245.03(1)(b)	36 months from date of denial		Waived
(6)	Human Services case files:		DHSS Memo (82-1A)	
	a. State required case documentation: initial contact sheet, notice of agency action, Human Services agreement, Human Services narrative, financial information, any other Records documenting client eligibility and activity	3 years after case is closed		Waived
	b. State required and County developed case documentation: assessment of diagnostic forms, Records and narratives, social and medical histories, copies of court reports pertinent to the case review forms, client or service agreements, forms and documentation of eligibility or financial status	3 years after case is closed	DCS Memo 92-12	Waived
	c. Human Services Records for case not opened for services: applications, referral actions not resulting in case opening, miscellaneous requests and correspondence about individual	1 year after final action determination	DCS Memo 92-12	Waived

	clients from consumer & other agencies which do not result in case opening			
(7)	51.42/437 Treatment Records:	7 years unless minor, then until 19 years of age or 7 years after treatment completed, whichever is longer		Waived
	a. Undergoing federal or State audit	Until completion of audit	Wis. Stats. § 92.12(3)	Waived
	b. Relating to legal actions	Until completion of legal action	Wis. Stats. § 92.12	Waived
(8)	Client collection files:			
	a. Active client Records	10 years		Waived
	b. Inactive client Records	10 years		Waived
(9)	Payee Records	Permanent		N/A
(10)	Case management files	7 years		Waived
(11)	Payee misc. documents	FIS + 4 years		Waived
(12)	Child-placing agency Records			
	a. Register identifying information about children accepted for service or placement	Permanent		N/A
	b. Individual case Records for each child served and family	7 years after case closed		Waived
	c. Individual foster home Records for each foster home used by the agency, which includes signed applications and agreements	7 years		Waived
	d. Individual Records of studied adoptive applicants	7 years		Waived
	e. Personnel Records	7 years		Waived
	f. Financial reports and audits	7 years		Waived
	g. Licensing and certification Records for in-home and family day care; adult family homes; and group homes for children application or other request forms, inspection and observation check list, correspondence, other documentation relating to licensing or certification, approved license or certificate	2 years after the license of certificate is no longer active		Waived
	h. Licensing and certification Records for above types of facilities where license or	1 year after final action/determination		Waived

	certificate was not approved			
	i. Adoption Records of County agencies providing child welfare services under Wis. Stats. § 48.56 or child-placing agencies license under Wis. Stats. § 48.60, should follow the detailed procedures for adoption information search and disclosure detailed in HFS 53	Permanent		Waived
(13)	Third party recovery Records	7 years		Waived
(14)	Fraud referral Records			
	a. Unfounded	3 years after determination recommend microfilming essential information		Waived
	b. Founded - referred DA	7 years after determination recommend microfilming essential information		Waived
	c. Founded - other	5 years after determination recommend microfilming essential information		Waived
(15)	Non-resident relief claims	7 years		Waived

(b) *Client family care Records.*

	<i>Records</i>	<i>Retention</i>	<i>Authority</i>	<i>State Historical Society Notification</i>	<i>Minor Records</i>
(1)	Birth certificate information	Not longer than 1 year	Wis. Stats. § 69.20(3)(c)	Waived	7 years
(2)	Client Record/patient care Record	7 years		Waived	7 years
(3)	Family care Record	7 years		Waived	7 years
(4)	Health check/well child	7 years		Waived	7 years
(5)	Short-term Record	7 years		Waived	7 years
(6)	Care coordination	7 years		Waived	7 years

(c) *Communicable disease Records.*

	<i>Records</i>	<i>Retention</i>	<i>Authority</i>	<i>State Historical Society Notification</i>	<i>Minor Records</i>
(1)	Immunization Record	7 years		Waived	7 years

(2)	Signature of person to receive vaccine or person authorized to make request for immunization	10 years	Correspondence from William Foege, MD, Sept. 1, 1982	Waived	7 years
(3)	Immunization administration Record	Permanent	National Childhood Injury Act of 1986 § 2125 PHS Act at 42 USC 300aa-25 (Supp. 1987)	Waived	
(4)	Communicable Disease Report (4151) - Local Copy (Original to State Epidemiologist)	7 years		Waived	
(5)	STD Report (4343) Local Copy (Original to State Epidemiologist)	7 years		Waived	
(6)	Communicable Disease Outbreak Records DOH 4142 (Rev. 8/86 and is complete DOH 9081) (Original to State Epidemiologist)	Until investigation is complete		Waived	

(d) *Community education Records.*

	<i>Records</i>	<i>Retention</i>	<i>Authority</i>	<i>State Historical Society Notification</i>
(1)	Curriculum	7 years		Waived
(2)	Educational materials	7 years		Waived
(3)	Program materials	7 years		Waived
(4)	Evaluation	7 years		Waived

(e) *Environmental health Records.*

	<i>Records</i>	<i>Retention</i>	<i>Authority</i>	<i>State Historical Society Notification</i>
(1)	Licensed Establishments Inspection Report	3 years	Wis. Stats. § 50.535 and HSS 192	Yes
(2)	Variance approvals	Permanent		Yes
(3)	On-site waste	Hold until system is abandoned		Yes
(4)	Well/septic permits	Hold until system is abandoned		Yes

(5)	Water sample reports	7 years		Waived
(6)	Health hazard investigations	7 years		Waived

(Ord. No. 2-2002, §§ 8--12, 4-16-2002)

ARTICLE V. PROPERTY ASSESSED CLEAN ENERGY FINANCING

Sec. 2-5-1. Purpose.

The County finds that renovations or additions to premises located in the County made to improve energy efficiency, improve water efficiency, and/or use renewable resource applications, increase property values, stimulate local economic activity, provide local and global environmental benefits, and promote the general welfare of County residents. The purpose of this article is to facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for these properties.

(Ord. No. 2019-02, § 1(1), 2-21-2019)

Sec. 2-5-2. Statutory authority.

This article is enacted pursuant to Wis. Stats. § 66.0627, as amended, which authorizes a county to make a loan or enter into an agreement regarding loan repayments to a third party for owner-arranged or lessee-arranged financing, to an owner or a lessee of a premises located in the County for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a premises.

(Ord. No. 2019-02, § 1(2), 2-21-2019)

Sec. 2-5-3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Annual Installment* means the portion of the PACE Loan that is due and payable for a particular year under the Supplemental Agreement.
- (2) *Borrower* means the property owner or lessee of the Subject Property that borrows the proceeds of a PACE Loan.
- (3) *Default Loan Balance* means the outstanding balance, whether or not due, of a PACE Loan at the time that the County receives Foreclosure Proceeds.
- (4) *Foreclosure Proceeds* means the proceeds received by the County from the disposition of a Subject Property through an in rem property tax foreclosure.
- (5) *Loan Amount* means the principal, interest, administrative fees (including the Program Administrator's fees) and other loan charges to be paid by the Borrower under the PACE Loan.
- (6) *PACE* means the acronym for property assessed clean energy.
- (7) *PACE Default Provisions* means:
 - a. The delinquent Annual Installment(s) due when the County initiates the in rem property tax foreclosure on the Subject Property;
 - b. Any additional Annual Installment(s) that become due between the time that the County initiates in rem property tax foreclosure on the Subject Property and the date the County receives the Foreclosure Proceeds;
 - c. Any default interest charges applied to unpaid Annual Installments referenced in Subsections (7)a and b of this section as provided in the Supplemental Agreement; and
 - d. Any Default Loan Balance.

- (8) *PACE Lender* means any Person that makes a PACE Loan, and which may include an affiliate of the Borrower.
- (9) *PACE Loan* means a loan made by a PACE Lender to a Borrower under this article for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a Subject Property.
- (10) *Person* means any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture or other legal entity, or a political subdivision as defined in Wis. Stats. § 66.0627.
- (11) *Program Administrator* means the Person retained by the Wisconsin PACE Commission as provided in Section 2-5-5(b).
- (12) *Subject Property* means any premises located in the County on which energy efficiency improvements, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE Loan.
- (13) *Supplemental Agreement* means a written agreement among a Borrower, a PACE Lender and the County, as provided for in Section 2-5-7.
- (14) *Wisconsin PACE Commission* means the Wisconsin PACE Commission formed under Wis. Stats. § 66.0301 by the County and one or more other political subdivisions as defined in Wis. Stats. § 66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.

(Ord. No. 2019-02, § 1(3), 2-21-2019)

Sec. 2-5-4. PACE Loans as special charges; delinquent amounts as liens.

Any PACE Loan made and secured pursuant to this article shall be considered a special charge on the Subject Property. Any Annual Installment or portion of a PACE Loan made and secured pursuant to the article that becomes delinquent according to the terms of the PACE Loan shall be a lien against the Subject Property and placed on the tax roll, as permitted pursuant to Wis. Stats. § 66.0627, as amended.

(Ord. No. 2019-02, § 1(4), 2-21-2019)

Sec. 2-5-5. Wisconsin PACE Commission.

(a) Any of the powers and duties of the County under this article, except for those under Section 2-5-9, may (but are not required to) be delegated to the Wisconsin PACE Commission.

(b) The Wisconsin PACE Commission is further authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements set forth in this article and in Wis. Stats. § 66.0627, as amended.

(Ord. No. 2019-02, § 1(5), 2-21-2019)

Sec. 2-5-6. Loan approval.

(a) A prospective Borrower applying for a PACE Loan shall comply with the loan application process set forth in the program manual approved by the County.

(b) The County shall approve the financing arrangements between a Borrower and PACE Lender.

(Ord. No. 2019-02, § 1(6), 2-21-2019)

Sec. 2-5-7. Supplemental Agreement.

(a) The County, the Borrower and the PACE Lender shall execute the Supplemental Agreement which, without limitation:

- (1) Shall inform the participants that the PACE Loan Amount shall be imposed as and considered a special charge, and each year's Annual Installment may be included on the property tax roll of the Subject Property as a special charge and an Annual Installment that is delinquent shall be a lien against the Subject Property pursuant to Wis. Stats. § 66.0627, as amended;
- (2) Shall recite the amount and the term of the PACE Loan;

- (3) Shall provide for the amount, or a method for determining the amount, of the Annual Installment due each year;
- (4) Shall provide whether default interest may be applied to unpaid Annual Installments;
- (5) Shall require the PACE Lender and the Borrower to comply with all federal, State and local lending and disclosure requirements;
- (6) Shall provide for any fees payable to the County and/or Program Administrator;
- (7) Shall recite that the Supplemental Agreement is a covenant that runs with the land;
- (8) May provide for prepayments of Annual Installments by the Borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE Lender, if any; and
- (9) May allow for amendment by the parties.

(b) Prior to executing the Supplemental Agreement, the owner of the Subject Property, if different from the Borrower, and any existing mortgage holder(s) on the Subject Property must have executed a separate writing acknowledging the Borrower's use of PACE financing for the Subject Property and the special charge that will be imposed under this article and its consequences, including the remedies for collecting the special charge.

(c) Each PACE Loan shall be amortized over the term of the PACE Loan as provided in the Supplemental Agreement.

(d) The annual payments of a PACE Loan may be payable in installments as authorized by Wis. Stats. § 66.0627, as amended.

(Ord. No. 2019-02, § 1(7), 2-21-2019)

Sec. 2-5-8. Annual Installments added to tax rolls.

Upon the request of the Program Administrator the County shall place each year's Annual Installment on the tax roll for the Subject Property as permitted pursuant to Wis. Stats. § 66.0627, as amended.

(Ord. No. 2019-02, § 1(8), 2-21-2019)

Sec. 2-5-9. Remittance of special charges.

The County shall promptly remit to the Wisconsin PACE Commission any payment(s) for a special charge imposed under this article, including penalties and charges thereon, it may receive from any taxing district or the County Treasurer pursuant to Wis. Stats. Ch. 74, as amended.

(Ord. No. 2019-02, § 1(9), 2-21-2019)

Sec. 2-5-10. Property tax foreclosure procedures.

(a) The County elects to utilize the provisions of Wis. Stats. § 75.521 for the purpose of enforcing tax liens if a Subject Property owner fails to pay any special charges imposed on the Subject Property under this article as required.

(b) The County shall begin an in rem property tax foreclosure proceeding on the Subject Property at the earliest time allowed under Wisconsin Statutes, unless the County determines that Subject Property is a "brownfield" (as defined in Wis. Stats. § 75.106, as amended) or that in rem property tax foreclosure is not in the best interests of the County due to the condition of the property or for other reasons.

(c) If the County has determined that it will not commence an in rem property tax foreclosure proceeding, then the PACE Lender may request that the County, pursuant to Wis. Stats. § 75.106, assign the County's right to take judgment against the Subject Property, provided that the PACE Lender and the County fully comply with all provisions of Wis. Stats. § 75.106 concerning the Subject Property and the PACE Lender agrees to pay the amounts required by Wis. Stats. § 75.36(3)(a)1 and 1m.

(Ord. No. 2019-02, § 1(10), 2-21-2019)

Sec. 2-5-11. Sale of foreclosed property.

If the County prevails in an in rem property tax foreclosure action against a Subject Property, the County shall diligently proceed to sell the Subject Property pursuant to the procedures set forth in Wis. Stats. § 75.69.

(Ord. No. 2019-02, § 1(11), 2-21-2019)

Sec. 2-5-12. Distribution of Foreclosure Proceeds.

The County treasurer shall follow the procedures set forth in Wis. Stats. § 75.36, as amended, to distribute the proceeds from the sale of a Subject Property.

(Ord. No. 2019-02, § 1(12), 2-21-2019)

PROOFS

Chapter 3

RESERVED

PROOFS

Chapter 4 ANIMALS*

*State law reference—Animal health, Wis. Stats. Ch. 95; dogs generally, Wis. Stats. Ch. 174; crimes against animals, Wis. Stats. Ch. 951.

ARTICLE I. IN GENERAL

Sec. 4-1-1. Animal shelter.

(a) The County animal shelter located in the City of Hayward, Sawyer County, Wisconsin, shall be designated as a County pound.

(b) Said County pound may receive payment from the dog license fund for expenses incurred in the collecting, caring for, and disposing of dogs, and may receive surplus from the dog license fund as provided under Wis. Stats. § 174.09(2).

(c) The County Board shall require an impoundment fee from the owner of an impounded dog as allowed under Wis. Stats. § 174.042, said impoundment fee to be set at the amount established by resolution.

(Ord. No. 146, §§ 1--3, 2-26-1985)

Sec. 4-1-2. Authority authorized to affirm, modify, or withdraw humane officer's abatement of violation orders.

The Public Safety Committee of the County Board of Supervisors shall meet at the call of the Chair and is hereby designated and authorized, pursuant to Wis. Stats. § 173.03(2), to affirm, modify, or withdraw abatement of violation orders issued under Wis. Stats. § 173.11 by any humane officer appointed by the County.

(Ord. No. 2-2001, xx-xx-xxxx)

ARTICLE II. ANIMAL CONTROL

Sec. 4-2-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any term not expressly defined in this article shall have the meaning set forth in Wis. Stats. § 173.41 and Wis. Admin. Code Ch. ATCP 16. In the event of inconsistency between a defined term in this article and any Applicable Law, the Applicable Law's definition shall apply.

- (1) *Animal* means any living organism that feeds on organic matter, typically having specialized sense organs and a nervous system and able to respond rapidly to stimuli, including any live, vertebrate creature, domestic or Wild Animal.
- (2) *Animal-at-Large*. Any Animal shall be deemed to be at large when off the property of the Owner and not under Restraint.
- (3) *Animal Control Officer* or *Humane Officer* means a Person designated by the County Board of Supervisors as the officer which shall meet the requirements of any Applicable Laws and perform the duties set forth in Wis. Stats. Ch. 173 and any other Applicable Laws and who is qualified to perform such duties under Applicable Laws.
- (4) *Animal Shelter* means any facility operated by a humane society, or municipal agency, or its authorized agents, for the purpose of impounding Animals under the authority of this article or State law for care, confinement, return to Owner, adoption or euthanasia.
- (5) *Applicable Laws* means any State law, including, but not limited to, Wis. Stats. Chs. 95 and 173, and Wis. Admin. Code Ch. ATCP 16, federal law or other laws or ordinances that may apply to the subject matter of this article.

- (6) *Auction* means any place or facility where Animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this article. Unless otherwise stated herein, this section does not apply to individual sales of Animals by Owners.
- (7) *Breeding Facility* means a Dog Breeding Facility or a Cat Breeding Facility.
- (8) *Breeding Permit* means a Permit issued pursuant to Section 4-2-6(a) and allows a Permittee to operate a Breeding Facility.
- (9) *Breeding Permit Period* means a 12-month period ending on September 30 of any given year. A Permit Breeding Period may be no longer than 12 months, and may be less than 12 months depending upon the date of issuance of a Breeding Permit.
- (10) *Cat Breeding Facility* means a place in the State where cats are bred, raised, bought, sold or bartered.
- (11) *Circus* means a commercial variety show featuring Animal acts for public entertainment.
- (12) *Commercial Animal Establishment* means any Breeding Facility, Boarding Facility, Pet Shop, Grooming Shop, guard dog or other Animal Auction, Riding School, Stable, Zoological Park, Circus, Performing Animal Exhibitions, or Boarding or Breeding Kennels.
- (13) *Confined* means a restriction of an Animal at all times by the Owner, or the Owner's agent, to an escape-proof building, vehicle, or other enclosure.
- (14) *Dangerous Animal* means the propensity or tendency of an Animal to do any act which might endanger the safety of persons or property of others in a given situation.
- (15) *DATCP* means the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (16) *Dog Breeding Facility* means a place in the State where dogs are bred, raised, bought, sold or bartered.
- (17) *Domestic Rodent* means a mouse, rat, chinchilla, hamster, gerbil, guinea pig, and ferret.
- (18) *Exotic Animal* means any Animal that is not native to the State or any Animal that is generally recognized as a non-domesticated Animal and as further described in Section 4-2-16(b)(1).
- (19) *Grooming Shop* means a commercial establishment where Animals are bathed, clipped, plucked, or otherwise groomed.
- (20) *Isolation Facility/Quarantine Facility* means a veterinary hospital, municipal pound, or other place specified by the Animal Control Officer which is equipped with a pen or cage which isolates the Animal from contact with other Animals.
- (21) *Kennel Facility* means any Premises or area wherein any Person engages in the business of boarding, letting for hire, or training for a fee.
- (22) *Non-Human Primate* means prosimians of African and Asia and lemurs of Madagascar, the new world monkeys of Central and South America, the old world monkeys of Africa and Asia, and the apes; gibbons, gorillas, chimpanzees and orangutans.
- (23) *Owner* means any Person, partnership, or corporation owning, keeping, or harboring one or more Animals. An Animal shall be deemed to be harbored if it is sheltered for three consecutive days or more.
- (24) *Performing Animal Exhibition* means any spectacle, display, act or event, other than Circuses, in which performing Animals are used.
- (25) *Permit* means a Permit or license to conduct the activity as proposed in a Permit application and in compliance with this article, any rules established by the Animal Control Officer and in compliance with any other Applicable Laws.
- (26) *Permit Period* means a 12-month period commencing on January 1 of a given year and terminating on December 31 of that same year.
- (27) *Permittee* means any Person holding a Permit or license.
- (28) *Person* means any individual, business, corporation, partnership, nonprofit organization or other entity.

- (29) *Pet Shop* means any Person, whether operated individually or in connection with another business enterprise (except for a Kennel for which a valid Permit is issued), that buys, sells or boards any species of Animal.
- (30) *Premises* means all areas in which activity may be conducted pursuant to this article and is specifically described in a Permit.
- (31) *Public Nuisance Animal* means any Animal or Animals that unreasonably annoy humans, endanger the life or health of other Animals or Persons, or substantially interfere with the rights of citizens, other than their Owners, to the enjoyment of life or property. The term "Public Nuisance Animal" includes, but is not limited to, any Animal that engages in any of the following actions or behaviors:
 - a. Is found to be an Animal-at-Large.
 - b. Damages the property of anyone other than its Owner.
 - c. Molests or intimidates pedestrians or passersby.
 - d. Chases vehicles.
 - e. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyances, disturbance, or discomfort to neighbors or others in close proximity to the Premises where the Animal is kept or harbored.
 - f. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the Premises where the Animal is kept or harbored.
 - g. Causes unsanitary conditions in enclosures or surroundings where the Animal is kept or harbored.
 - h. Attacks other domestic Animals or people.
 - i. Has been found by the County Public Safety Committee, after notice to its Owner and a Class 1 notice public hearing before the County Public Safety Committee, to be a deemed a Public Nuisance Animal by virtue of being a menace to the public health, welfare, and safety.
- (32) *Render Sterile* means a surgical procedure that has been performed on an Animal that renders it incapable of siring or bearing offspring, including neutering and spaying.
- (33) *Restraint* means any Animal secured by a leash or lead under the control of a responsible Person and obedient to that Person's commands, or enclosed within the real property limits of its Owner.
- (34) *Riding School or Stable* means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above Animals, including a racetrack, trotting track or rodeo.
- (35) *State* means the State of Wisconsin.
- (36) *Unlicensed Dog* means any dog not having an annual dog license.
- (37) *Untagged Dog* means any dog not having a valid license tag attached to its collar, whenever outdoors, unless the dog is securely Confined in a fenced area on the Owner's property.
- (38) *Unvaccinated Dog* means any dog not vaccinated against rabies by a veterinarian no later than five months of age and revaccinated within one year after the initial vaccination.
- (39) *Veterinary Hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of Animals.
- (40) *Vicious Animal* means any Animal that, when unprovoked, bites, injures, kills, or attacks a Person or other Animal on either public or private property, regardless of whether the action occurs on the Owner's property. Notwithstanding the definitions of a "Vicious Animal" above:
 - a. No Animal may be declared as a Vicious Animal if death, injury, or damage is sustained by a Person who, at the time such was sustained, was committing a trespass of the dwelling upon the Premises occupied by the Owner of the Animal, or was teasing, tormenting, abusing, or assaulting the Animal

or was committing or attempting to commit a crime or violating or attempting to violate an ordinance or other law which protects person or property.

- b. No Animal may be declared as a Vicious Animal if death, injury, or damage was sustained by a domestic Animal which, at the time such was sustained, was teasing, tormenting, abusing, or assaulting the Animal.
 - c. No Animal may be declared as a Vicious Animal if the Animal was protecting or defending a human being within the immediate vicinity of the Animal from unjustified attack or assault.
 - d. No Animal may be declared as a Vicious Animal for acts committed by said Animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement within the County.
- (41) *Wild Animal* means any warm or cold blooded Animal that can normally be found in the wild state, habitat, woods or wilds, including, but not limited to, any Non-Human Primate, raccoon, skunk, fox, wolf, coyote, snake, leopard, panther, tiger, lion, lynx or bear.
- (42) *Zoological Park* means any facility operated by a Person, partnership, corporation, or government agency other than a Pet Shop or Kennel, displaying or exhibiting one or more species of non-domestic Animals.

(Ord. No. 2018-02, § 1.01, 10-18-2018)

Sec. 4-2-2. Permit issuance and requirements.

(a) *Permit required.* No Person shall engage in any activity described in this article without first obtaining a Permit in compliance with and as required by this article.

(b) *Application for Permit.* An applicant shall complete a Permit application obtained from the Animal Control Officer. An applicant shall return the completed application, any additional materials supporting the application, and the required fee to the Animal Control Officer. Application fees shall be set by the County Board of Supervisors and stated within an application. The Animal Control Officer shall issue the Permit within ten days of receiving a complete Permit application, so long as the following conditions are met:

- (1) Applicant and Permittee have not withheld or falsified any information on the Permit application.
- (2) Applicant and Permittee shall agree to comply with all terms of the Permit.
- (3) Applicant and Permittee shall acknowledge this article's requirements and agree to comply with all terms of this article, any regulations established by the County Board of Supervisors, and any other Applicable Laws, including, but not limited to, Wis. Stats. Chs. 95, 173, and 174 and Wis. Admin. Code Ch. ATCP 16.
- (4) Applicant and Permittee shall agree to allow the Animal Control Officer to inspect all Animals and the Premises at any reasonable time.
- (5) Applicant and Permittee shall acknowledge that any violation of the terms of the Permit, this article or any other Applicable Law shall result in revocation of the Permit.
- (6) Applicant or Permittee may not have been convicted of any civil, criminal, municipal or other violation for mistreatment of Animals.

(c) *Permit Period.* A Permit Period shall begin with the first day of the calendar year and shall run for one year. Renewal applications for Permits shall be made no later than 30 days prior to the start of the calendar year. A Breeding Permit Period shall be as set forth in Sections 4-2-1(9) and 4-2-6(b).

(d) *Change in ownership.* If there is a change in ownership of a Commercial Animal Establishment, the new Owner may have the current Permit transferred to the new Owner upon payment of a transfer fee in the amount established by resolution and upon assumption of all obligations of the Permit holder.

(e) *Permit required.* The following uses require a valid Permit issued by the Animal Control Officer:

- (1) Breeding Facility.
- (2) Kennel.

- (3) Pet Shop.
- (4) Riding Stable.
- (5) Auction.
- (6) Zoological Park.
- (7) Circus.
- (8) Grooming Shop.
- (9) Petting zoo.
- (10) Guard dog training center.

(f) *Permit conditions.* A Permit may contain any term, condition, requirement or standard that the Animal Control Officer deems necessary in order to protect the health, welfare and safety of the public and of any Animal that is or may be subject to the terms of the Permit.

(g) *Compliance with zoning ordinance.* All Commercial Animal Establishments must comply with any underlying County zoning ordinances and may only be conducted in zoning designations where allowed as a permitted use or as a conditional use.

(h) *Separate enterprise.* Every Commercial Animal Establishment or other facility regulated by this article shall be considered a separate enterprise requiring an individual Permit. Any change in the use or facility operation for which a Permit was issued shall require a new application and a new Permit for each additional use or change in facility operation.

(i) *Review of decision.* Any Person aggrieved by the County's failure to issue a Permit may appeal the Animal Control Officer's decision to the County Public Safety Committee. The County Public Safety Committee shall review the Permit application and render a determination whether to uphold the Animal Control Officer's decision to deny the Permit.

(Ord. No. 2018-02, § 1.02, 10-18-2018)

Sec. 4-2-3. Permit revocation.

(a) *General provision.* The County Public Safety Committee or the Animal Control Officer may revoke any Permit if the Permittee refuses or fails to comply with the terms of the Permit, this article, or any Applicable Law governing the protection and keeping of Animals.

(b) *Revocation notice.* Upon revocation of a Permit, the Animal Control Officer shall provide written notice of the revocation to the Permittee. The revocation shall be effective as of the date set forth in the revocation notice.

(c) *Grounds for revocation.* In addition to the provisions of Subsection (a) of this section, any of the following shall be prima facie grounds for revocation of a Permit:

- (1) Termination or revocation of any State or other government-issued permit, license or other approval for the operation of the licensed facilities on the Premises, including, but not limited to, termination or revocation of any permit issued by DATCP.
- (2) Failure to allow the Animal Control Officer to inspect any Animal on the Premises at any reasonable time.
- (3) Failing to disclose, falsifying or withholding any necessary information on a Permit application.

(d) *Disposition of animals upon revocation.* Any Person whose Permit is revoked shall, within ten days thereafter, humanely dispose of all Animals owned, kept, or harbored. No portion of the Permit application fee shall be refunded. The Permittee shall provide satisfactory documentation to the Animal Control Officer that each Animal subject to the revocation has been disposed of properly. Such documentation shall be obtained from an Animal Shelter, veterinarian or other individual.

(e) *Fine for violation.* Any Person violating this article shall be subject to a fine of not less than \$25.00 nor more than \$200.00 per day of violation, plus the cost of prosecution, as set forth in Section 4-2-21 and as may be amended by the County Board of Supervisors.

(f) *Appeal.* Any Person aggrieved by the County's revocation of a Permit may appeal the revocation to the County Public Safety Committee within ten days of the notice of revocation. The County Public Safety Committee shall review the facts and circumstances of the matter and render a determination whether to uphold the Permit revocation. During the period between the revocation notice and the decision of the appeal, the Animal Control Officer has the discretion to determine whether the Animals shall be subject to disposition pursuant to Subsection (c) of this section.

(Ord. No. 2018-02, § 1.03, 10-18-2018)

Sec. 4-2-4. Pet Shop regulations.

(a) *Permit required.* No Person may operate a Pet Shop without a valid Permit issued by the County Public Safety Committee.

(b) *Operation.* Pet Shop establishments shall:

- (1) Keep accurate records of each dog, cat, bird, or any other Animal sale, as provided by Federal and U.S. Regulatory Enforcement and Animal Care Codes, for the minimum period of 12 months after the date of sale. The records must contain the description, approximate age, and sex of Animal sold, and the name and address of the purchaser. Records on sales of Domestic Rodents and fish are not required.
- (2) Keep all records of prophylactic medication and immunization used in advertisements or furnished to the purchaser or Person acquiring an Animal, including specific information regarding type, amount, and date of prophylactic medication and immunization. Such information shall become a part of the retail sales record.
- (3) Take responsible care to release for sale, trade, or adoption only those Animals which are free of disease, injuries, or abnormalities. A health certificate issued by a licensed veterinarian for any such Animal within 30 days before such sale, trade, or adoption is prima facie evidence that the Permittee has taken reasonable care as required by this section.

(c) *Unfit Animals.* The following shall deem an Animal unfit for sale or release:

- (1) Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar diseases.
- (2) Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.
- (3) Obvious signs of severe parasitism, extreme enough to be affecting the general health of the Animal.
- (4) Obvious fractures or congenital abnormalities affecting the general health of the Animal.

(d) *Restrict sales.* The Animal Control Officer may restrict the sale of any Animal suspected of being diseased or otherwise unfit for sale. The Animal Control Officer, at the expense of the Permittee, may order an examination of the Animal by a veterinarian.

(e) *Sale documentation.* The Permittee shall furnish the purchaser a written statement at the time of the sale. The statement shall indicate the following:

- (1) Date of sale.
- (2) Name, address, and telephone number of both the Permittee and purchaser.
- (3) Breed, description, and approximate age of the Animal.
- (4) Prophylactic medication and immunizations and dates administered.
- (5) Internal parasite medication(s) and date(s) administered.
- (6) Guarantee, if offered. If none, so state.
- (7) Information regarding proper care, health needs and pet responsibility laws.

(f) *Pet Shop standards.* In addition to the standards set forth in Section 4-2-8, a Pet Shop shall comply with the following standards. Failure to meet these standards shall be grounds for denial of a Permit or revocation of a Permit.

- (1) All Animals shall be displayed in a healthy condition or, if ill, removed from display and shall be given appropriate treatment immediately.
- (2) The area in which the Animals are kept shall be maintained in a clean condition and in a good state of repair. Hot water shall be available for cleaning.
- (3) The room temperature of the Pet Shop shall be maintained at a level that is healthful for every species of Animal in the Pet Shop. Alternatively, the Pet Shop shall accommodate the needs of an individual Animal.
- (4) There shall be sufficient clean, dry bedding to meet the needs of each individual Animal. Litter and/or bedding material shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.
- (5) Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance and stored in a tightly covered container until final disposal.
- (6) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the Animal will have room to stand, turn, and stretch out to its full length.
- (7) The floor and walls of any room in which Animals are kept shall be covered with an impervious smooth, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.
- (8) The Premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent proof containers.
- (9) Food for all Animals shall be served in a clean dish so mounted that the Animal cannot readily tip it over. The food dish shall be removable for cleaning.
- (10) Fresh drinking water shall be available to all Animals at all times. All water containers shall be mounted so the Animal cannot easily turn them over. The water container shall also be removable for cleaning.
- (11) All Animals must be fed and watered according to the accepted procedure for that species. The cages shall be cleaned every day, including Sundays and holidays.
- (12) The water temperature shall be maintained at a healthful level for all fish.
- (13) Shade from the direct rays of the sun shall be provided for all Animals.
- (14) Each bird must have sufficient room to sit on a perch. Perches shall be placed parallel to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when the birds are sold. Parrots and other large birds shall have separate cages from smaller birds.
- (15) No Pet Shop shall engage in the purchase, keeping, or sale of Non-Human Primates, bats, skunks, or any species of Animal considered "endangered" or considered a human health hazard by the USDA or Food and Drug Administration, or any other Animal prohibited by this article.
- (16) It shall be unlawful for any Person to sell or offer for sale, barter, raffle or give away baby chicks, ducklings, or other fowl as pets or novelties whether or not dyed, colored or otherwise artificially treated. This article shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. No Person may sell, offer for sale, raffle, give away as a prize premium, use as an advertising device, or display living chicks, ducklings, or other fowl or rabbits that have been dyed or otherwise artificially colored. In the case of any violation of this subsection, it shall be the duty of the duly authorized Animal Control Officer to seize such fowl or pets and provide the necessary care and attention. Such fowl or pets shall not be returned until all expenses for such care and attention have been paid.

(Ord. No. 2018-02, § 1.04, 10-18-2018)

Sec. 4-2-5. Grooming Shop regulations.

- (a) *Permit required.* No Person may operate a Grooming Shop without a valid Permit.
- (b) *Operation.* The following apply to all Grooming Shops:
 - (1) The Permittee must comply with the application and Permit requirements set forth in the Permit and in this article.
 - (2) The Permittee must maintain quarters in which Animals are kept in a clean condition and in a good state of repair.
 - (3) Animal pens or enclosures shall be large enough to provide freedom of movement to the Animals contained therein and shall be constructed of nonporous and non-corrosive materials. Dogs and cats over the age of five months shall be housed in separate enclosures. Animals shall not have the freedom to roam the business establishment.
 - (4) The floors of any room in which grooming operations are conducted or in which Animals are kept shall be covered with an impervious, smooth, cleanable surface. The floors shall be cleaned and disinfected daily.
 - (5) No Animals shall be kept in any grooming establishment other than during regular office hours unless a valid Kennel or Pet Shop Permit is issued for the same location. Nothing in this subsection shall apply to an establishment where grooming is incidental to the operation of a Veterinary Hospital.
 - (6) The Premises shall be kept free of insect and rodent infestations.
 - (7) The Premises shall be maintained and operated in a nuisance free manner.

(Ord. No. 2018-02, § 1.05, 10-18-2018)

Sec. 4-2-6. Breeding Facilities.

(a) *Permit required.* No Person shall operate a Breeding Facility without a valid Breeding Permit issued pursuant to the terms of this article. A Breeding Permit issued pursuant to this section for a Breeding Facility is also subject to the general Permit requirements and provisions set forth in this article. There shall be three tiers of Breeding Permits required for any Breeding Facility:

- (1) Tier 1: Any Breeding Facility authorized to house, sell or barter fewer than 25 dogs or cats per Breeding Permit Period.
- (2) Tier 2: Any Breeding Facility authorized to house, sell or barter at least 25 but no more than 50 dogs or cats per Breeding Permit Period.
- (3) Tier 3: Any Breeding Facility authorized to house, sell or barter at least 50 but no more than 99 dogs or cats per Breeding Permit Period.
- (4) A Breeding Facility with any more than 99 dogs or cats is prohibited in the County and shall not be permitted to operate in the County.

(b) *Breeding Permit Period.* A Breeding Permit shall be a 12-month period ending on September 30 of any given year. A Breeding Permit Period may be no longer than 12 months, and may be less than 12 months depending upon the date of issuance of a Breeding Permit.

(c) *Breeding Permit application fees.* A Breeding Permit fee shall be in accordance with the applicable County fee schedule.

(d) *Operation.* In addition to the terms of a Breeding Permit, this article and all other Applicable Laws, a Breeding Facility shall be subject to any provisions set forth in other County or State approvals or permits, such as a conditional use permit issued for the operation of a Breeding Facility.

(e) *Multiple dog licenses.* Any Person who keeps or operates a Breeding Facility may, instead of paying the license for each dog required by this article, apply to the collecting official for a license and, upon presentation of evidence supplied by a licensed veterinarian that all dogs over five months of age are currently immunized against rabies, the collecting official shall issue a license and a number of tags equal to the number of vaccinated dogs

authorized to be kept in the Breeding Facility. The provisions of Section 4-2-15 shall also apply.

(f) *Additional standards.* In addition to the required standards set forth in Section 4-2-8, a Breeding Facility shall comply with the following:

- (1) Breeding age of female Animals shall be no younger than two years old and no older than seven years old. After the age of seven years old, any female must be spayed.
- (2) No Breeding Facility shall produce more than one litter per 12-month Breeding Permit Period of puppies or kittens per female of breeding age.
- (3) A puppy or kitten may not be physically transferred to another facility or Owner until it is at least eight weeks of age or older.

(Ord. No. 2018-02, § 1.06, 10-18-2018)

Sec. 4-2-7. Kennels.

(a) *Operation.* In addition to the terms of a Permit, this article and all other Applicable Laws, a Breeding Facility shall be subject to any provisions set forth in other County or State approvals or permits, such as a conditional use permit issued for the operation of a Kennel.

(b) *Permit required.* No Person shall operate a Kennel establishment without a valid Permit issued by the County Public Safety Committee. Each Permittee shall pay a Permit fee as noted in Section 4-2-2(e), and comply with Section 4-2-2.

(Ord. No. 2018-02, § 1.07, 10-18-2018)

Sec. 4-2-8. Commercial Animal Establishment Standards.

(a) *Required compliance with standards.* No Person shall operate any Commercial Animal Establishment without strict compliance with the minimum standards of this section. Other sections of this article may contain additional standards applicable to a given use, which shall be adhered to in addition to the general standards set forth in this section.

(b) *General standards.*

- (1) Building temperatures shall be maintained at a comfortable level for the Animals kept therein. Adequate ventilation shall be maintained to promote health and odor control.
- (2) Enclosures must be provided which shall allow adequate protection against weather extremes.
- (3) Floors of buildings, runs, and walls shall be of impervious material to allow proper cleaning and disinfecting.
- (4) Each Animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or top of the cage or enclosure.
- (5) Cages are to be of material and construction that permits cleaning and sanitizing.
- (6) Runs shall provide an adequate exercise area and protection from the weather. Runs and sidewalls to four feet above floor level shall have an impervious surface to allow for cleaning, disinfecting and odor control.
- (7) All Animals are to be Confined in areas that are clean, dry and in a sanitary condition.
- (8) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirement for the condition and size of the Animal.
- (9) All Animals shall have potable water available at all times.
- (10) Any Animal that appears ill shall be promptly examined by a veterinarian of the Owner's choice, if known, or by the veterinarian employed by the licensee, and a record kept of the examination and treatment.
- (11) A Permit may contain any additional standards deemed reasonably necessary for public or an Animal's health, welfare and safety.

(Ord. No. 2018-02, § 1.08, 10-18-2018)

Sec. 4-2-9. Reporting of Animal bite incidents.

All incidents occurring in the County in which any Animal bites a Person shall be immediately reported to the Animal Control Officer or law enforcement within the County by any Person having knowledge of such incident.

- (1) The Owner of any dog, cat or other Animal which has bitten any Person shall, upon demand of the Animal Control Officer or law enforcement within the County, produce and surrender up such dog, cat, or other Animal to such department to be held in quarantine for the minimum of ten days. During the quarantine, the Animal shall be securely Confined and kept from contact with any other Animal. The Animal shall be examined at least three times by a licensed veterinarian or trained individual at the Owner's expense during the ten-day isolation period.
- (2) Any Animal which does not have a current anti-rabies vaccination shall be quarantined at an Isolation Facility or Veterinary Hospital of the Owner's choice for a period of ten days after the incident occurred. If there is reason to believe that the Animal has been exposed to rabies, Wis. Stats. § 95.21(5)(c) shall apply. Charges for boarding such Animal during the quarantine period shall be assumed by the Owner of such Animal and paid prior to the release of the Animal.
- (3) Any Animal which has a current anti-rabies vaccination may, at the discretion of the Animal Control Officer or law enforcement within the County, be held in quarantine on the property of the Owner for a period of ten days. Failure on the part of the Owner to obey all conditions and directions of the Animal Control Officer or law enforcement within the County or other Applicable Laws pertaining to the quarantine period shall result in the immediate impoundment of the Animal in an isolation facility for the remainder of the quarantine period. Charges for boarding/examining such Animal shall be paid by the Owner prior to the Animal's release.
- (4) The Owner of any dog, cat, or other Animal which has contracted rabies, or which has been subjected to same, or which is suspected of having rabies shall immediately notify the Animal Control Officer, a law enforcement agency, or Health Department. The Owner shall produce and surrender up such Animal to said department, to be held in quarantine at a Veterinary Hospital for a period to determine if the Animal has rabies or not. The Owner shall pay the charge of boarding/examining such Animal during the quarantine period prior to the release of such Animal.
- (5) No Person shall knowingly harbor or keep any Animal infected with rabies, any Animal known to have been bitten by a rabid Animal, nor fail to report to the Animal Control Officer, law enforcement agency or Health Department to the existence of an Animal pursuant to this section.

(Ord. No. 2018-02, § 1.09, 10-18-2018)

Sec. 4-2-10. Restraint.

- (a) All Animals shall be kept under Restraint and shall not be permitted to run-at-large.
- (b) All Owners shall exercise proper care and control of their Animal to prevent them from becoming a Public Nuisance Animal or other public nuisance as defined by any Applicable Law.
- (c) Every female dog or cat in heat shall be Confined in a building or secure enclosure in such a manner that such female cannot come into contact with another Animal except for a planned breeding.

(Ord. No. 2018-02, § 1.10, 10-18-2018)

Sec. 4-2-11. Dogs at large or Untagged Dogs.

- (a) *Dog running at large.* A dog is considered to be running at large if it is off the Premises of its Owner and not under the Restraint or the control of the Owner or some other Person.
- (b) *Dog running at large or Untagged Dog subject to impoundment.* Any officer may attempt to capture and restrain any dog running at large and any Untagged Dog.
- (c) *Penalties.* If the Owner of a dog negligently or otherwise permits a dog to run at large or be untagged, the Owner shall be guilty of an offense.

(Ord. No. 145, §§ 1, 3, 4, 2-26-1985)

Sec. 4-2-12. Unclaimed dogs.

A dog which is not released to its Owner or to a Person other than its Owner within the impoundment period is deemed an unclaimed dog. The minimum impoundment period is for seven days after the dog is delivered to the officer or pound. The officer or pound may extend the impoundment period if release of the dog to the Owner or Person other than the Owner appears likely. The officer or pound may dispose of an unclaimed dog by releasing it as provided under Wis. Stats. § 174.042, or if the dog is not released as provided under Wis. Stats. § 174.042, by disposing of the dog in a proper and humane manner.

Sec. 4-2-13. Control of Vicious Animals.

The Owner of a Vicious Animal shall comply with the following requirements:

- (1) While on the Owner's or caretaker's property, a Vicious Animal must be:
 - a. Securely Confined indoors;
 - b. In a securely closed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the Animal from escaping. The pen or structure must be constructed with chain link fencing for all four sides, the sides must be imbedded in the ground no less than two feet, or have a concrete pad for the bottom; or
 - c. Securely leashed or chained to an immovable object with the Owner or caretaker being physically present.
- (2) While off the Owner's or caretaker's Premises, the Vicious Animal must be muzzled and restrained by a substantial chain or leash not exceeding four feet in length and under the control of a responsible Person. The muzzle must be made in a manner that will not cause injury to the Vicious Animal or interfere with its vision or respiration but must prevent it from biting a Person or Animal.
- (3) All Owners or caretakers of Vicious Animals shall display, in prominent places on their Premises and near all entrances to the Premises, signs and letters of not less than two inches high using the words "WARNING-VICIOUS ANIMAL." A similar sign is required to be posted on the cage, kennel or pen of the Animal.
- (4) No Person may sell or transfer possession of a Vicious Animal to another Person without first notifying the Person to whom the Vicious Animal is being sold or transferred of the fact that such is a Vicious Animal pursuant to the terms of this article and of any requirements imposed upon the selling or transferring party by this article.
- (5) No Person may sell or transfer possession of a Vicious Animal without first notifying the Animal Control Officer thereof in writing, at least three days in advance of the sale or transfer of possession.
- (6) The Animal Control Officer, after conducting an investigation into the circumstances surrounding an unprovoked Animal attack, is hereby empowered to declare the Animal as a Vicious Animal. The Owner of the Animal declared vicious hereby shall be served personally or by certified mail with the return receipt with an order declaring the Animal vicious. Any Animal Owner aggrieved by said order may petition the County Public Safety Committee for a review of the order in accordance with the procedure set forth herein. Upon receipt of the petition of the aggrieved Owner, the County Public Safety Committee shall schedule a hearing at the next regular meeting of the County Public Safety Committee. In the event that the petition is received within seven days of the next regular meeting, the hearing shall be scheduled at the next monthly meeting. The hearing shall be conducted in conformance with the existing rules of the County regarding administrative hearing. After the hearing, the Owner or keeper of the Animal shall be notified in writing of the determination. If a determination is made that the Animal is vicious, the Owner or keeper shall comply with the provisions of this section in accordance with a time schedule established by the Animal Control Officer or the County Public Safety Committee, but in no case more than 30 days subsequent to the date of determination.
- (7) No Vicious Animal shall be allowed off the Owner's or keeper's Premises other than provided in this

section. Any Vicious Animal that is not restrained in compliance with this section may be seized and, upon delivery to the Animal Control Officer, or other authority, may be euthanized by proper authorities upon establishment to the satisfaction of a court of competent jurisdiction of the vicious disposition of the Vicious Animal.

(Ord. No. 2018-02, § 1.11, 10-18-2018)

Sec. 4-2-14. Animal care.

(a) No Owner shall fail to provide their Animal with good and wholesome food and water daily and in sufficient quantity, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) No Person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an Animal, or cause, instigate or permit any dog fight, cockfight, or other combat between Animals and humans.

(c) No Owner of an Animal shall abandon such Animal.

(d) No Person shall give away any live Animal, fish, reptile, or bird as a prize for or as an inducement to enter a place of amusement or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(e) Chickens or ducklings or fowl younger than eight weeks of age may not be given away, bartered, or sold in quantities of less than 25 to a single purchaser unless in the business of selling these Animals for agriculture, wildlife, or scientific purposes.

(f) Any Person who, as the operator of a motor vehicle, strikes a domestic Animal, shall immediately stop and report such injury or death to the Animal's Owner. In the event the Animal's Owner cannot be ascertained and located, such motor vehicle operator shall report the accident to the Animal Control Officer and law enforcement in the County.

(g) No Person shall expose any poisonous substances, whether mixed with food or not, so that the same shall be liable to be eaten by any Animal, provided that it shall not be unlawful for a Person to expose on such Person's own property, poisons designed for the purpose of rodent or pest extermination. This provision shall not prohibit actions by the County Health Department or licensed pest-control services.

(h) No Person shall confine any Animal in a vehicle, including, but not limited to, a trailer, under conditions that endanger the health or wellbeing of the Animal, including, without limitation, confining the Animal in a vehicle that is not adequately ventilated to ensure a temperature compatible with the health of the Animal.

(Ord. No. 2018-02, § 1.12, 10-18-2018)

Sec. 4-2-15. Vaccination, licensing and tagging.

(a) *Requirement for dog vaccination.* Except as provided in Wis. Stats. § 174.054, the Owner of a dog shall have the dog vaccinated against rabies by a veterinarian at no later than five months of age and revaccinated within one year after the initial vaccination. If the Owner obtains the dog or brings the dog into the State after the dog has reached five months of age, the Owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the State unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this State or another state. The Owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. Every dog shall be re-vaccinated according to the recommendations of the vaccine used by the veterinarian administering the vaccinations. The certificate of vaccination shall bear the expected duration of the immunity of the vaccine used.

(b) *Dog license required.* Except as provided in Wis. Stats. § 174.054, the Owner of a dog more than five months of age on January 1 of any year, or five months of age within the Permit Period, shall annually, or on or before the date the dog becomes five months of age, pay the dog license tax and obtain a license. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is securely Confined in a fenced area.

(c) *Vaccinations.* In addition to the provisions set forth in Subsection (a) of this section, the Animal Control

Officer may require vaccinations of other Animals within the Animal Control Officer's reasonable discretion.

(Ord. No. 2018-02, § 1.13, 10-18-2018)

Sec. 4-2-16. Keeping of Exotic, Wild, or Dangerous Animals; prohibition.

(a) No Person shall keep or permit to be kept on their Premises, any Exotic, Wild or Dangerous Animal for display or exhibition purpose, whether gratuitously or for a fee. This section shall not be construed to apply to Zoological Parks, Circuses or Persons with State or federal permits.

(b) No Person shall keep, or permit to be kept, any Exotic, Wild, or Dangerous Animals.

- (1) It shall be unlawful for any Person to keep, maintain, have in such Person's possession or under such Person's control, sell or convey within the County any poisonous reptile or any other dangerous, carnivorous, wild or exotic Animal or reptile, any dangerous domesticated Animal or any other Animal or reptile of wild or dangerous propensities. Specifically, it shall be unlawful for any Person to keep, maintain, have in such Person's possession, or under such Person's control, or sell within the County any of the following Animals: All poisonous Animals, poisonous insects, excluding rear-fang snakes, all live monkeys, Non-Human Primates, including, but not limited to, monkeys, apes, chimpanzees, gibbons, gorillas, orangutans, siamangs, and baboons. Also included are bears, constrictor snakes six feet in length or more, crocodilians, alligators, deer, elephants, rhinoceroses, hippopotami, game cocks and other fighting birds, hyenas, cheetahs, jaguars, leopards, panthers, tigers, lions, lynxes, pumas, snow leopards, wolves and wolf hybrids, coyotes, raccoon, skunk, fox, including any other warm or cold blooded Animal that can normally be found in a wild state, habitat, woods, or wilds.
- (2) Exceptions. The prohibitions of Subsection (b)(1) of this section shall not apply where the creatures are in the care, custody or control of a State-licensed game farm; a veterinarian for treatment; agricultural fairs; shows; a display for judging purposes; an itinerant or transient carnival, Circus or other show; public or private educational institutions; or Zoological Park; if all below requirements are in compliance with Wisconsin Statutes and local ordinances:
 - a. Their location conforms to the provisions of the zoning code of the County.
 - b. All Animals and Animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - c. Animals are maintained in quarters so constructed as to prevent their escape.
 - d. Annual inspection by the Animal Control Officer and purchase of a Permit required.
- (3) All locations qualifying under the exception clause of this section shall register all Animals contained within their facility within 60 days of the passing of the ordinance from which this article is derived and within 30 days of acquiring new Animals or entering the County.
- (4) Consequences. Seizure of all Animal(s) shall occur immediately upon any violation of this section. The Owner or keeper may be cited for violation of this article. The Owner or keeper is responsible for all costs resulting from the seizure, care, and relocation of the Animal(s), or euthanasia and disposal if necessary.

(Ord. No. 2018-02, § 1.14, 10-18-2018)

Sec. 4-2-17. Animal waste.

(a) The Owner or Person having immediate control of an Animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the Animal upon public or private property.

(b) All pens, yards, structures, or areas where Animals are kept shall be maintained in a nuisance-free manner. Feces, droppings and manure shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly, or cause objectionable odors and disease to the Animal.

(Ord. No. 2018-02, § 1.15, 10-18-2018)

Sec. 4-2-18. Enforcement.

(a) The civil and criminal provisions of this article shall be enforced by the appointed Animal Control Officer, or law enforcement within the County.

(b) The Animal Control Officer or law enforcement within the County personnel are authorized to catch and impound Animals at large, with such authorization to include the pursuit of Animals upon private property. It shall be a violation of this article to interfere with the Animal Control Officer or law enforcement in the performance of their duties.

(Ord. No. 2018-02, § 1.16, 10-18-2018)

Sec. 4-2-19. Disposition of Animal carcasses.

No Person shall deposit or throw or allow to be deposited or thrown into any stream, lake or swale, or leave or deposit or cause to be left or deposited upon any public highway or other place the carcass of any Animal; nor deposit or leave or permit to be deposited or left upon any Premises under that Person's control any dead Animal exposed in such manner as to be reached by dogs or Wild Animals for a longer period than 24 hours in the months of April to November, or 48 hours during the months of December to March. The Owner of such a carcass or any other Person may report to the proper County officials or the contracting private rendering plant pursuant to Wis. Stats. § 59.54(21) for removal and burial or other disposition of a carcass within the time specified in this section.

(Ord. No. 2018-02, § 1.19, 10-18-2018)

Sec. 4-2-20. Limitations of claims for damage by dogs to domestic Animals.

The maximum amount that may be allowed for any one claim for damages by dogs to domestic Animals under Wis. Stats. § 174.11 shall be \$200.00.

(Ord. No. 2018-02, § 1.20, 10-18-2018)

State law reference—Authority to establish maximum amount of claim, Wis. Stats. § 174.11.

Sec. 4-2-21. Exhibit A - Schedule of deposits.

With respect to the sections of this Code hereinafter set forth, any Person who violates any provisions of this article shall, upon conviction of such violation, be subject to a penalty, as expressed hereinafter in the form of forfeiture. The stated schedule of cash deposits shall be utilized. In addition, should a Person convicted of a violation of one or more of the following sections of this article default in such Person's payments of the forfeiture prescribed, the costs of prosecution court fees and jail penalty assessments imposed by statute, such Person's shall be imprisoned in the County jail for a period not to exceed the number of days set forth.

<i>Section No.</i>	<i>Cash Deposit*</i>	<i>Forfeiture Range</i>	<i>Jail in Default</i>
4-2-2	\$50.00	\$25.00--\$500.00	0--30 days
4-2-3	\$50.00	\$25.00--\$500.00	0--30 days
4-2-4	\$50.00	\$25.00--\$500.00	0--30 days
4-2-5	\$50.00	\$25.00--\$500.00	0--30 days
4-2-6	\$50.00	\$25.00--\$500.00	0--30 days
4-2-7	\$50.00	\$25.00--\$500.00	0--30 days
4-2-8	\$50.00	\$25.00--\$500.00	0--30 days
4-2-9	\$55.00	\$25.00--\$500.00	0--30 days
4-2-10	\$55.00	\$25.00--\$500.00	0--30 days
4-2-11	---	First offense, \$25.00—\$100.00	
		Second offense, \$50.00--\$200.00	

4-2-13	\$55.00	\$25.00--\$500.00	0--30 days
4-2-14	\$50.00	\$25.00--\$500.00	0--60 days
4-2-15	\$50.00	\$25.00--\$500.00	0--60 days
4-2-16	\$50.00	\$25.00--\$500.00	0--60 days
4-2-17	\$50.00	\$25.00--\$500.00	0--60 days
4-2-19	\$30.00	\$10.00--\$500.00	0--60 days

*If 1st Offense is \$30.00

2nd Offense \$60.00

3rd Offense \$120.00

4th Offense Subsequent \$240.00

*If 1st Offense is \$50.00

2nd Offense \$100.00

3rd Offense \$200.00

4th Offense Subsequent \$400.00

(Ord. No. 145, § 4, 2-26-1985; Ord. No. 2018-02, exh. A, 10-18-2018)

PROOFS

RESERVED

PROOFS

Chapter 6
AVIATION

ARTICLE I. IN GENERAL

ARTICLE II. SAWYER COUNTY MUNICIPAL AIRPORT*

*State law reference—County airports authorized, Wis. Stats. § 59.58(1).

DIVISION 1. GENERALLY

Secs. 6-2-1—6-2-18. Reserved.

DIVISION 2. MINIMUM STANDARDS AND PROCEDURES

Sec. 6-2-19. General statement of policy, intent, and purpose.

- (a) *Intent and policy.*
- (1) It is the County's intent and policy to operate and develop the Airport as the primary commercial aviation facility for Northern Wisconsin, Northeast Minnesota, and the surrounding areas by serving all facets of aviation as described in this division.
 - (2) It is the County's intent and policy to categorically identify those Minimum Standards and procedures by which all persons, firms or other legal entities conducting any Regulated Service at the Airport or on the Airport Property shall conduct their respective operations.
 - (3) The County has established these Minimum Standards for the Airport with the intent of providing fair and reasonable rules to govern the conduct of Regulated Service at the Airport or on the Airport Property. It is the County's policy and intent to utilize these Minimum Standards as a baseline to develop more specific, FBO Operation-specific terms and conditions to be set forth in an Agreement between each FBO Operator and the County. It is the County's intent and policy to maximize the permitted flexibility in entering into an Agreement with each FBO Operator, consistent with these Minimum Standards and all Applicable Laws, while also ensuring that the public health, welfare and safety is protected by incorporating the FBO Operation-specific terms and conditions into each Agreement.
 - (4) It is the County's intent and policy that the Airport operate in a financially self-sufficient manner. The Airport is a publicly owned and operated airport and is subject to certain federal obligations to make available to any persons, firms or corporations the opportunity to engage in any Regulated Service at the Airport so long as the Proposed FBO Operation satisfies a demonstrable need and an FBO Operator meets the Minimum Standards as established, adopted and revised from time to time by the County. In addition, it is the County's intent and policy that any person, firm or corporation wishing to provide any Regulated Service at the Airport shall be given equal opportunity to compete without unjust discrimination for use of available Airport facilities pursuant to all Applicable Laws, including, but not limited to, the FAA Airport Improvement Program (AIP) Grant Assurance 22 Economic Nondiscrimination.
 - (5) The Committee of Jurisdiction, which is currently the County Public Works Committee as of the effective date of the ordinance from this this division is derived, may, in its sole discretion, waive all or any portion of these Minimum Standards set forth herein for the benefit of any government or governmental agency performing nonprofit public services to the Aircraft industry or performing fire prevention or firefighting operations. The County Board of Supervisors, after review and recommendation from the Committee of Jurisdiction, may waive all or any portion of these Minimum Standards after a public hearing and approval of a majority of the members voting of the County Board of Supervisors deems such waiver to be in the best interest of the Airport and the public health, welfare and safety.
 - (6) Consistency with FAA Airport Improvement Program (AIP) grant assurances and the FAA Airport Revenue Use Policy is to be considered by the County when reviewing a possible waiver of all or any portion of these Minimum Standards.

- (b) *Purpose.* The primary purposes in the County's adoption of this division include, but are not limited to:
- (1) Protect the public health, welfare, safety and other interests.
 - (2) Foster and promote the continued development of the Airport in a safe and efficient manner.
 - (3) Categorically identify those Minimum Standards and procedures by which all persons, firms or other legal entities conducting, or wishing to conduct, any Regulated Service at the Airport or on the Airport Property shall conduct their respective FBO Operations in accordance with all Applicable Laws.
 - (4) Ensure that all current FBO Operators at the Airport become compliant with the terms and conditions required for each FBO Operator's Regulated Service while also recognizing the rights a current FBO Operator may have under a prior Agreement entered into prior to the adoption of the ordinance from which this division is derived.
 - (5) Provide the County with the flexibility of reviewing an Application on a case-by-case basis to ensure each Agreement addresses the public health, welfare and safety concerns of the proposed Regulated Service, while also providing the public, potential FBO Operators and existing FBO Operators with the minimum requirements for operation of any Regulated Service at the Airport or on the Airport Property.
 - (6) Provide the Committee of Jurisdiction and the County Board of Supervisors the information and flexibility to make revisions or amendments that may be necessary to fulfill the policy, intent and purpose of this division, to address the changing needs of the County, or when necessary to comply with any Applicable Laws.
 - (7) Except as otherwise set forth in any Applicable Law, nothing herein shall be construed to grant or otherwise authorize the granting of an exclusive right to provide any Applicant, Proposed FBO Operator, current FBO Operator, or the public to conduct any Regulated Service at the Airport or on Airport Property. For purposes of this division, an "exclusive right" is a power, privilege or other right excluding or debarring another from enjoying or exercising a like power, privilege or right.

(Res. of 11-12-2019, § 1(exh. A, § 1.01))

Sec. 6-2-20. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Aeronautical Services* means service or activity that involves, makes possible, or is required for the operation of Aircraft, or that contributes to or is required for the safety of such operations of Aircraft. The following services/activities commonly conducted at the Airport are Aeronautical Services within this definition: charter operations, air cargo operations, pilot training, Aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising, air ambulance services, surveying, air-carrier operations, Aircraft sales and services, sale of aviation petroleum products, repair and maintenance of Aircraft, sale of Aircraft parts, and any other activities that, because of their direct relationship to the operation of an Aircraft, can appropriately be regarded as an "Aeronautical Service."
- (2) *Agreement* means a written agreement between the County and an FBO Operator specifying the terms and conditions under which the FBO Operator may conduct a Regulated Service and engage in an FBO Operation at the Airport or on the Airport Property. Any such Agreement shall recite the terms and conditions under which the Regulated Services shall be provided and the terms and conditions an FBO Operator must follow in performance of the FBO Operation at the Airport or on the Airport Property.
- (3) *Aircraft* means a device that is used or intended to be used for flight in air. Examples of Aircraft include, but are not limited to, airplanes, sailplanes, gliders, rotorcrafts (helicopters, gyrocopters, or autogiros), unmanned aerial vehicles, balloons, and blimps.
- (4) *Airport* means the Sawyer County Municipal Airport and includes all land defined as Airport Property.
- (5) *Airport Manager* means the individual or entity retained by the County to manage the Airport, as set forth in a Management Agreement.

- (6) *Airport Property* means the land upon which any Airport activities occur and, as of the date of the ordinance from which this division is derived, is further described in Section 6-2-35, and the airspace above the Airport Property.
- (7) *Applicable Laws* means all federal, State and local laws, ordinances, regulations, codes, orders and rules, without limitation, and any additional Airport rules and regulations, all applicable health rules and regulations and other mandates, whether existing or as promulgated from time to time by the federal, state or any local government, or Airport management, including, but not limited to, permitted and restricted activities, security matters, parking, ingress and egress, environmental and stormwater regulations, zoning ordinances, all regulations and requirements relating to any Regulated Service or Regulated Service, or other service activity, on the Premises, at the Airport, or on the Airport Property, without limitation, or federal, State and local laws, ordinances, regulations, codes, orders and rules that apply to FBO Operator and/or FBO Operator as an agent of the County, including records retention requirements, open records requirements, public meeting requirements, and bidding and purchasing requirements.
- (8) *Applicant* means any person(s), firm or legal entity desiring to acquire use of a portion of the Airport Property, or establish or use any facility at the Airport or on the Airport Property, for the purpose of providing or conducting any Regulated Service. The Applicant shall be the Proposed FBO Operator and the party entering into the Agreement with the County.
- (9) *Application* means the documents, information and requirements set forth in Section 6-2-21 that an Applicant must provide to the County for the County's consideration of any Proposed FBO Operation at the Airport or on Airport Property.
- (10) *Commercial Enterprise* means any Nonaeronautical Service conducted at, on, or from the Airport or Airport Property by any Proposed FBO Operator or FBO Operator in which it offers services or goods to guests, visitors, tenants or other users of the Airport, including any activities or services necessarily related or associated with providing such goods and services intended to result in monetary gain to the party conducting such activity. Commercial Enterprises include, but are not limited to:
 - a. Food and beverage services;
 - b. Renting of vehicles to Airport guests, visitors, FBO Operators or other Airport users; or
 - c. Retail sale of clothing or other personal items.
- (11) *Commercial Through-the-Fence Operation* means an FBO Operator or entity that provides Regulated Services to the public for compensation or hire but does not have an Agreement with the County and does not occupy space on Airport Property. It is the policy of the County to not allow Commercial Through-the-Fence Operations at the Airport or on the Airport Property.
- (12) *Committee of Jurisdiction* means the County committee that has jurisdiction over the Airport at any given time. The County Public Works Committee is the Committee of Jurisdiction for this division as of the effective date of the ordinance from which this division is derived.
- (13) *County* means Sawyer County, Wisconsin, and, where applicable, all of the County's employees, managers, administrators, agents, representatives, elected officials, committee members and commission members.
- (14) *Existing Agreement* means any written Agreement, lease, permit or permission that:
 - a. Was entered into between the County and an FBO Operator prior to the adoption of this division;
 - b. Allows the FBO Operator to engage in a Regulated Service at the Airport or on the Airport Property; and
 - c. Is in effect and in good standing at the time the ordinance from which this division is derived is adopted.
- (15) *FAA* means the Federal Aviation Administration.

- (16) *FBO Category* means the category or class of Regulated Service performed at the Airport or on the Airport Property, and as further described in Section 6-2-23.
- (17) *FBO Fees*. Any Fuel Flowage Fees, User Fees and Commercial Enterprise fees may be collected pursuant to Section 6-2-25.
- (18) *FBO Operation* means the entire business and operation of an FBO Operator located at the Airport or on the Airport Property that performs any Regulated Service and engages in an FBO Operation, as permitted by the County and as described in any Agreement.
- (19) *FBO Operator* means any operator located at the Airport or on the Airport Property that performs any Regulated Service and engages in an FBO Operation.
- (20) *Fuel Flowage Fee* means any fee paid by an FBO Operator engaged in a Category I FBO Operation that is collected pursuant to Section 6-2-25.
- (21) *Gross Receipts* means all collected cash, credit, compensation, items of value and charges for sales and services less federal, State or municipal sales, use or other similar taxes collected from customers or vendors.
- (22) *Improvements* means and includes, but is not limited to, any modification, alterations or repairs, either of structural or architectural nature, performed by the FBO Operator at FBO Operator's sole cost and expense on the Premises. Any such Improvements shall be constructed or completed in compliance with all Applicable Laws and after the County has approved the FBO Operator's prior written application requesting same.
- (23) *Minimum Standards* means the requirements and procedures set forth in this division, which are established herein by the County as the minimum requirements to be met as a condition for the right to conduct, perform, or engage in any Regulated Service at the Airport or on the Airport Property.
- (24) *Nonaeronautical Services* means any Commercial Enterprise or other activity conducted at the Airport or on the Airport Property that is not involved in or required for the operation of Aircraft, or that does not contribute to or is required for the safety of Aircraft operations. Notwithstanding the foregoing, the term "Nonaeronautical Service" does not include wholesale distribution providers or other distribution services to Airport tenants or FBO Operators.
- (25) *Operator* means any person(s), firm or legal entity who has applied for and received written permission to perform or engage in any Regulated Service at the Airport or on the Airport Property, and has entered into a written Agreement with the County for such FBO Operation. When applicable, the term "Operator" shall also include all of Operator's employees, officers, managers, members, contractors, agents, representatives and invitees.
- (26) *Premises* means the portion of the Airport Property where an FBO Operator is allowed to perform the requested Regulated Service and in compliance with the terms of an Agreement.
- (27) *Proposed FBO Operation* means the proposed business and operation of a Regulated Service conducted at the Airport or on the Airport Property, and shall be reviewed by the County in the Application process set forth in Section 6-2-21.
- (28) *Proposed FBO Operator* means the proposed or intended FBO Operator of an FBO Operation conducted at the Airport or on the Airport Property upon the County's granting an Application and the entering into of an Agreement between the County and the FBO Operator.
- (29) *Public Works Committee* means the County Public Works Committee or any successor thereto.
- (30) *Regulated Service* means any Aeronautical Service or Nonaeronautical Service conducted or proposed to be conducted at the Airport or on the Airport Property.
- (31) *Specialized Commercial Flying Services* means a Regulated Service in which an FBO Operator is engaged in air transportation for hire for the purpose of providing the use of Aircraft for the following activities:
 - a. Nonstop sightseeing flights that begin and end at the Airport;

- b. Crop dusting, seeding, spraying and bird chasing;
 - c. Banner towing and aerial advertising;
 - d. Aerial photography or survey;
 - e. Firefighting or performance of other emergency services;
 - f. Power line or pipe line patrol; and
 - g. Any other operations specifically excluded from FAR Part 135.
- (32) *State* means the State of Wisconsin and, as applicable, the Wisconsin Department of Transportation, Bureau of Aeronautics.
- (33) *User Fees* means any fees or amounts collected for landing fees, parking fees, tie-down fees, or any other fees for services provided under this division.

(Res. of 11-12-2019, § 1(exh. A, § 1.02))

Sec. 6-2-21. Implementation and application.

(a) *Implementation and impact on Existing Agreements.* The standards and procedures set forth in this division shall be implemented and enforced by the County and its designated agents or representatives. This division shall be published and appended to all Existing Agreements for Regulated Services at the Airport or on the Airport Property, and shall be considered a part of all Existing Agreements. In the event of any conflict between an Existing Agreement and this division, the terms of the Existing Agreement shall control. Notwithstanding the foregoing, an FBO Operator performing any Regulated Service that does not have a written Agreement, lease or permit at the time of the adoption of this division shall not be deemed to have a valid Existing Agreement and shall comply with all terms of this division regardless of any conflict between this division and the current operation or performance of the Regulated Service.

(b) *Application.* Any person(s), firm or legal entity wishing to obtain the right to conduct any Regulated Service or conduct any FBO Operation at the Airport or on the Airport Property shall make written Application to the County in the manner and form prescribed herein. Application for permission to establish, acquire and/or use any part of the Airport Property shall be exclusively within the purview of the County; however, in no case shall an Applicant submit anything less than the following information:

- (1) Applicant's legal name(s) and business.
- (2) Applicant's primary business, if different than the proposed Regulated Service.
- (3) Applicant's express purpose in applying for operating rights to conduct the Regulated Service at the Airport or on the Airport Property.
- (4) A detailed description of the land and/or facilities to be occupied during the course of performing each Proposed FBO Operation at the Airport or on the Airport Property.
- (5) A detailed description of the Proposed FBO Operation, including the proposed date of commencement of the Regulated Service and proposed hours of operation.
- (6) A detailed description of each Regulated Service to be provided to the public.
- (7) An estimate of costs which may be incurred for the development and improvements to perform the Regulated Service and Proposed FBO Operation.
- (8) The schedule for commencement of the Proposed FBO Operation and construction.
- (9) The names, addresses and qualifications of those key (management) personnel who will be involved with the day-to-day management and oversight of the Regulated Service and general FBO Operations.
- (10) An organizational chart listing the number of positions and staff to be assigned to the Airport for performance of the Regulated Service and overall FBO Operation, including the professional and technical qualifications of personnel who will manage and/or oversee the Proposed FBO Operation.
- (11) A current financial statement prepared by the Applicant's chief financial officer and certified by an

independent certified public accountant. The County shall consider financial statements in evaluating the Applicant's financial ability to provide responsible, safe and adequate service to the public.

- (12) A written listing of the assets owned, leased or being purchased that will be used in the FBO Operation. Copies of any relevant leases or purchase contracts shall be attached.
 - (13) If applicable, a statement indicating the Applicant's past experience in providing the Regulated Service at the Airport or at other airports, including references from up to three individuals familiar with the Applicant's ability to perform such services.
 - (14) Proof of the required insurance, or proof of Applicant's ability to acquire and maintain insurance coverage required in Section 6-2-22(6) or as required within an individual FBO Category.
 - (15) Proof of any current applicable license, or demonstration of qualifications to obtain and maintain such license, including copies of all licenses and permits required by any Applicable Law for the performance of the Regulated Service and the overall Proposed FBO Operation, including licenses and permits required for any personnel who will manage or operate the business or who will perform any services in connection with the Proposed FBO Operation. The County may also require qualified references attesting to the Applicant's financial responsibility and technical ability as related to the Applicant's Proposed FBO Operation.
 - (16) Proof of compliance with all Applicable Laws pertaining to the intended Regulated Service and Proposed FBO Operation, or as may otherwise be applicable to the intended business activities.
 - (17) Any other information reasonably related to the proposed Regulated Service and Proposed FBO Operation required by the County to establish that the Applicant shall comply with these Minimum Standards and all Applicable Laws.
 - (18) A written acknowledgment that the Applicant may be required to compensate the County for any professional service fees the County may incur in the process of reviewing and considering the Application for approval.
 - (19) A written acknowledgement that the Applicant shall execute such forms, releases or discharges as may be required by the FAA and all aviation or aeronautic commissions, administrators or departments of all states in which the Applicant has engaged in aviation business, to release information in their files relating to the Applicant's current operations or the Proposed FBO Operation.
- (c) *Application review process.*
- (1) The Airport Manager shall first review any Application to ensure it is complete and contains all the required information set forth in Section 6-2-28.
 - (2) Upon the Airport Manager's determination that an Application is complete, the Airport Manager shall prepare a draft Agreement for the proposed Regulated Service and Proposed FBO Operation on the Premises. The Airport Manager shall then deliver a copy of the Application and draft Agreement to the County Administrator for review.
 - (3) Upon the County Administrator's review and determination that the Application and draft Agreement are complete, the County Administrator shall forward the Application and draft Agreement to the Committee of Jurisdiction for review and consideration.
 - (4) Upon review and consideration, the Committee of Jurisdiction shall make a recommendation to the County Board of Supervisors for approval or denial of the Application, or whether to send the Application back to the Committee of Jurisdiction for additional review, negotiation or revision.
 - (5) The County is not bound by any timeline in rendering its review and consideration of an Application.
 - (6) The County may, at any time during the Application review process, engage professional services to review the Application and draft Agreement, including, but not limited to, engineering services, consultant services, and legal services. The Applicant may be required to pay all costs and fees incurred by the County as a result of a professional's review of the Application and draft Agreement.
- (d) *Decision on the Application.*

- (1) The County shall use its reasonable discretion in considering an Application; however, the determination of whether an Applicant has complied with all requirements set forth in this division and all other Applicable Laws shall be within the County's sole discretion.
- (2) The County may deny an Application if it finds, in its sole discretion, any one or more of the following:
 - a. The Applicant does not meet the requirements set forth in this division.
 - b. The Proposed FBO Operation or construction will create a safety hazard at the Airport or on the Airport Property.
 - c. Approval of the Proposed FBO Operation may require the County to spend funds or supply labor or materials in connection with the Proposed FBO Operation that is not within the County's best interest, or the Proposed FBO Operation is expected to result in a financial loss to the County.
 - d. Inappropriate, inadequate or insufficient space exists in buildings at the Airport to accommodate the entire activity of the Proposed FBO Operation at the time the Application is submitted, or no available Airport Property is suitable for construction of buildings and facilities to accommodate the entire Proposed FBO Operation.
 - e. The development or construction necessary to accommodate the Proposed FBO Operation does not comply with all Applicable Laws.
 - f. The development or use of the Premises requested by the Applicant will result in congestion of Aircraft or buildings, or will result in unduly interfering with any existing FBO Operations at the Airport or on the Airport Property.
 - g. The Applicant has either intentionally or unintentionally misrepresented or omitted any pertinent information in the Application.
 - h. The Applicant has a record of violating any Applicable Laws.
 - i. The Applicant has defaulted in the performance of any lease or any other agreement with the County or other airport(s).
 - j. The Applicant does not, in the opinion of the County, exhibit adequate financial responsibility or experience to undertake the Proposed FBO Operation based on the information provided in the Application.
 - k. The Applicant cannot or is unwilling to provide acceptable surety in the amount required by the County.
 - l. The Proposed FBO Operation is not in the best interest of the Airport, the County, or the public.

(Res. of 11-12-2019, § 1(exh. A, § 1.03))

Sec. 6-2-22. General requirements and minimum standards for all FBOs, FBO Operators and FBO Operations.

In addition to all other terms set forth in this division, and unless otherwise set forth in an individual FBO Category, each FBO Operator shall comply with the following general requirements:

- (1) *Preliminary considerations.*
 - a. Each Prospective FBO Operator shall demonstrate, to the satisfaction of the County, that it is capable of consistently providing the Proposed FBO Operation in a safe, secure, efficient, prompt, courteous and professional manner, for a fair and reasonable price. This includes, but is not necessarily limited to, demonstrating that the Proposed FBO Operator's aviation/business background and experience is appropriate for the Proposed FBO Operation, and that the Proposed FBO Operator has the resources (including, but not limited to, the financial capacity) to realize its business objectives.
 - b. Each Proposed FBO Operator shall provide evidence, satisfactory to the County, of its financial responsibility. The Proposed FBO Operator shall also demonstrate financial capability to initiate operations, to construct proposed improvements, and to provide working capital to carry on the

contemplated business.

(2) *Minimum Standards for conduct and performance.*

- a. No FBO Operator shall engage in any FBO Operation at the Airport without first obtaining a written Agreement from the County authorizing such FBO Operation and performance of Regulated Service in accordance with specifications set forth in this division and as set forth in any Agreement.
- b. Each FBO Operator shall furnish all equipment, supplies, tools, vehicles, materials and any other property to perform the Regulated Service and conduct its FBO Operation according to this division and as required by its Agreement.
- c. The County shall not incur any cost, fees, damages or other expenses in the FBO Operator's performance of the Regulated Services or as part of the FBO Operation.
- d. Each FBO Operator shall conduct its business in a lawful and sanitary manner, including, but not limited to, the timely handling and disposal of all solid waste, regulated waste, and other materials. In accordance with all Applicable Laws and any Airport rules and regulations, the piling and storage of crates, boxes, barrels, containers, refuse and surplus property is not permitted upon the Airport Property.
- e. Each FBO Operator shall furnish good, prompt, courteous and efficient services adequate to meet all reasonable demands on a fair, reasonable and nondiscriminatory basis to all users of the Airport who wish to avail themselves of the FBO Operator's Regulated Services and other ancillary services. Each FBO Operator shall maintain and operate its business and all aspects of the FBO Operation in a first-class manner, and shall at all times keep the Premises in a safe, clean and orderly condition, consistent with the Regulated Service and FBO Operations contemplated hereunder and to the satisfaction of the County, in the County's sole discretion.
- f. Each FBO Operator shall provide a standard of service that is at least as high as that which is typical and customary of providers at similarly situated commercial service airports. Such standard of service shall include, without limitation, providing equal and responsive service to all users and customers of the Airport.
- g. Each FBO Operator shall provide a sufficient number of properly certificated, rated and/or trained personnel to carry out their assigned duties for each FBO Operation. Multiple responsibilities may be assigned to personnel to meet the requirements set forth herein.
- h. An FBO Operator may not enter into any sublease on the Premises or any portion of the Airport Property for any FBO Operation or Commercial Enterprise except upon express approval by the County, in the County's sole discretion.
- i. For FBO Operations in which a fee is paid to the County, an FBO Operator shall provide a report and sufficient documentation of the FBO Operator's Gross Receipts (as defined below) during the preceding month. Each report accompanying the payment of fees shall contain sufficient documentation to substantiate the amount of payment to the County, shall be prepared according to reasonable accounting standards, and shall be prepared to the County's sole satisfaction. In the event the County is not satisfied with the documentation to substantiate the Gross Receipts and payments to the County, the FBO Operator shall provide any additional documentation or information that the County requests.

(3) *Compliance.*

- a. The FBO Operator, at its sole cost and expense, shall ensure that all Commercial Enterprises comply with the terms of this division and any all Applicable Laws.
- b. The FBO Operator shall permit access by the County or agents of the State to the Premises at any time for any inspection, review, audit or other actions to ensure compliance with all Applicable Laws of any Commercial Enterprise.
- c. Upon request of the County, and within 30 days of such request, the FBO Operator shall deliver documentation that all Commercial Enterprises are in compliance with any Applicable Laws.

Whether documentation of compliance is satisfactory shall be within the County's sole discretion. In the event of FBO's noncompliance with any Applicable Law, the provisions of Section 6-2-29 shall apply. Each FBO Operator shall make its services available to the public in accordance with the operating schedule set forth in the approved Agreement.

(4) *Minimum Standards for facilities.*

- a. Each FBO Operator shall lease or construct a building or buildings that shall provide sufficient, adequate and properly lighted and heated space for work areas, office spaces, storage, and a public waiting area that includes access to indoor restroom facilities, and a public telephone to accommodate the FBO Operations, and any other aspects of use involved in the Regulated Service. The minimum square footage required for each facility used in the FBO Operation or as part of performing the Regulated Service may be reduced or otherwise adjusted upon review and recommendation by the Committee of Jurisdiction and thereafter approval of the County Board of Supervisors.
- b. No building, structure, tie-downs, ramps, paving, taxi areas or other improvements or additions to the Airport shall be altered, removed, placed or constructed at the Airport without the written prior approval of the County.
- c. Construction of any new structures, buildings or other improvements on the Airport Property shall, at a minimum, comply with the following terms:
 1. All renovated or new structures, buildings or other improvements on the Airport Property shall comply with all Applicable Laws.
 2. In the event of any construction on the Premises, the County may, at its discretion, require an appropriate bond to guarantee the completion of construction and/or demolition.
 3. The County shall approve all plans and specifications prior to construction, and a notice of proposed construction required by 14 CFR part 77 is to be prepared by the FBO Operator and submitted to the Airport Manager for State and/or FAA coordination and approval.
- d. All constructed improvements on the Premises shall revert to the ownership of the County upon termination or expiration of the Agreement unless if the improvements are to be demolished or otherwise removed by the FBO Operator.

(5) *Minimum Standards for equipment.*

- a. An FBO Operator shall provide the equipment, services, licenses and certificates required to meet the Minimum Standards for each Regulated Service in each applicable FBO Category defined herein that the FBO Operator is performing.
- b. An FBO Operator shall, at its sole expense, provide and maintain all Aircraft, equipment and facilities necessary for the performance of the Regulated Services and the FBO Operation.
- c. An FBO Operator shall comply with all the equipment and Aircraft requirements for each Regulated Service to be provided.
- d. Multiple uses may be made of all Aircraft except Aircraft used for crop dusting, aerial application, or other commercial use of chemicals.
- e. An FBO Operator shall comply with the Aircraft requirements, including the requirements thereon, for each Regulated Service to be provided.

(6) *Minimum Standards for insurance.* Unless set forth in a specific FBO Category below, the following insurance requirements shall apply:

- a. The insurance company, or companies, writing the required policy, or policies, shall be licensed to do business in the State.
- b. The applicable minimum insurance coverage on combinations of services shall be discussed with the prospective FBO Operator following the submission of the Application.

- c. All insurance that the FBO Operator is required to carry and keep in force shall include the officers, agents and employees of the County named as an additional insured as well as a waiver of subrogation in favor of the County.
 - d. Each FBO Operator shall furnish evidence of compliance with this requirement to the County with proper certification that such insurance is in force and shall furnish additional certification as evidence of changes in insurance not less than ten days prior to any such changes if the change results in a reduction of coverage, and not more than five days after such change if the change results in an increase in coverage.
 - e. The applicable insurance coverage shall be in force during the period of any construction of the FBO Operator's facilities and/or prior to the FBO Operator's entry upon the Airport for the conduct of business.
 - f. Each FBO Operator shall furnish evidence of compliance with the Applicable Laws with respect to worker's compensation and unemployment insurance.
 - g. Each FBO Operator shall procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance as required by the County.
- (7) *Minimum Standards for space and maintenance.*
- a. Unless specifically provided otherwise in this division for a specific FBO Category, the FBO Operator shall lease from the County an area adequate to efficiently operate the business in a safe manner.
 - b. All FBO Operation facilities shall be properly heated and lighted, and shall provide telephone facilities for customer use.
 - c. The FBO Operator shall provide a paved Aircraft apron within the Premises.
 - d. The FBO Operator shall maintain all facilities on the Premises, and keep all facilities and equipment in good working order, and complete any repairs or replacements necessary to meet the Minimum Standards and all terms of the Agreement.
 - e. The FBO Operator shall provide adequate auto parking space within the Premises to accommodate all of the FBO Operator's employees and customers.
- (8) *Minimum Standards for Agreement terms.*
- a. Each Agreement for performance of Regulated Services and any FBO Operation shall include the following terms, which shall be mutually agreed to by the FBO Operator and the County:
 - 1. Length or term of each Agreement term shall be mutually agreed to by the County and the FBO Operator.
 - 2. Rent.
 - 3. Fees to be paid to the County, including, but not limited to, the fees set forth in Section 6-2-25.
 - b. Each Agreement shall contain the following provisions regarding subordination, emergency leasing to the United States, and nondiscrimination. The language for these provisions is as follows:
 - 1. *Lease subordinate to agreement between County and the United States.* This lease is subject and subordinate to the terms, reservations, restrictions and conditions of any existing or future agreements between the County and the United States, the execution of which has been or may be required as a condition precedent to the transfer of federal funds for the extension, expansion or development of the Airport. Should the effect of such agreement with the United States government be to take any of the property under lease or substantially destroy the commercial value of such improvements, the County shall terminate the lease.
 - 2. *Emergency lease to United States.* During the times of war or national emergency, the County shall have the right to lease the landing area of the Airport, or any part thereof, to the United

States government for military or national use, and if any lease is executed, the provisions of this instrument, insofar as they are inconsistent with the provision of the lease to the government, shall be suspended. All facilities of the Airport developed with federal financial assistance and all facilities usable for landing and takeoff of aircraft will be available to the United States for use by government aircraft in common with other aircraft at all times without charge, except, if the use by government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost for operating and maintaining the facilities used.

3. *Nondiscrimination.* The FBO Operator shall furnish all services authorized or licensed on a fair, equal and not unjustly discriminatory basis to all users, and shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service, provided that it may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law. The FBO Operator, for itself, its personal representatives, successors in interest, and assignees, hereby agrees that:
 - (i) No person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
 - (ii) In the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.
 - (iii) The Premises are to be used in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended.
 - (iv) In the event of breach of any of the above nondiscrimination covenants, the County shall have the right to terminate the lease and re-enter and repossess said land and the facilities thereon and hold the same as if said lease had never been made or issued.

(Res. of 11-12-2019, § 1(exh. A, § 1.04))

Sec. 6-2-23. FBO Categories.

- (a) *FBO Category I, Fuel Sales.*
 - (1) *Scope of service.* This category shall include FBO Operator(s) who provide line services, including the sale and into-plane delivery of aviation fuels, lubricants and other related aviation petroleum products. This FBO function shall include, in addition to the above, the necessary ramp assistance in the parking of such Aircraft as may require the above services.
 - (2) *Minimum Standards and procedures.*
 - a. Unless otherwise authorized in writing, the FBO Operator shall be open for Aircraft fueling and oil dispensing from 8:00 a.m. CST to 5:00 p.m. CST each day from Labor Day to Memorial Day of a given year, and 8:00 a.m. CST to 6:00 p.m. CST each day from Memorial Day to Labor Day of each year. The FBO Operator shall make provision for such service during other hours on an on-call basis. The FBO Operator shall make provision for someone to be in attendance at the Airport at all times during the required operating hours.
 - b. The FBO Operator shall have employed and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner.
 - c. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of

insurance listing the County as an "additional insured":

1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$2,000,000.00 each occurrence.
 - (ii) Property Damage: \$2,000,000.00 each occurrence.
 2. Hangar Keeper's Liability and/or Products Liability: \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 4. Motor Vehicle Liability:
 - (i) Bodily Injury (each accident): \$500,000.00 each person; \$1,000,000.00 each accident.
 - (ii) Property Damage: \$1,000,000.00 each accident.
 - d. In conducting refueling operations, every FBO Operator shall install and use adequate electrical grounding facilities at fueling locations to eliminate the hazards of static electricity.
 - e. The FBO Operator shall provide fire extinguishers or other equipment, approved by the National Fire Protection Association, of such types and in such numbers as are commensurate with the hazards involved in refueling and servicing Aircraft.
 - f. The FBO Operator shall provide for the adequate and sanitary handling and disposal away from the Airport of all trash, waste and other materials, including, but not limited to, used oil, solvents and other waste, and take all necessary steps to ensure continual compliance with Applicable Laws.
- (b) *FBO Category II, Flight Instruction.*
- (1) *Scope of service.* This category shall include FBO Operator(s) who provide flight training and instruction of pilots at the Airport, and provide such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilot's licenses and ratings involved. FBO Operation shall in all cases comply with relevant sections of FAR Part 141 Regulations.
 - (2) *Minimum Standards and procedures.*
 - a. The FBO Operator shall lease or otherwise secure from the County space adequate to conduct its FBO Operation.
 - b. The FBO Operator should have on duty or on-call not less than one certified flight instructor having a current and valid certification. No flight instruction shall be given on the Airport without an FBO Agreement.
 - c. The FBO Operator shall have available for use in flight training, either owned or under written lease to the FBO Operator, not less than one properly certificated Aircraft which must be equipped for and capable of use in instrument flight instruction. The Aircraft shall be equipped consistent with the types of flight instruction offered. The County shall be entitled to request, and the FBO Operator shall provide upon request, copies of the FBO Operator's Aircraft registrations or leases.
 - d. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.

2. Hangar Keeper's Liability and/or Products Liability: \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 4. Motor Vehicle Liability:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each accident.
 - (ii) Property Damage: \$1,000,000.00 each accident.
 5. Student and Renters' Liability: \$1,000,000.00 each accident.
 - e. The FBO Operator shall have on a full-time basis at least one flight instructor who has been properly certified by the FAA to provide the type of training offered.
 - f. The FBO Operator shall have available for call on a part-time basis at least one flight instructor who has been properly certificated by the FAA to provide the type of training offered.
- (c) *FBO Category III, Chartered Aircraft and Chartered Air Taxi.*
- (1) *Scope of services.* This category shall include FBO Operator(s) engaged in the business of providing air transportation (persons/property) to the general public for hire, or on a charter basis as defined in the Federal Aviation Act and FAR Part 135, as amended or replaced.
 - (2) *Minimum Standards and procedures.*
 - a. The FBO Operator shall lease or otherwise secure from the County space adequate to conduct its FBO Operation.
 - b. The FBO Operator shall provide, either owned or under written lease to the FBO Operator, at least one Aircraft that must meet the requirements of the air taxi, commercial operator certificate held by the FBO Operator and comply all other Applicable Laws.
 - c. The FBO Operator shall have in such Operator's employ and available during the appropriate business hours, not less than one pilot appropriately rated by FAA to conduct the flight activity offered by the FBO Operator.
 - d. The FBO Operator shall ensure that an employee or designated representative of the FBO Operator be available to accept passenger inquiries and to be at the Airport at least one hour prior to all scheduled passenger flight arrivals or departures that occur under this Category III.
 - e. The FBO Operator, upon request, shall provide the County with copies of the FBO Operator's Aircraft registrations, Aircraft lease documents, or any other documents addressing the ownership of an Aircraft.
 - f. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 2. Hangar Keeper's Liability and/or Products Liability: \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 4. Motor Vehicle Liability (if applicable):
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each

occurrence.

(ii) Property Damage: \$1,000,000.00 each occurrence.

(d) *FBO Category IV, Aircraft Sales.*

(1) *Scope of services.* This category shall include FBO Operator(s) engaged in the sale of new or used Aircraft through franchises, licensed dealerships or distributorships (either on a retail or wholesale basis) or otherwise.

(2) *Minimum Standards and procedures.*

- a. The FBO Operator shall lease or otherwise secure from the County space adequate to conduct its FBO Operation.
- b. For sale of new Aircraft, the FBO Operator must have a sale or distributorship franchise from a recognized Aircraft manufacturer of new Aircraft. The FBO Operator must file proof of such sale or distributorship franchise with the County Committee of Jurisdiction.
- c. The FBO Operator shall provide necessary and satisfactory arrangements for repair and servicing of Aircraft, but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop FBO Operator at the Airport. The FBO Operator shall provide the County with documentation, acceptable to the County, detailing such repair and servicing arrangements. The FBO Operator shall provide an adequate inventory of such parts for the type of Aircraft for which sales privileges are granted.
- d. The FBO Operator shall provide current, up-to-date specifications and price lists for types and models of Aircraft sold.
- e. The FBO Operator shall have in the FBO Operator's employ, and on duty during the appropriate business hours, not less than one person having a current, private pilot certificate and minimum hour requirements as specified by the FAA for type and category of Aircraft to be demonstrated for sale.
- f. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 2. Hangar Keeper's Liability and/or Products Liability: \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 4. Motor Vehicle Liability (if applicable):
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.

(e) *FBO Category V, Aircraft Rentals.*

(1) *Scope of services.* This category shall include FBO Operator(s) engaged in the rental of Aircraft for operation by student pilots or other pilots not employed by the FBO Operator.

(2) *Minimum Standards and procedures.*

- a. The FBO Operator shall lease or otherwise secure from the County space adequate to conduct its

FBO Operation.

- b. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 - 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - 2. Hangar Keeper's Liability and/or Products Liability: \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 - 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 - 4. Motor Vehicle Liability (if applicable):
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - 5. Renter's Liability: \$1,000,000.00 each occurrence.
 - c. The FBO Operator shall have available for rental, either owned or under written lease to FBO Operator, not less than one properly certificated and currently airworthy Aircraft meeting all Applicable Laws for rental aircraft.
 - d. An FBO Operator will have an FBO Agreement for Aircraft rental which will be required for any individual or entity that rents Aircraft.
 - e. The FBO Operator shall have in its employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards in an efficient manner, but never less than one person having a current commercial pilot certificate with appropriate ratings, including instructor rating. The FBO Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.
 - f. The FBO Operator shall provide the County with copies of FBO Operator's Aircraft registrations and Aircraft lease documents.
- (f) *FBO Category VI, Aircraft Airframe and Power Plant Repair and Maintenance.*
- (1) *Scope of services.* This category shall include FBO Operator(s) engaged in the maintenance and repair of Aircraft, airplanes, power plants, propellers and accessories. Included in this category shall be the sale of Aircraft parts and accessories.
 - (2) *Minimum Standards and procedures.*
 - a. The FBO Operator shall lease or otherwise secure from the County space adequate to conduct its FBO Operation.
 - b. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 - 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - 2. Hangar Keeper's Liability and/or Products Liability (if applicable): \$250,000.00 each

occurrence, or an amount sufficient to insure maximum liability exposure.

3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 4. Motor Vehicle Liability (if applicable):
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - c. The FBO Operator should have or have in such Operator's employ, and on duty during the appropriate business hours, not less than one person currently certificated by the FAA with ratings appropriate to the work being performed.
 - d. Maintenance, except for emergency repair, shall not be provided on the parking ramps or taxiways and must be performed in the spaces set forth in the FBO Agreement.
 - e. The FBO Operator shall provide sufficient equipment, supplies, and availability of parts equivalent to that required for certification by the FAA as an approved repair station.
 - f. The FBO Operator shall have in its employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category of services in an efficient manner, but never less than one person currently certificated by the FAA with ratings appropriate to the work being performed and who holds an airframe, power plant or an Aircraft inspector rating, and one other person (not necessarily rated).
 - g. The FBO Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.
- (g) *FBO Category VII, Aircraft Painting and/or Repair of Interiors.*
- (1) *Scope of services.* This category shall include FBO Operator(s) engaged in the business of, and/or providing a shop for, the painting of Aircraft and/or for the repair, rehabilitation, or renovation of Aircraft interiors.
 - (2) *Minimum Standards and procedures.*
 - a. The FBO Operator shall lease or otherwise secure from the County space adequate to conduct its FBO Operation.
 - b. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 2. Hangar Keeper's Liability and/or Products Liability (if applicable): \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 4. Motor Vehicle Liability (if applicable):
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - c. An FBO Agreement for Aircraft Painting will be required for FBO Operators who strip and repaint

more than two Aircraft annually.

- d. The FBO Operator shall obtain all required equipment and permits prior to operation and ensure compliance with all Applicable Laws.
 - e. The FBO Operator shall provide a paved Aircraft apron within the leased area to accommodate Aircraft movement from the FBO Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the FBO Operator.
 - f. The FBO Operator shall have in its employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner, but never less than one person who is an FAA rated radio, instrument or propeller repairman and one other repairman who need not be rated by the FAA.
- (h) *FBO Category VIII, FAA Authorized Repair Station for Avionics Sales and Service.*
- (1) *Scope of services.* This category shall include FBO Operator(s) engaged in, or providing a shop for, the repair of Aircraft radios, instruments, and accessories for general aviation Aircraft. Included in this category shall be the sale of new or used Aircraft radios, instruments and accessories.
- (2) *Minimum Standards and procedures.*
- a. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 - 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - 2. Hangar Keeper's Liability and/or Products Liability (if applicable): \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 - 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 - 4. Motor Vehicle Liability (if applicable):
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - b. The FBO Operator shall provide sufficient equipment, supplies, manuals and availability of parts equivalent to that required for certification by the FAA.
 - c. The FBO Operator shall have in such Operator's employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category of services in an efficient manner, but never less than one person currently certificated by the FAA with ratings appropriate to the work being performed and who holds an airframe, power plant or an Aircraft inspector rating, and one other person not necessarily rated.
- (i) *FBO Category IX, Aircraft Parking and Storage.*
- (1) *Scope of services.* This category shall include FBO Operator(s) engaged in the temporary and/or permanent parking or storage of Aircraft at the Airport for profit. This section does not apply to a hanger owner that stores the owner's Aircraft or another's Aircraft for no charge or other consideration.
- (2) *Minimum Standards and procedures.*
- a. The FBO Operator shall lease or otherwise secure from the County space adequate to conduct its FBO Operation.

- b. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 - 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - 2. Hangar Keeper's Liability and/or Products Liability (if applicable): \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 - 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 - 4. Motor Vehicle Liability (if applicable):
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
- c. The FBO Operator shall lease from the County an area of land for Aircraft parking and/or erect one or more hangars in accordance with Applicable Laws, including commercial building codes and specifications. Aircraft storage hangars shall not have less than 1,600 square feet of floor space, and "T" hangars shall have a minimum of five units for storing Aircraft.
- d. The FBO Operator shall provide a paved aircraft apron within the leased area to accommodate all customer Aircraft waiting interior storage or delivery.
- e. The FBO Operator shall provide towing service for movement of Aircraft to and from the Airport taxiway system.
- (j) *FBO Category X, Commercial Enterprise.*
- (1) *Scope of services.* This category shall include FBO Operations engaged in Commercial Enterprises, which include:
 - a. Individual sale of food and nonalcoholic beverages, catering, vending machines, concessions or other delivery of food or beverages to guests, visitors, tenants or other users of the Airport. The sale of food and nonalcoholic beverages permitted herein does not include operation of a restaurant.
 - b. Retail sale of clothing or other personal items.
- (2) *Minimum Standards and procedures.*
 - a. The FBO Operator shall lease or otherwise secure from the County space adequate to conduct its FBO Operation.
 - b. The County may require additional terms given the unique nature of the Commercial Enterprise.
 - c. The Commercial Enterprise complies with all Applicable Laws for such Commercial Enterprise.
 - d. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 - 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - 2. Hangar Keeper's Liability and/or Products Liability: \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.

3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 4. Motor Vehicle Liability:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
- (k) *Category XI, Specialized Commercial Flying Services.*
- (1) *Scope of services.* This category shall include any specialized commercial flying services engaged in air transportation for hire for the purpose of providing the use of Aircraft for the following activities
- a. Nonstop sightseeing flights that begin and end at the Airport within a 25-mile radius of the Airport.
 - b. Crop dusting, seeding, spraying, and bird chasing.
 - c. Banner towing and aerial advertising.
 - d. Aerial photography or survey.
 - e. Firefighting.
 - f. Power line or pipe line patrol.
 - g. Any other operations specifically excluded from FAR Part 135.
- (2) *Minimum Standards and procedures.*
- a. All FBO Operators shall demonstrate that they have the availability of Aircraft suitably equipped for the particular type of operation they intend to perform.
 - b. The FBO Operator shall provide, either owned by or leased to the FBO Operator, not less than one Aircraft which will be airworthy, meeting all the requirements of the FAA and applicable regulations of the State with respect to the type of operations to be performed.
 - c. In the case of crop dusting or aerial application, the FBO Operator shall provide tank trucks for the handling of liquid spray and mixing fluids. The FBO Operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting materials and the waste from such materials.
 - d. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$2,000,000 each occurrence.
 - (ii) Property Damage: \$2,000,000 each occurrence.
 2. Hangar Keeper's Liability and/or Products Liability (if applicable): \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 4. Motor Vehicle Liability (if applicable):
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - e. The FBO Operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize the FBO Operator's services.
 - f. The FBO Operator shall have in its employ, and on duty during appropriate business hours, trained

personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner, but never less than one person holding a current FAA commercial certificate, properly rated for the Aircraft to be used and the type of operation to be performed and one other person to assist in the loading and servicing of Aircraft.

- g. In case of crop dusting or aerial application, the FBO Operator shall provide tank trucks for the handling of liquid spray and mixing liquids. The FBO Operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting materials. The FBO Operator shall also provide for safe transportation, storage and containment of noxious, waste or stored chemicals. The FBO Operator shall provide the County with all applicable permits and approvals as may be required by the Wisconsin Department of Natural Resources, the United States Environmental Protection Agency, or other applicable regulatory agency. Such facilities will be in a location at the Airport which will provide the greatest safeguard to the public. An FBO Operator engaged in this commercial activity shall be required to indemnify the County, in a manner satisfactory to the County, to prevent the County from being held liable for activities of the FBO Operator associated with losses due to the FBO Operator's use of chemical and other potential environmental pollutants.

(1) *Category XII, Scheduled Air Carriers or Scheduled Air Taxi.*

- (1) *Scope of service.* This category shall include any air carrier or scheduled air taxi operation engaged in air transportation of passengers and/or cargo between the Airport and fixed origination and/or destination points on a scheduled basis for consideration and available to the general public.

(2) *Minimum Standards and procedures.*

- a. The FBO Operator shall lease from the County adequate space to sufficiently meet the needs of the general public it will serve or of the services it will perform, but in no event less than a minimum of 5,000 square feet.
- b. The FBO Operator shall own or have on lease, for not less than a period of 12 months, sufficient Aircraft, but in any event not less than two, with passenger and/or cargo capacity to adequately serve the proposed routes and schedules of the FBO Operator.
- c. The FBO Operator shall require that all Aircraft used for passenger service having a passenger seating capacity of six or more, shall be operated with a crew of at least two pilots; and all Aircraft operated for passenger service having a maximum passenger seating capacity of seven or less may be operated by a crew of one pilot if said Aircraft shall have an automatic pilot, as may be required by the FAA for the service intended, and all Aircraft used for cargo only shall meet the Minimum Standards as may be required by the FAA for the services being performed.
- d. In all cases, pilots shall be qualified for single pilot operation with an automatic pilot, and all pilots and copilots must hold I.F.R. ratings.
- e. During the time said service is being provided, the FBO Operator shall maintain a training program for all pilots, supervised by a director of training, and shall require six-month proficiency checks administered by a check pilot who is duly qualified and authorized to provide said checks by the FAA. The results of said checks shall be kept on record and be available for inspection by the County.
- f. The FBO Operator shall provide adequate facilities and personnel for the maintenance of all Aircraft used in its scheduled operations to or from the County, or contract for such maintenance, in which event FAA licensed airframe and power plant mechanics or such competent personnel as may be available may be used in said emergency to perform said work.
- g. The FBO Operator shall provide at other terminals on all flights serving the County, adequate facilities and convenience for passengers.
- h. The FBO Operator shall maintain on duty at the County, at least one person employed for the purpose of servicing airline customers at least eight hours per day every weekday, and on Saturday, Sunday and holidays such personnel as may be required, based on the service provided.

- i. At all points served on flights to or from the Airport, the FBO Operator shall maintain sufficient personnel for servicing the airline customers.
- j. The FBO Operator shall conduct operations in accordance with an operation manual approved by the FAA and all other Applicable Laws.
- k. The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 - 1. Comprehensive General Liability and Comprehensive Property Damage:
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
 - 2. Hangar Keeper's Liability and/or Products Liability (if applicable): \$250,000.00 each occurrence, or an amount sufficient to insure maximum liability exposure.
 - 3. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
 - 4. Motor Vehicle Liability (if applicable):
 - (i) Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - (ii) Property Damage: \$1,000,000.00 each occurrence.
- (m) *FBO Category XIII, Multiple Services/Multiple FBO Operations.*
 - (1) *Scope of services.* This category shall include FBO Operator(s) engaged in any two or more of the FBO Operations set forth in the categories above.
 - (2) *Minimum Standards and procedures.* The FBO Operator performing multiple FBO Operations shall comply with all requirements of each category of FBO Operation performed, except as set forth below.
 - a. The FBO Operator shall lease from the County ground space at least equal in area to the highest of the minimum square footage requirements set forth for the several services to be provided.
 - b. If crop dusting, aerial application, or other commercial use of chemicals are part of the multiple services offered, the FBO Operator shall meet the requirements of Section 6-2-26.
 - c. Any FBO Operator also offering or providing Commercial Enterprise services shall also be deemed a Category XI FBO.
 - d. The FBO Operator performing multiple FBO Operations shall comply with all insurance requirements for each category of FBO Operation performed.

(Res. of 11-12-2019, § 1(exh. A, § 1.05))

Sec. 6-2-24. Operation of nonprofit flying clubs.

(a) A nonprofit flying club organization operating under this section must be a nonprofit State corporation or partnership, or demonstrably affiliated with same. Each member must be a bona fide owner of the Aircraft or a stockholder in the corporation or, in the case of a parent corporation or institution, each member must be currently employed by or enrolled in same.

(b) The nonprofit flying club's Aircraft shall not be used by other than bona fide members for rental, and by no one for hire, charter, air taxi or other commercial operations or other Regulated Services. Student instruction can be given in club Aircraft to nonprofit flying club members, provided such instruction is given by an FBO Operator based at the Airport who provides flight training.

(c) The nonprofit flying club will file and keep current with the County a complete list of the nonprofit flying club's membership and investment share held by each member.

- (d) The nonprofit flying club shall be duly licensed by the State.
 - (e) The nonprofit flying club shall provide the County with copies of owners' Aircraft registrations and Aircraft lease documents.
 - (f) The nonprofit flying club shall maintain, and make available to the County upon request, a master flight log describing the use category of the club's Aircraft and the purpose of each flight. In the event of a flight for the purpose of flight instructions, the student's name and the flight instructor's name shall be provided.
- (Res. of 11-12-2019, § 1(exh. A, § 1.06))

Sec. 6-2-25. Rent and fees; payments by FBO Operator to the County.

As consideration for the right to conduct an FBO Operation on the Premises as set forth in any Agreement, the FBO Operator shall pay to the County the following:

- (1) *Rent.* Rent shall be determined based on specifics of the Proposed FBO Operation and shall be mutually agreeable by the Proposed FBO Operator and the County. The amount and reasonableness of any of rent may be based upon the then-existing financial and business conditions relevant to the FBO Operation and circumstances of the FBO Operator.
- (2) *Term.* The term of any Agreement shall be determined based on the specifics of the Proposed FBO Operation, the need for the Regulated Services, and the best interests of the County's health, welfare and safety.
- (3) *Fuel Flowage Fee.* Any Category I FBO Operator shall pay the County a Fuel Flowage Fee to be determined by the FBO Operator and the County in an Agreement. The County reserves the right in its discretion to modify the Fuel Flowage Fee based on the circumstances that are reasonable and necessary in connection with the operation and development of the Airport and in conjunction with annual increases in the Consumer Price Index for All Urban Consumers in the Midwest published by the Bureau of Labor Statistics, U.S. Department of Labor, 1982-84 = 100. Any such increase shall be limited to \$0.01 per gallon adjusted with 30 days' prior written notice in any one calendar year. Any modification of Fuel Flowage Fees shall be in the best interests of the County and in the County's health, welfare and safety.
- (4) *Percentage of User Fees.* An FBO Operator shall pay to the County an amount equal to 50 percent of all Gross Receipts of all User Fees.
- (5) *Percentage of Commercial Enterprise receipts.* In addition to Fuel Flowage Fees set forth in Subsection (3) of this section and the percentage of User Fees set forth in Subsection (4) of this section, an FBO Operator shall pay to the County an amount equal to 15 percent of all Gross Receipts for Commercial Enterprises.
- (6) *Time of payment.* The payments for any amounts to be paid by an FBO Operator to the County set forth in this section shall be paid to the County on or before the 20th day following the end of each month during the term of the Agreement, together with a report and sufficient documentation to support the FBO Operator's calculation of the FBO Fees, including, but not limited to, the FBO Operator's fuel sales records, during the preceding month. Notwithstanding the provisions of this section, each report accompanying the payment of FBO Fees shall contain sufficient documentation to substantiate the amount of payment to the County and shall be prepared according to reasonable accounting standards and to the County's sole satisfaction.
- (7) *Failure to pay charges.* In the event the FBO Operator fails to make timely payment of any FBO Fees or other payment due and payable in accordance with the terms of the Agreement within ten days after such payment shall become due and payable, interest at the rate of 1 1/2 percent per month or a fraction thereof on the unpaid balance shall accrue against the delinquent payment from the date due until the date payment is received by the County. Notwithstanding the foregoing, the County shall be permitted to terminate the Agreement for default in the payment of any FBO Fees or other payment due and payable to the County in accordance with the terms of the Agreement, or from enforcing any other provisions contained herein or implied by law.
- (8) *Aircraft parking fees.* The collection of a parking fee by the County from owners of all itinerant Aircraft

parking overnight at the Airport in areas that are not leased to an FBO Operator is hereby authorized. All parking fees shall be as set forth in the Schedule of Fees adopted by the County Board. At no time should fees exceed the amounts established by the County Board, and parking fees can be waived by an FBO if fuel is purchased.

- (9) *Automobile (vehicle) parking fees.* The collection of an automobile (vehicle) parking fee for vehicles not otherwise authorized by the County to park overnight in the parking lot is hereby authorized to be collected by the County from the owners of automobiles, vans, trucks, motorcycles or other vehicles. All vehicle parking fees shall be as set forth in the Schedule of Fees adopted by the County Board. The County may collect these fees on its own or it may subcontract the collection of part or all the fees to an agent or agents. The County may remove and impound any vehicle which is illegally parked, disabled or abandoned, whether in the general parking area or elsewhere upon the Airport Property. Such vehicles shall be released to the owner thereof only upon presentation of proper identification and payment of all towing, storage charges, other fees, and forfeitures as assessed or incurred by the County.

(Res. of 11-12-2019, § 1(exh. A, § 1.07))

Sec. 6-2-26. Minimum Standards and procedures for agricultural FBO Operators.

(a) *Application.* Any person(s), firm or legal entity wishing to obtain the right to conduct and/or establish an agricultural activity shall make application to the County consistent with the terms of Section 6-2-21 and include the following additional information:

- (1) A complete description of the type of activity proposed, including, but not limited to, types of crops, methods of harvest, and times of on-site activity.
- (2) A listing and description of the types of machinery required for conduct of the agricultural activity.
- (3) Location of off-site storage facilities for machinery, equipment, supplies and harvested crops.
- (4) A plan for the maintenance of soil fertility, if the proposed use is for more than a single growing season.
- (5) Any other information the County deems reasonably necessary.

(b) *Agreements.* In addition to required terms set forth in Subsection (a) of this section, any Agreement for agricultural activities shall include, among other things, a covenant reciting the County's right to:

- (1) Restrict, limit or otherwise control such agricultural activity in any manner it sees fit to ensure safe and unimpeded aeronautical activity at the Airport.
- (2) Designate areas for agricultural activity and to designate the type of activity which can be conducted on each such area. Such designation may include, but will not necessarily be limited to, crop height; crop type; harvesting methods; days and hours of operation; storage and staging areas; and areas of the Airport where machinery and equipment may not be operated, driven or stored.
- (3) Such other restrictions or limitations which the County may deem appropriate.
- (4) A covenant reciting the FBO Operator's obligation, in addition to all aforementioned obligations, to protect the general public, customers or clients and the County from any and all damages, claims, or liability, whether by the FBO Operator or others, relating to any monetary or other loss or damage in the conduct of any agricultural activity resulting from or alleged to have resulted from the County's exercise of its rights and privileges, whether specifically enumerated above or not.
- (5) Indemnification provisions consistent with Section 6-2-29.
- (6) The FBO Operator performing the services under this category will be required to carry the following types of insurance, in the limits specified, and furnish the County a certificate of insurance listing the County as an "additional insured":
 - a. Comprehensive General Liability and Comprehensive Property Damage:
 1. Bodily Injury (each occurrence): \$500,000.00 each person; \$2,000,000 each occurrence.
 2. Property Damage: \$2,000,000 each occurrence.

- b. Hangar Keeper's Liability and/or Products Liability (if applicable): \$1,000,000.00 each occurrence.
- c. Workers' Compensation and Employer's Liability (if applicable): As required by Applicable Laws.
- d. Motor Vehicle Liability (if applicable):
 - 1. Bodily Injury (each occurrence): \$500,000.00 each person; \$1,000,000.00 each occurrence.
 - 2. Property Damage: \$1,000,000.00 each occurrence.

(Res. of 11-12-2019, § 1(exh. A, § 1.08))

Sec. 6-2-27. Minimum Standards and procedures for other non-aviation FBO Operators and/or FBO Operators.

(a) *Application.* Any person(s), firm or legal entity wishing to obtain the right to conduct and/or establish such other activity shall make application to the County in the following manner:

- (1) A complete description of the type of activity proposed.
- (2) A listing and description of the types of vehicles, equipment and machinery required for conduct of the activity.
- (3) Location of off-site storage facilities for machinery, equipment or supplies.
- (4) A listing of and plan for the on-site handling of any attendees, other persons, and vehicles associated with the activity.
- (5) Dates and times for the proposed activity.

(b) *Agreements.* All Agreements for such other activities shall include, among other things, a covenant reciting the County's right to and provisions relating to:

- (1) Restrict, limit or otherwise control such activity in any manner it sees fit to ensure safe and unimpeded aeronautical activity at the Airport.
- (2) Designate areas for the activity and to designate the type of security required in each such area.
- (3) Such other restrictions or limitations which the County may deem appropriate.
- (4) A covenant reciting the FBO Operator's obligation, in addition to all aforementioned obligations, to protect the general public, customers or clients and the County from any and all damages, claims or liability, whether by the FBO Operator or others, relating to any monetary or other loss or damage in the conduct of any such activity resulting from or alleged to have resulted from the County's exercise of its rights and privileges, whether specifically enumerated above or not.
- (5) Indemnification provisions consistent with Section 6-2-29.
- (6) Any insurance requirements set forth by the County.
- (7) Any other term or condition deemed necessary by the County.

(Res. of 11-12-2019, § 1(exh. A, § 1.09))

Sec. 6-2-28. Minimum Standards - Airport Manager.

(a) *Manager's Minimum Standards.* Any Management Agreement shall include, at a minimum, the following provisions and obligations of the Manager:

- (1) Conduct or provide for daily inspections of all Airport physical properties, including runways, taxiways, lighting systems, buildings, navigational equipment, automobile parking areas, tie-down areas and access roads; and personally make or direct others to make routine repairs, replacements and improvements in a timely and efficient manner;
- (2) Requisition or purchase supplies required in daily operation and maintenance in compliance with the County's Purchasing Policy;
- (3) Keep a complete and accurate record of all maintenance work performed on the Airport or on the Airport Property and make such reports to the County as may be required at such time and in the form requested

by the County Administrator or the Committee of Jurisdiction;

- (4) Determine current and potential program needs and prepare plans from time to time to fill these needs; make recommendations for current and future development of aviation facilities; coordinate all development and improvement with the proper local, State and federal agencies, engineers, architects and other professionals, aviation organizations, and public interest groups;
- (5) Recommend to the County proposed ordinances and regulations relating to the safe and efficient operation of the Airport, and governing the use of the Airport, including the leasing of floor space, parking, hangars and other property;
- (6) Monitor compliance with and assure enforcement of all County ordinances and regulations concerning the Airport;
- (7) Serve as a liaison between the County and the Airport users and lessees relative to the preparation, negotiation, rates and charges, and terms of leases and Agreements at the Airport;
- (8) Develop and maintain effective liaison with the traveling and general public, commercial and general aviation interests, agencies having control over, or interest in, certain Airport activities, tenants and their employees, and all entities with an interest in the Airport or the Airport Property, including, but not limited to, hanger leases and Agreements;
- (9) Establish appropriate Airport accounts, prepare periodic and special operations and financial reports, including annual budget requests for the County, all using generally accepted accounting principles and practices;
- (10) Supervise the operation, maintenance, security, fire prevention, and safety of the Airport at all times;
- (11) Be responsible for coordinating and directing the timely and efficient snow plowing operation as provided by the County or others in written agreements and procedures with other County departments or contractors;
- (12) Ensure that the Manager's employees, agents, vendors and contractors possess such technical qualifications and hold such certificates or qualifications, or both, as may be required in carrying out assigned duties. It shall be the Manager's responsibility to maintain close supervision over the Manager's employees and contractors;
- (13) Be responsible for notifying the FAA Flight Service Station promptly of all conditions affecting the safe use of the Airport;
- (14) Be responsible for overseeing adherence to the provisions of this division as enacted and as amended;
- (15) Refer any suspected violation of this Minimum Standard Ordinance to the County Administrator for determination of whether enforcement action is appropriate;
- (16) Upon request, attend all Committee of Jurisdiction meetings and any County Board of Supervisor meetings where Airport issues are on the agenda or upon request of the County Administrator;
- (17) Develop and provide to the Committee of Jurisdiction on a regular basis a written report, which will provide a brief status on conditions at the Airport and detail any other information that may be requested by the Committee of Jurisdiction or the County Administrator;
- (18) Be responsible for the collection of all fees as assessed from time to time by the County and deliver such fees to the County Clerk within five days of collection or as otherwise directed by the County Clerk;
- (19) Perform any other reasonable tasks as the County deems necessary to efficiently manage and operate the Airport;
- (20) Comply with all laws, statutes, ordinances, policies and regulations applicable to the Airport and Manager's responsibilities set forth in this division;
- (21) Comply with all County policies, including, but not limited to, the County Purchasing Policy and Records Retention Policy;
- (22) Select and appoint a full-time Manager for its operation at the Airport. Such Manager shall be highly

qualified and experienced, and be vested with full power and authority to act in the name of the FBO with respect to the method, manner, and conduct of the services to be performed hereunder. Such Manager shall be available at the Airport during regular business hours, and during the Manager's absence, a duly authorized and qualified subordinate shall be in charge of the Airport and on the Airport Property;

- (23) Provide, at its sole expense, a sufficient number of employees to effectively and efficiently provide the services herein authorized. During the required hours of operation, employ and have on duty sufficient staff to meet the Minimum Standards for each aeronautical activity provided. However, multiple responsibilities may be assigned to employees where feasible. Provide to the Airport a current written statement of the names, general technical qualifications, addresses, telephone numbers, and other necessary contact information for all personnel responsible for the operation and management of the Airport. In addition, provide the County a point-of-contact with phone numbers for emergency situations;
- (24) Ensure all Aircraft fuel handling personnel are trained in the safe and proper handling, dispensing, and storage of Aircraft fuel. Acceptable training shall be an FAA approved safety training course in accordance with FAA Advisory Circular 150/5230-4 and the National Air Transportation Association (NATA) "Safety First" Program or equivalent training program acceptable to the County. All training records and qualifications shall be provided to the County upon request in accordance with 14 CFR part 139.321; and
- (25) Control the conduct, demeanor, and appearance of its employees and representatives. Such employees shall be trained and possess technical qualifications, and hold certificates of qualifications, as may be required for such employee to carry out assigned duties. Maintain close supervision over employees to ensure a high standard of service to customers of the Airport.

(b) *Terms of Management Agreement.*

- (1) The Committee of Jurisdiction shall negotiate the following terms to be included in any Management Agreement:
 - a. Hours of operation.
 - b. Compensation.
 - c. Required services.
 - d. Premises upon which the Airport Manager's work shall be conducted.
 - e. Points of contact.
 - f. Additional terms and conditions that the Committee of Jurisdiction determines are in the best interest of the County and are required to protect the health, welfare and safety of the County and its residents.
- (2) Any Airport Management Agreement shall contain the following terms, which may be described in greater detail in a Management Agreement:
 - a. The Airport Manager shall not be deemed or considered a County employee, and any Management Agreement does not create an employer-employee relationship between the Airport Manager and the County.
 - b. Prohibition against the assignment of a management agreement.
 - c. Termination provisions.
 - d. Indemnification provisions consistent with Section 6-2-29.

(Res. of 11-12-2019, § 1(exh. A, § 1.10))

Sec. 6-2-29. Indemnification.

Any FBO Operator (including the FBO Operator's members, managers, agents, employees, invitees, officers and representatives) agrees to protect, defend, reimburse, indemnify and hold the County, as well as its agents, employees, administrators, representatives and elected officers, and each of them, free and harmless at all times

from and against any and all claims, liabilities, expenses, losses, costs, fines and damages (including reasonable attorneys' fees) and causes of action of every kind and character against and from the County by reason of any:

- (1) Damage to property or the environment, including any contamination of any part of the Premises or Airport Property, such as the soil or stormwater by fuels and other petroleum products, chemicals or other substances deemed by the Federal Environmental Protection Agency to be environmental contaminants at the time this division is adopted or may be redefined by the appropriate regulatory agencies in the future;
- (2) Bodily injury (including death) incurred or sustained by any party, arising out of or incident to or in connection with the FBO Operator's performance under this division, the FBO Operator's use or occupancy of the improvements located on the Premises or Airport Property;
- (3) Acts, omissions or operations hereunder or the performance, nonperformance or purported performance of the FBO Operator, any breach of the terms of this division, or any other failure to comply with the terms and conditions of this division; or
- (4) Failure to comply with any Applicable Laws.

(Res. of 11-12-2019, § 1(exh. A, § 1.11))

Sec. 6-2-30. Spill fuel prevention control.

- (a) *Potential fuel spill sources.* Potential sources of spills at the Airport include the following:

- (1) The filling of underground fuel storage tanks;
- (2) The transfer of fuel between fuel storage tanks;
- (3) The transfer of fuel from storage tanks or trucks to an Aircraft; and
- (4) The filling or unloading of other storage facilities or structures with oil, fuel oil, gasoline, or other hazardous or toxic materials or liquids.

(b) *Alert procedure for fuel spills.* Any person who observes a spill shall immediately notify the County office for emergency government. That office shall contact the City of Hayward and Sawyer County fire services for response and investigation of the fuel spill. The following information should be determined upon investigation of the spill:

- (1) Time of observation of spill;
- (2) Location of spill;
- (3) Identity of material spilled;
- (4) Probable source of spill;
- (5) Probable time of spill;
- (6) Volume of spill and duration;
- (7) Present and anticipated movement of spill;
- (8) Weather conditions;
- (9) Personnel at scene; and
- (10) Action initiated by personnel.

(c) *Containment and clean-up.* The containment and clean-up of fuel spills shall be performed in a manner consistent with existing federal and State environmental laws and regulations. If said spillage should occur accidentally or otherwise, the responsible individual, individuals, or other legal entity shall be charged for all costs resulting from the clean-up of the spillage. Each governmental unit shall be reimbursed for actual costs resulting from its services provided in the spillage clean-up process.

(Res. of 11-12-2019, § 1(exh. A, § 1.12))

Sec. 6-2-31. Control of underground storage tank (UST) facilities.

(a) *Prohibition.* The installation of USTs for purpose of storing and/or dispensing fuel, oil, and any other petroleum products or any regulated hazardous substances is strictly prohibited unless prior written authorization is obtained from the County. Regulated hazardous substances include, but are not limited to, those defined under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) and as amended.

(b) *County authorization.* Application to the County for authorization to construct USTs shall be in writing and shall consist of the following items:

- (1) A detailed proposal from the party seeking authorization disclosing the purpose to be served, the benefits to be derived, and any adverse consequences occasioned by the construction.
- (2) Written and valid approvals of the construction from the Federal Environmental Protection Agency (EPA) and the Wisconsin Department of Natural Resources (DNR).
- (3) Written assurances from the party seeking authorization that all federal, State and local laws will be complied with in all respects by the construction and maintenance of the proposed UST.
- (4) A full and complete written indemnification proposal which would protect the County from any liability arising from the construction, use and maintenance of the proposed UST.
- (5) A detailed written proposal explaining what procedures will be followed in the event the proposed UST for whatever reason has to be removed from the Premises.
- (6) The County reserves the right to deny any such application at its sole discretion or condition its authorization upon any contingency, which the County deems appropriate to require.

(c) *Regulation of existing USTs.* The owners of existing USTs at the Airport are solely responsible for the lawful and efficient operation of those USTs consistent with all applicable State and federal environmental protection laws and regulations, including, but not limited to, 40 CFR parts 280 and 281, and "CERCLA" 42 USC 9601 et seq. The County has the right to demand a written report from the owners of existing USTs setting forth in detail the action taken by the owners to comply with federal and State laws. Further, the owners of existing USTs are required hereby to indemnify and hold harmless the County from any violation of federal or State law, along with any consequential damages, penalties, forfeitures, fines or assessments of costs and/or attorneys' fees, which are attributed to the owner's continued use, operation or interest in existing USTs at the Airport.

(Res. of 11-12-2019, § 1(exh. A, § 1.13))

Sec. 6-2-32. Compliance with County zoning ordinances.

(a) *Compliance.* Any FBO Operation shall comply with the restrictions set forth in Chapter 10, Article IX. An FBO Operator shall apply for and obtain all required zoning approvals prior to commence any FBO Operation or entering into any Agreement for the FBO Operation.

(b) *Terms of use.* Any FBO Operation shall adhere to specific restrictions placed on that FBO Operation or on the FBO Operator pursuant to a conditional use permit, which may include, but is not limited to, hours of operation, noise levels, and restrictions on equipment or building requirements. Any required terms of use shall be set forth in the Agreement.

(Res. of 11-12-2019, § 1(exh. A, § 1.14))

Sec. 6-2-33. Public access to the Airport.

(a) *Airport rules and regulations.* Nothing in this division shall prohibit the County from adopting rules and regulations for the Airport and any activity on the Airport Property.

(b) *Public access.* Airport visitors shall have access to all public use vehicle parking lots and access roads between such vehicle parking lots and public roads while on foot or within motor vehicles, unless such parking lots or access roads are signed or otherwise posted by the County pursuant to its authority. Visitors not in or on motor vehicles shall have access to all paved walkways between such parking lots and buildings of FBO Operators unless such walkways are similarly posted by the County. Visitors shall have access to waiting areas and public access areas of the terminal building and/or customer lounges of FBO Operators/FBO Operations during hours when such

public buildings are open to the public.

(c) *Limited access.* The County may, from time to time, designate portions of the Airport for such non-aviation activities as public parks, picnic areas, and observation areas. Visitors are permitted within the defined limits of these areas.

(d) *Restricted access.* Unless otherwise permitted by a duly authorized representative of the County, or as authorized by an FBO Agreement or a hanger lease agreement, no Airport visitor shall be allowed access to any of the following areas of the Airport:

- (1) Runways;
- (2) Taxiways;
- (3) Aircraft parking aprons;
- (4) Hangars;
- (5) Service roads;
- (6) Unimproved or grass areas bounded by any of the above; or
- (7) Any area signed or otherwise posted by the County.

A permitted exception to this section shall be Aircraft passengers while embarking or debarking from Aircraft. Such passengers are permitted on Aircraft parking aprons within pedestrian walkways and on paved walkways between Aircraft parking aprons and improvements or buildings of FBO Operators or FBO Operations.

(Res. of 11-12-2019, § 1(exh. A, § 1.15))

Sec. 6-2-34. Penalties for violation.

This division shall be enforced pursuant to the terms set forth in Wis. Stats. § 66.0113, unless otherwise determined by the County, and shall be enforced by the County and its designated agents or representatives. Any person(s) violating the provisions of this division shall be subject to a forfeiture of not less than \$25.00 nor more than \$100.00 for each violation, together with costs of enforcement. Each requirement of this division that is violated constitutes a separate violation. In addition to a forfeiture, the County may seek other such relief, legal or equitable, as is available.

(Res. of 11-12-2019, § 1(exh. A, § 1.16))

Sec. 6-2-35. Exhibit A -Airport property description.

Part of the SE ¼ of the SE ¼ and part of the NE ¼ of the SE ¼ Outlot 1 CSM 32/240 #7890; Part of the SE ¼ of the SE ¼; Part of the SE ¼ of the SE ¼, Outlot 1 CSM 32/229 #7886; Part of the NE ¼ of the SE ¼; Part of the NE ¼ of the SE ¼; Part of the NE ¼ of the SE ¼; Part of the SE ¼ of the NE ¼; Part of the NE ¼ of the NE ¼ Outlot 1 CSM 32/243 #7891; Part of the NE ¼ of the NE ¼; All in S23, T41N, R09W; Parcel #'s 010-941-23-4407; 010-941-23-4404; 010-941-23-4406; 010-941-23-4101; 010-941-23-4105; 010-941-23-4102; 010-941-23-1401; 010-941-23-1107; and 010-941-23-1102. Part of the NW ¼ of the SW ¼; Part of the SW ¼ of the NW ¼; Part of the NW ¼ of the NW ¼; Part of the NE ¼ of the NW ¼; All in section 24, T41N, R09W; Parcel #'s 010-941-24-3201; 010-941-24-2301; 010-941-24-2201; 010-941-24-2101. Part of the SW ¼ of the SW ¼ CSM 13/16, 13/29, 13/213, 13/236, 14/34, 14/36, 15/109, 15/266/16/11, 18/111, 19/194, 20/76, 20/128, 22/139, 23/98, 25/47 and 26/11; Part of the SE ¼ of the SW ¼; Part of the NW ¼ of the SW ¼; Part of the NW 1/44 of the SW ¼; Part of the NW ¼ of the SW ¼; Part of the NW ¼ of the SW ¼; Part of the NE ¼ of the SW ¼; Part of the NW ¼ of the SE ¼, Outlot 1 CSM 32/238 #7889; Part of the SE ¼ of the NW ¼; Part of the SE ¼ of the NW ¼; Part of the SW ¼ of the NE ¼; Part of the NW ¼ of the NE ¼ and Part of the SW ¼ of the NE ¼; Part of the NE ¼ of the NW ¼, Lot 2 CSM 32/297 #7913. All in section 13, T41N, R09W; Parcel #'s 010-941-13-3301; 010-941-13-3401; 010-941-13-3205; 010-941-13-3212; 010-941-13-3203; 010-941-13-3101; 010-941-13-4203; 010-941-13-2404; 010-941-13-2401; 010-941-13-1302; 010-941-13-1206; 010-941-13-2110.

The Airport Property consists of approximately 469.66 acres.

(Res. of 11-12-2019, § 1(exh. A, exh. A))

Secs. 6-2-36—6-2-50. Reserved.

DIVISION 3. VEHICULAR AND PEDESTRIAN TRAFFIC

Sec. 6-2-51. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Emergency Equipment* means crash, fire and rescue, or police motor vehicles and such other equipment as the airport manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.
- (2) *Pedestrian* means any person afoot.
- (3) *Service, Maintenance and Construction Equipment* means approved equipment normally operated by the airport owner, its agents or under contract, fixed base operator(s), or other governmental agencies performing official duties on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the County.
- (4) *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.

(Ord. No. 2-98, § I, 4-21-1998)

Sec. 6-2-52. Operation of vehicles on runways, taxiways and ramps.

(a) No vehicle shall enter, be driven upon, or operated upon any airport runway, taxiway, ramp, tie down area, or any area posted by signs prohibiting the entrance thereon.

(b) The provisions of this section shall not apply to Emergency Equipment or Service, Maintenance, and Construction Equipment when engaged in performing normal duties.

(c) Aircraft owners may be granted authorization by the airport manager or the manager's designated representative to operate a vehicle to reach their own aircraft in a tie down area. Aircraft owners desiring to operate a vehicle for this purpose shall request such authorization in advance. Any authorization granted shall apply only to a specific need request. Blanket-type authorizations shall not be granted. Unless specifically authorized, aircraft owners shall not pass over any runway, taxiway, or ramp and shall proceed through the tie down area at a speed not to exceed ten miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of FAR Part 139 or Part 107 (applicable only to airline airports).

(Ord. No. 2-98, § II, 4-21-1998)

Sec. 6-2-53. Speed of vehicles.

No vehicle shall be driven upon any road within the perimeter of the airport or upon other airport areas, in excess of the speed limit posted, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicle traffic on or about the airport.

(Ord. No. 2-98, § III, 4-21-1998)

Sec. 6-2-54. Pedestrian traffic on airport.

No Pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie-down area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the airport manager. Pedestrian traffic is prohibited on taxiway, runways, and outlying areas of, the airport except for those employees of the city, County, State or federal government, or contractors engaged in airport construction or maintenance work.

(Ord. No. 2-98, § IV, 4-21-1998)

Sec. 6-2-55. Vehicle parking.

All vehicles parked on the airport shall be parked in designated areas and in accordance with posted signs or other markings. The airport manager may move, or order the removal of any vehicle improperly parking, at the owner's expense. Fines or forfeitures may be levied in accordance with Section 6-2-57.

(Ord. No. 2-98, § V, 4-21-1998)

Sec. 6-2-56. Enforcement.

It shall be the duty of the Sheriff of the County to enforce the provisions of this division.

(Ord. No. 2-98, § VI, 4-21-1998)

Sec. 6-2-57. Violation.

Any person who shall violate any of the provisions of this division shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the County jail until said forfeiture and costs are paid, but not exceeding 90 days.

(Ord. No. 2-98, § VII, 4-21-1998)

PROOFS

Chapter 7

RESERVED

PROOFS

Chapter 8

BUSINESSES AND BUSINESS REGULATIONS**ARTICLE I. IN GENERAL****ARTICLE II. SYNTHETIC DRUG ESTABLISHMENTS****Sec. 8-2-1. Findings of fact and statement of purpose.**

The County Board finds the following facts to exist: Synthetic Drugs are commonly marketed as a safe and legal alternative to marijuana or other controlled substances. Ingestion of Synthetic Drugs has been shown to produce dangerous side effects such as headaches, agitation, nausea, vomiting, hallucinations, loss of consciousness, elevated blood pressure, tremors, seizures, addiction, paranoid behavior, anxiety, increased heart rate, and even death. The County Sheriff's Department has advised the County Board that the increased use of Synthetic Drugs is negatively affecting the health, safety, and welfare of the citizens of Superior. The establishment of a retail point of sale in the County would increase the use of Synthetic Drugs in the County, and would be likely to have a negative impact on the surrounding businesses and residential areas. Due to the manner in which these substances are marketed, the manufacture and sale of Synthetic Drugs is, purportedly, not currently regulated by the Federal Drug Administration. Due to the ease of making slight molecular alterations to chemical compounds, law enforcement agencies have found it difficult to bring criminal charges against manufacturers and sellers of Synthetic Drug products. The purpose of this article is not to condone illegal activity nor is it to legitimize activity that may now or in the future be considered illegal activity under State or federal laws. Synthetic Drugs are currently being sold as legal products without even the basic regulation and licensing requirements that many other businesses have within the County.

(Ord. No. 1-2014, § 1, 3-20-2014)

Sec. 8-2-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Synthetic Drug* means one or more of the following:
 - a. A substance that a reasonable person would believe is a Synthetic Drug;
 - b. A substance that a reasonable person would believe is being purchased or sold as a Synthetic Drug; or
 - c. A substance that a person knows or should have known was intended to be consumed by injection, inhalation, ingestion, or any other immediate means, and consumption was intended to cause or simulate a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous of a controlled substance on Schedule I through V as defined by Wis. Stats. Ch. 961. The term "Synthetic Drug" does not mean food and drug ingredients, alcohol, prescription drugs, tobacco, or dietary supplements;
- (2) *Synthetic Drug Establishment* means any business establishment where any person engages in the sale of Synthetic Drugs.

(Ord. No. 1-2014, § 2, 3-20-2014)

Sec. 8-2-3. License required.

No person shall engage in the business of operating a Synthetic Drug Establishment either exclusively or in connection with any other business enterprise without first obtaining a license for each Synthetic Drug Establishment.

(Ord. No. 1-2014, § 3, 3-20-2014)

Sec. 8-2-4. Application for license.

Application for a Synthetic Drug Establishment license shall be made to the County Clerk on forms supplied

by the County containing the following information:

- (1) A description of the business;
- (2) A description of the location of the premises to be licensed;
- (3) The full names and addresses of the property owner, business owner, lessee and manager, operator and the date of birth of each;
- (4) If the applicant is a partnership, the names and residence addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the Synthetic Drug Establishment;
- (5) Whether any of the aforementioned individuals have ever been convicted of any crime or offense other than a traffic offense, and, if so, a description of the offense as to time, place, date and disposition; and
- (6) The annual license fee shall be in the amount established by resolution and shall be paid at the time the application is filed. The fee will not be prorated and is nonrefundable. A separate license shall be obtained for each place of business. The licensee shall display the license in a prominent place on the licensed premises at all times. A license, unless revoked, shall be effective August 1 through July 31 annually.

(Ord. No. 1-2014, § 4, 3-20-2014)

Sec. 8-2-5. Issuance.

(a) No license under this article shall be issued unless it is approved by the County Board upon advice from the County Sheriff's Department and unless the establishment has passed fire and health inspections. The County Board shall not approve any license if there are reasonable grounds to believe:

- (1) That the granting of said license would result in violations of the law;
- (2) That the license application contains false and misleading statements; or
- (3) That other good cause exists for denying the license;

(b) If the Sheriff or County Board finds that they do not have adequate information to evaluate the license application, they may direct the applicant, manager or agent to appear at any reasonable time and place to give under oath information concerning the application. No license shall be granted to any applicant who refuses to appear and cooperate with the investigation.

(Ord. No. 1-2014, § 5, 3-20-2014)

Sec. 8-2-6. Prohibited acts.

No Synthetic Drug Establishment shall:

- (1) Remain open between 8:00 p.m. and 8:00 a.m. on any day;
- (2) Sell Synthetic Drug products that do not include the name, phone number and address of the manufacturer, packer and distributor of the product;
- (3) Sell Synthetic Drug products that do not identify all commodities within the package, including organic and non-organic, chemically synthesized substances and compounds.
- (4) Sell Synthetic Drug products to any individual under the age of 21;
- (5) Sell Synthetic Drug products that do not comply with all State and federal laws and regulations, including those related to packaging, labeling and weights and measures; and
- (6) Be located within 500 feet of any park, school, day care facility or area zoned residential or mixed-use neighborhood.

(Ord. No. 1-2014, § 6, 3-20-2014)

Sec. 8-2-7. Suspension and revocation of licenses.

The County Board may revoke or suspend any license issued pursuant to this article if, after giving the licensee an opportunity to be heard on the matter, such officer finds:

- (1) The licensee has violated a provision of this article or any other law relating to the conduct of its operation, including, but not limited to State, federal or local laws;
- (2) The licensee secured the license through misrepresentation or fraud or misstated any material fact in the application;
- (3) Failure of the licensee to cooperate with the police, fire or health officers in any investigation relating to their operations or failure to admit police officers into the establishment at any time when people are present in the establishment;
- (4) The establishment is operated in such a way as to endanger public health or safety; or
- (5) The establishment is operated in such a way as to constitute a public nuisance as defined in Wis. Stats. § 823.07.

Sec. 8-2-8. Appeals.

Any person aggrieved by a licensing decision of the County Board under this article may appeal such decision to the County Board by filing a written notice of appeal with the County Board within 15 days after such decision is rendered. The decision of the County Board is the final administrative decision of the County.

(Ord. No. 1-2014, § 74-274, 3-20-2014)

Sec. 8-2-9. Synthetic Drug Establishment license application form.

SYNTHETIC DRUG ESTABLISHMENT LICENSE APPLICATION

<i>LICENSE PERIOD: AUGUST 1 - JULY 31</i>		<i>FEE: \$600.00 NOT PRORATED, NON-REFUNDABLE</i>				
Name of Applicant		Assumed Name:				
Description of Business:		Business Phone:				
Location of Establishment (Street address):						
Business distance from nearest:		Public Park _____ School _____ Daycare _____ Residential/mixed use neighborhood				
BUSINESS OWNER(S) INFORMATION						
FULL NAME	DOB	STREET ADDRESS	CITY, STATE	PHONE NUMBER	CONVICTED OF CRIME/OFFENSE OTHER THAN TRAFFIC?*	
					YES	NO
					YES	NO
					YES	NO
					YES	NO
					YES	NO
PARTNERSHIP INFORMATION (including limited partners)						
Address of partnership if different from establishment: _____						
FULL NAME	DOB	STREET ADDRESS	CITY, STATE	PHONE NUMBER	CONVICTED OF CRIME/OFFENSE OTHER THAN TRAFFIC? *	
					YES	NO
					YES	NO

					YES	NO
					YES	NO
					YES	NO
MANAGER/OPERATOR INFORMATION						
FULL NAME	DOB	STREET ADDRESS	CITY, STATE	PHONE NUMBER	CONVICTED OF CRIME/OFFENSE OTHER THAN TRAFFIC? *	
					YES	NO
					YES	NO
					YES	NO
PROPERTY OWNER INFORMATION						
FULL NAME	DOB	STREET ADDRESS	CITY, STATE	PHONE NUMBER	CONVICTED OF CRIME/OFFENSE OTHER THAN TRAFFIC? *	
					YES	NO
					YES	NO
					YES	NO
LESSEE INFORMATION						
FULL NAME	DOB	STREET ADDRESS	CITY, STATE	PHONE NUMBER	CONVICTED OF CRIME/OFFENSE OTHER THAN TRAFFIC? *	
					YES	NO
					YES	NO
					YES	NO
*CRIME/OFFENSE RECORD - if any of the above listed individuals have ever been convicted of any crime or offense (other than a traffic offense) fill in the information for each individual below:						
FULL NAME	DESCRIPTION OF OFFENSE	DATE & TIME OF OFFENSE	LOCATION OF OFFENSE	DISPOSITION OF OFFENSE		
I understand that this license may be denied, suspended or revoked for fraud, misrepresentation or false statement contained in the application or for any violations as outlined in Chapter 8, Article II of the Sawyer County Code.						
Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge. By signing this application, applicant agrees, if licensed, to allow access by law enforcement officers during hours of operation to all areas on or within the licensed premises for purposes of inspection for compliance with this						

chapter and other laws.			
Signature of applicant		Date	
APPROVALS			
Sheriff's Department		Date	
☐	Recommend Approval		
☐	Recommend Denial		
Fire Department		Date	
☐	Recommend Approval		
☐	Recommend Denial		
Health Department		Date	
☐	Recommend Approval		
☐	Recommend Denial		
OFFICE USE ONLY			
Council Date	Receipt #	License #	Date Issued
County Code Chapter 8, Article II			
w:\our clerk files\license applications\synthetic drug establishment.doc			

(Ord. No. 1-2014, att., 3-20-2014)

RESERVED

PROOFS

Chapter 10

ENVIRONMENT, NATURAL RESOURCES, AND ZONING**ARTICLE I. IN GENERAL****ARTICLE II. PRIVATE SEWAGE DISPOSAL SYSTEMS****DIVISION 1. GENERALLY****Sec. 10-2-1. Statutory authority.**

This article is adopted pursuant to the authorization in Wis. Stats. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 145.245 and Wis Admin Code Ch. NR 115.05(3).

(Ord. No. 1-2011, § 1.0, 4-19-2011)

Sec. 10-2-2. Purpose.

This article is adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection and management of Private On-Site Wastewater Treatment Systems and Non-Plumbing Sanitation Systems.

(Ord. No. 1-2011, § 2.0, 4-19-2011)

Sec. 10-2-3. Incorporation of provisions by reference.

This article incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of Private On-Site Wastewater Treatment Systems: Wis. Stats. § 59.70(5), Wis. Stats. Chs. 145, 146 and 236, and Wis. Stats. §§ 254.59 281.48 and 968.10; Wis. Admin. Code Chs. SPS 381—385, SPS 387, SPS 391, NR 113, NR 116, NR 811 and NR 812. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

(Ord. No. 1-2011, § 4.0, 4-19-2011)

Sec. 10-2-4. Liability.

This article shall not create a liability on the part of or a cause of action against the County or any employee thereof for any Private On-Site Wastewater Treatment System that may not function as designed. There shall be no liability or warranty for any site that is approved or denied. The issuance of a Sanitary Permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statutes or Wisconsin Administrative Code requirements.

(Ord. No. 1-2011, § 5.0, 4-19-2011)

Sec. 10-2-5. Interpretations.

The provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

(Ord. No. 1-2011, § 6.0, 4-19-2011)

Sec. 10-2-6. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Buildings*. See *Structure*.
- (2) *Conventional Private On-Site Wastewater Treatment System* means a Private On-Site Wastewater Treatment System consisting of a Septic Tank and an in-ground soil absorption component with gravity distribution of effluent.
- (3) *County* means the Governmental Unit; Sawyer County Zoning Department.

- (4) *County Sanitary Permit* means a permit issued by the County for the connection, reconnection, revision and/or repair of a Private On-Site Wastewater Treatment System or for the installation of a Non-Plumbing Sanitation System, pursuant to Wis. Stats. §§ 59.70 and 145.04.
- (5) *Failing Private On-Site Wastewater Treatment System* has the meaning specified under Wis. Stats. § 145.245(4). A Failing Private On-Site Wastewater Treatment System is one which causes or results in any of the following conditions:
 - a. The discharge of sewage into surface water or groundwater.
 - b. The introduction of sewage into zones of saturation which adversely affects the operation of a Private On-Site Wastewater Treatment System.
 - c. The discharge of sewage to a drain tile or into zones of bedrock.
 - d. The discharge of sewage to the surface of the ground.
 - e. The failure to accept sewage discharges and back up of sewage into the Structure served by the Private On-Site Wastewater Treatment System.
- (6) *Holding Tank* means a watertight receptacle for the collection and holding of wastewater.
- (7) *Human Habitation* means the act of occupying a Structure as a dwelling or sleeping place, whether intermittently or as a principal residence.
- (8) *Modification in Wastewater Flow or Contaminant Load*. A Modification in Wastewater Flow or Contaminant Load shall be considered to occur:
 - a. In public Buildings, facilities or places of employment, when there is a proposed change in Occupancy of the Structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and
 - b. In one- and two-family dwellings, when there is an increase or decrease in the number of bedrooms.
- (9) *Non-Plumbing Sanitation System* means sanitation systems and devices within the scope of Wis. Admin. Code Ch. SPS 391, which are alternatives to water-carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.
- (10) *Occupancy* pertains to and is the purpose for which a Building is used or intended to be used. A change of Occupancy is not intended to include a change of tenants or proprietors.
- (11) *Plumber* means a person licensed by the State as a Master Plumber or Master Plumber-Restricted Service.
- (12) *Portable Restroom* means a self-contained portable unit that includes fixtures, incorporating Holding Tank facilities, designed to contain human excrement.
- (13) *Private On-Site Wastewater Treatment System (POWTS)*, also referred to as "private sewage system," has the meaning given under Wis. Stats. § 145.01(12). (Generally, POWTS is used in reference to systems installed after July 1, 2000; private sewage system refers to those installed prior to that date.)
- (14) *Privy* means an enclosed nonportable toilet into which non-water-carried human wastes are deposited.
- (15) *Privy, Pit*, means a Privy with a subsurface storage chamber that is not watertight. The storage chamber of a Pit Privy shall be sited and located in soil recognized to provide treatment and dispersal in accordance with Wis. Admin. Code § SPS 383.44(b).
- (16) *Privy Vault* means a Privy with a subsurface storage chamber that is watertight. A Privy Vault shall conform with the requirements of Wis. Admin. Code § SPS 383.44(b) and shall have a minimum storage capacity of 200 gallons or one cubic yard.
- (17) *Sanitary Permit* means a County Sanitary Permit, a State Sanitary Permit, or both.
- (18) *Septic Tank* means an anaerobic treatment tank.
- (19) *State Sanitary Permit* means a permit issued by the County for the installation or modification of a Private On-Site Wastewater Treatment System, pursuant to Wis. Stats. § 145.135,

(20) *Structure* means any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility. Examples of Structures would include, but not be limited to, concrete, flagstone and block patios; concrete slabs, retaining walls, etc.

(21) *Wisconsin Department of Safety and Professional Services (SPS)* means the State agency charged with promulgating the Wisconsin Plumbing Code.

(Ord. No. 1-2011, § 7.0, 4-19-2011)

Sec. 10-2-7. Compliance.

(a) All Structures or premises in the County that are permanently or intermittently intended for Human Habitation or Occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this article.

(b) The Private On-Site Wastewater Treatment System or Non-Plumbing Sanitation System for newly constructed Structures or Structures requiring a connection/reconnection permit shall be installed, inspected, and approved before the Structure may be occupied.

(c) A Private On-Site Wastewater Treatment System, and any of its components, shall only be installed by a person properly licensed by the Wisconsin Department of Safety and Professional Services.

(d) A Non-Plumbing Sanitation System requiring non-owner installation shall be installed by a person properly licensed by the Wisconsin Department of Safety and Professional Services.

(Ord. No. 1-2011, § 8.0, 4-19-2011)

Sec. 10-2-8. Applicability.

The requirements of this article shall apply to all geographic areas of the County, except lands owned by the federal government, lands held in trust by the federal government or lands owned by Lac Courte Oreilles tribal members within the boundaries of the Lac Courte Oreilles Reservation.

(Ord. No. 1-2011, § 9.0, 4-19-2011)

Sec. 10-2-9. Limitations.

(a) All domestic wastewater shall enter a Private On-Site Wastewater Treatment System unless otherwise exempted by the State or this article.

(b) A Non-Plumbing Sanitation System may be permitted only when the Structure or premises served by the Non-Plumbing Sanitation System is not provided with indoor plumbing. If plumbing is installed in the Structure or water under pressure is supplied to the Structure, an acceptable method of sewage disposal other than, or in addition to, a Non-Plumbing Sanitation System must be provided.

(c) Any Private On-Site Wastewater Treatment System, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of Wis. Admin. Code Ch. NR 116.

(d) When a Failing Private On-Site Wastewater Treatment System is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by County order.

(Ord. No. 1-2011, § 10.0, 4-19-2011)

Sec. 10-2-10. Abandonment of Private On-Site Wastewater Treatment Systems.

(a) When public sewers approved by the Department of Natural Resources become available to the Structure or premises served, the Private On-Site Wastewater Treatment System shall be disconnected and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service entity.

(b) Abandonment of the disconnected Private On-Site Wastewater Treatment System shall be done in accordance with the provisions of Wis. Admin. Code Ch. SPS 383.

(c) The components of an existing Private On-Site Wastewater Treatment System that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement

system by the Plumber installing the system. The abandonment shall comply with Wis. Admin. Code Ch. SPS 383. (Ord. No. 1-2011, § 11.0, 4-19-2011)

Secs. 10-2-11—10-2-27. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 10-2-28. Administration.

The Zoning Administrator shall be responsible for the administration of this article. The Zoning Administrator may delegate their responsibilities to personnel employed by the Zoning Department and, in the case of issuing abatement orders, to the County Health Department.

(Ord. No. 1-2011, § 31.0, 4-19-2011)

Sec. 10-2-29. Powers and duties.

In the administration of this article, the Zoning Administrator shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this article and related Wisconsin Statutes and the Wisconsin Administrative Code.
- (2) Advise applicants concerning the provisions of this article and assist them in preparing permit applications.
- (3) Review and approve plans for Private On-Site Wastewater Treatment Systems that will not serve more than two one- or two-family dwellings and their accessory Buildings utilizing technologies or methods either recognized under Wis. Admin. Code § SPS 384.10(2) or (3) or recognized under Wis. Admin. Code § SPS 383.60(1) and using gravity distribution of the effluent to an in-ground distribution cell; and Private On-Site Wastewater Treatment Systems that collect and hold all domestic wastewater of facilities served and utilized holding components designed based on 3,000 gpd estimated flow either recognized under Wis. Admin. Code § SPS 384.10(2) or (3) or recognized under Wis. Admin. Code § SPS 383.60(1) or as approved through agent status by the State.
- (4) Issue Sanitary Permits and inspect properties for compliance with this article and related Wisconsin Statutes and the Wisconsin Administrative Code.
- (5) Keep records of all Sanitary Permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this article to the Corporation Counsel.
- (7) Have access to any premises for the purpose of performing official duties between 8:00 a.m. and 8:00 p.m. or at other times set by mutual agreement between the property owner or their agent and the Zoning Administrator or upon issuance of a special inspection warrant in accordance with Wis. Stats. § 66.0119. Application for a Sanitary Permit is considered for the purposes of this article as the owner's consent to enter the premises.
- (8) Upon reasonable cause or question as to proper compliance, revoke or suspend any Sanitary Permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a Building which is in violation of the provisions of this article, until compliance with this article or applicable Wisconsin Statutes and the Wisconsin Administrative Code is obtained.
- (9) Issue and enforce orders to Plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this article or delegate this authority to the County Health Department.
- (10) Apply for and distribute grants obtained through the "Private On-Site Wastewater Treatment System Replacement or Rehabilitation Financial Assistance Program," otherwise known as the Wisconsin Fund.
- (11) Perform other duties regarding Private On-Site Wastewater Treatment Systems as considered appropriate by the County or the State.

(Ord. No. 1-2011, § 32.0, 4-19-2011)

Sec. 10-2-30. Appeals.

Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this article may appeal to the Zoning Committee. Any appeal shall be made on forms furnished by the County within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

(Ord. No. 1-2011, § 33.0, 4-19-2011)

Sec. 10-2-31. Enforcement and penalties.

(a) Any person who fails to comply with the provisions of this article, or any order of the County issued in accordance with this article, or resists enforcement, shall be subject to a citation or other enforcement action.

(b) Any construction that is in violation of this article shall cease upon written orders from the County or the placement of a notification of violation at the site.

(c) All construction shall remain stopped until the order is released by the County.

(d) Violations of this article shall be prosecuted by the Corporation Counsel.

(e) Any person, firm or corporation who violates or refuses to comply with any of the provisions of this article shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 per offense, together with the taxable cost of action.

(f) Each day which the violation exists shall constitute a separate offense.

(Ord. No. 1-2011, § 34.0, 4-19-2011)

Secs. 10-2-32—10-2-49. Reserved.

DIVISION 3. PERMITS AND APPLICATIONS

Sec. 10-2-50. Soil evaluation.

(a) Soil evaluations shall be done prior to the issuance of permits as specified in Wis. Stats. Chs. 383, 385 and 391.

(b) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits.

(c) County verification of a soil and site evaluation report may be necessary to determine the suitability of a lot for a Private On-Site Wastewater Treatment System. This verification will be made at the discretion of the Zoning Administrator and will be made prior to the issuance of the Sanitary Permit. This verification will result in one of the following:

(1) Issuance of the permit, provided all information on the application is correct and complete.

(2) Establishment of a file indicating site suitability.

(3) Holding the application pending clarification of information or new information by the owner, the Plumber, or the certified soil tester.

(4) Denial of the permit if the site does not meet all the provisions of this article and appropriate Wisconsin Statutes and Wisconsin Administrative Codes.

(d) A certified soil tester may request County verification of a soil and site evaluation report before a complete Sanitary Permit application is submitted. Application for this verification shall include all information required in Section 10-2-52(a)(1) through (5), the original copy of the soil and site evaluation report and as many copies as are required by the County.

(Ord. No. 1-2011, § 12.0, 4-19-2011)

Sec. 10-2-51. Sanitary Permits.

(a) Every Private On-Site Wastewater Treatment System shall require a separate application and Sanitary Permit.

(b) A Sanitary Permit shall be obtained by the property owner and/or their agent or contractor, in the name

of the property owner, prior to the installation, establishment or construction of any Structure that requires a Private On-Site Wastewater Treatment System or Non-Plumbing Sanitation System.

(c) Any property owner and/or their agent or contractor who starts construction prior to obtaining a Sanitary Permit is in violation and may be subject to citation or other enforcement action.

(d) A Sanitary Permit shall be obtained by the property owner and their agent or contractor, in the name of the property owner, before any Private On-Site Wastewater Treatment System or part thereof may be installed, replaced, reconnected, modified or a new connection made.

(e) A Sanitary Permit is not required for the use of Portable Restroom units in support of special entertainment, recreational, athletic or similar events not exceeding three days.

(f) If any part of a Private On-Site Wastewater Treatment System has failed or requires replacement or modification, the entire system shall be evaluated for compliance with codes existing and in effect at the time of installation. This shall include a copy of a soil and site evaluation report, as deemed valid by the County, for those components that utilize in situ soil for treatment or dispersal.

(g) If any part of the system is found to be defective or not in conformance with the applicable provisions of this article, the Sanitary Permit application shall include specifications for the repair, renovation, replacement, removal or proper abandonment of that part.

(Ord. No. 1-2011, § 13.0, 4-19-2011)

Sec. 10-2-52. Application requirements.

(a) A Sanitary Permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the County along with all applicable fees:

- (1) Names and addresses of the applicant (owner of the site) and the Plumber responsible for installation. (when applicable).
- (2) Legal description of the subject site and the 12-digit legacy parcel identification number.
- (3) All lot dimensions.
- (4) Driving directions to the site, or provide the fire number.
- (5) Building use (single-family, duplex, etc.).
- (6) Soil and site evaluation report.
- (7) System plans (see Section 10-2-53).
- (8) Appropriate agreements and/or contracts for system management and maintenance.
- (9) Verification that any existing Private On-Site Wastewater Treatment Systems serving the same Structure, which will remain in service, are not Failing Private On-Site Wastewater Treatment Systems.
- (10) Copies of any documents required in Section 10-2-52(d) and verification that they have been recorded.
- (11) Any other information required by the County, including verification of compliance with Section 10-2-29(11).

(b) When any official State action is required prior to the issuance of a Sanitary Permit, an approved copy of the official action shall accompany the application.

(c) Pit Privy permit applications shall be accompanied by soil data provided by a certified soil tester to determine compliance with Wis. Admin. Code Ch. SPS 391.

(d) The following documents must be recorded with the County Register of Deeds prior to Sanitary Permit issuance:

- (1) Maintenance agreements or other documents requiring maintenance specific information, if recording is required by Wis. Admin. Code Ch. SPS 383 or Section 10-2-104.
- (2) If a Private On-Site Wastewater Treatment System, or parts thereof, are located on a different parcel than the Structure served, an appropriate easement or combined parcel affidavit must be recorded.

- (3) If a Private On-Site Wastewater Treatment System serves more than one Structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance of the system must be recorded.
- (4) If a Private On-Site Wastewater Treatment System is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the Structures to be served by the system and the party responsible for operation and maintenance of the system must be recorded.
- (5) If the design wastewater flow of a Private On-Site Wastewater Treatment System for a dwelling is not based upon the number of bedrooms within the dwelling, information documenting that design condition shall be recorded as a covenant running with the deed for the property.
- (e) The County reserves the right to require floodplain determination and/or wetland delineation for a proposed Private On-Site Wastewater Treatment System area prior to Sanitary Permit issuance. The County may require elevations on plans to be tied to floodplain elevation datum.
- (f) The County reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

(Ord. No. 1-2011, § 14.0, 4-19-2011)

Sec. 10-2-53. Plans.

System plans shall be submitted for approval to the County or to the State in accordance with Wis. Admin. Code Ch. SPS 383. Plans shall comply with the requirements of Wis. Admin. Code Ch. SPS 383 and this article.

- (1) Plans submitted to the County shall include the original and as many copies as required by the County.
- (2) If plans are reviewed and approved by the State, at least one set of the plans submitted to the County shall bear an original State approval stamp or seal.
- (3) Plans submitted shall be clear, legible and permanent copies.
- (4) Plans submitted shall comply with Wis. Admin. Code Ch. SPS 383 and include the following:
 - a. The name of the property owner and the legal description of the site.
 - b. Estimated daily wastewater flow and design wastewater flow.
 - c. A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8 1/2 inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed Private On-Site Wastewater Treatment Systems; Private On-Site Wastewater Treatment System components; Building sewers; private interceptor main sewers; wells; water mains or water services; Buildings; lot lines; swimming pools; elevations of navigable waters; percent slope; contour lines and the benchmark established on the soil and site evaluation report. Adjoining properties shall be checked to ensure that the horizontal setback parameters in Wis. Admin. Code Ch. SPS 383.43 are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - d. Details and configuration layouts depicting how the system is to be constructed.
 - e. Tank(s) manufacturer, model number, gallons/inch and maximum bury depth.
 - f. A description of a contingency plan in the event the proposed Private On-Site Wastewater Treatment System fails and cannot be repaired or an alternate area may be provided.
 - g. A management plan as required in Wis. Admin. Code § SPS 383.54.
 - h. Sufficient supporting information to determine whether the proposed design, installation and management of the proposed Private On-Site Wastewater Treatment System or modification to an existing system comply with this article.
- (5) Plans shall be signed or sealed as specified in Wis. Admin. Code Ch. SPS 383.
- (6) A copy of the approved plans shall be maintained at the construction site until the Private On-Site Wastewater Treatment System installation is completed, inspected and accepted. The plans shall be made

available to the County or the State upon request.

- (7) A modification to the design of a Private On-Site Wastewater Treatment System that has been previously approved shall be submitted to the County or the State as specified in Wis. Admin. Code Ch. SPS 383. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans.

(Ord. No. 1-2011, § 15.0, 4-19-2011)

Sec. 10-2-54. Permit cards.

- (a) The permit card issued by the County to the property owner or their agent shall serve as the Sanitary Permit.
- (b) The permit card shall be displayed at the site in such a manner that it will be visible from the road abutting the lot during all construction phases.
- (c) The permit card may not be removed until the Private On-Site Wastewater Treatment System has been installed, inspected, and approved by the County.
- (d) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, their agent or contractor to citation or other enforcement action.

(Ord. No. 1-2011, § 16.0, 4-19-2011)

Sec. 10-2-55. Permit expiration and renewal.

- (a) A Sanitary Permit for a Private On-Site Wastewater Treatment System or Non-Plumbing Sanitation System that has not been installed, modified, connected or reconnected and approved shall expire two years after the date of issuance. Permits may be renewed following written application to the County by the property owner, the owner's agent or contractor, prior to the expiration date of the original permit.
- (b) There shall be a fee for the renewal of a Sanitary Permit; however, a fee shall not be charged if renewed within 12 months from date of issuance.
- (c) The renewal shall be based on Wisconsin Administrative Code, Wisconsin Statute and County ordinance requirements in force at the time of renewal.
- (d) A new permit card shall be issued when the permit is renewed.
- (e) Changed Wisconsin Administrative Code, Wisconsin Statute or County ordinance requirements may impede the renewal.
- (f) All Sanitary Permits issued prior to the effective date of the ordinance from which this article is derived shall expire two years from the date of issuance unless renewed or void.
- (g) A new Sanitary Permit shall be obtained by the owner or their agent prior to beginning or continuing construction if a Sanitary Permit has expired.

(Ord. No. 1-2011, § 17.0, 4-19-2011)

Sec. 10-2-56. Transfer of ownership.

Transfer of ownership of a property for which a valid Sanitary Permit exists shall be subject to the following:

- (1) The applicable State Sanitary Permit application form is submitted to the County.
- (2) Transfer of ownership shall not affect the expiration date unless a renewal is also requested.
- (3) There shall be a filing fee for the transfer of ownership of a Sanitary Permit.

(Ord. No. 1-2011, § 18.0, 4-19-2011)

Sec. 10-2-57. Change of Plumbers.

- (a) When an owner wishes to change Plumbers, it will be necessary to furnish the County with the applicable State Sanitary Permit application form signed by the new Plumber.
- (b) The transfer of Sanitary Permits shall take place prior to the installation of the Private On-Site

Wastewater Treatment System.

(c) Sanitary Permits for systems requiring State plan approval shall not be transferred to a different Plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level plan approval is obtained by the new Plumber.

(d) There shall be a filing fee for the change of Plumber of a Sanitary Permit.

(Ord. No. 1-2011, § 19.0, 4-19-2011)

Sec. 10-2-58. Connection and/or reconnection.

(a) A County sanitary connection/reconnection permit shall be obtained prior to:

- (1) Construction of a Structure, or an additional Structure, to be connected to an existing Private On-Site Wastewater Treatment System;
- (2) Disconnection of a Structure from an existing Private On-Site Wastewater Treatment System and connection of another Structure to the system, except as permitted in Subsection(d) of this section; or
- (3) Rebuilding a Structure that is connected to a Private On-Site Wastewater Treatment System.

(b) Prior to issuing a County sanitary connection/reconnection permit, the existing Private On-Site Wastewater Treatment System shall be examined to:

- (1) Determine if it is functioning properly and whether it is a failing system.
- (2) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the Building to be served.
- (3) Determine that all minimum setback requirements of Wis. Admin. Code Ch. SPS 383 will be maintained.

(c) (1) Application for a County sanitary connection/reconnection permit shall include the following:

- a. All items in Section 10-2-52(a)(1) through (5) and (9) through (11);
 - b. For all systems that utilize in situ soil for treatment or disposal, a soil and site evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and bedrock complies with Wis. Admin. Code Ch. SPS 383, unless a valid report meeting these criteria is on file with the County;
 - c. A report provided by a licensed Plumber, certified septage servicing operator, a Private On-Site Wastewater Treatment System inspector or other person(s) authorized to do so by Wis. Admin. Code Ch. SPS 383 relative to the condition, capacities, baffles and manhole covers for any existing treatment or Holding Tanks;
 - d. A report provided by a licensed Plumber or Private On-Site Wastewater Treatment System inspector or other person(s) authorized to do so by Wis. Admin. Code Ch. SPS 383 relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - e. A plot plan prepared by a Plumber or other person(s) authorized to do so by Wis. Admin. Code Ch. SPS 383 including information specified in Section 10-2-53(4)c; and
 - f. Complete plans, as specified in Section 10-2-53.
- (2) Reconnection to existing Holding Tanks may require a new servicing contract and an updated Holding Tank agreement which meets the requirements of this article.
 - (3) Reconnection to an existing system other than a Holding Tank may require a new maintenance agreement or contract.
 - (4) There shall be a filing fee for a Sanitary Permit for the connection/reconnection of a Private On-Site Wastewater Treatment System.
 - (d) Replacing a Structure with a new or different Structure within two years of the date of permit issuance

will only require a statement that the system has not been altered, a statement that a Modification in Wastewater Flow or Contaminant Load will not occur and a plot plan that documents all setbacks between the Structure and system components.

(e) When connection/reconnection is to a system that has a design flow that is not derived from either the number of bedrooms within the dwelling, or Public Facility Wastewater Flows Tables found in Wis. Admin. Code Ch. SPS 383, information documenting the design condition shall be recorded as a covenant running with the deed for the property.

(f) Systems may be inspected at the time of connection/reconnection, prior to backfilling, at the discretion of the County to ensure that proper materials and methods are being used.

(Ord. No. 1-2011, § 20.0, 4-19-2011)

Sec. 10-2-59. Permit denial.

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this article have not been complied with when applying for a Sanitary Permit, the permit shall be denied. Reasons for the denial shall be forwarded to the Plumber, landowner and, when appropriate, State representative(s) and Corporation Counsel. Said applicant has the right to appeal (see Section 10-2-30).

(Ord. No. 1-2011, § 21.0, 4-19-2011)

Sec. 10-2-60. Construction affecting wastewater flow or contaminant load.

(a) Prior to commencing the construction of an addition to or modification of a Structure which will affect the wastewater flow and/or contaminant load to an existing Private On-Site Wastewater Treatment System, the owner(s) of the property shall:

- (1) Possess a Sanitary Permit to construct a new Private On-Site Wastewater Treatment System or modify an existing Private On-Site Wastewater Treatment System to accommodate the Modification in Wastewater Flow or Contaminant Load; or
- (2) Provide the following to the County:
 - a. Documentation that a Private On-Site Wastewater Treatment System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the Structure, as specified in Wis. Admin. Code Ch. SPS 383;
 - b. Documentation showing that the location of the proposed Structure conforms to the applicable setback distances to all of the existing Private On-Site Wastewater Treatment System components; and
 - c. Documentation specified in Section 10-2-58(c)(2) through (4).

(b) Where the performance capability of the existing Private On-Site Wastewater Treatment System serving a Structure is not based on either the number of bedrooms serving a dwelling, or Public Facility Wastewater Flows Tables found in Wis. Admin. Code Ch. SPS 383, information documenting that design condition shall be recorded as a covenant running with the deed for the property.

(c) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the Structure may be occupied.

(Ord. No. 1-2011, § 22.0, 4-19-2011)

Sec. 10-2-61. Construction not affecting wastewater flow or contaminant load.

Prior to commencing construction of any Structure or addition to a Structure on a site where there exists a Private On-Site Wastewater Treatment System the owner or their agent shall determine that the proposed Structure conforms to applicable setback limitations of Wis. Admin. Code Ch. SPS 383. Documentation shall be submitted as required in Wis. Admin. Code Ch. SPS 383.

(Ord. No. 1-2011, § 23.0, 4-19-2011)

Sec. 10-2-62. Permit fees.

Permit fees shall be set and amended from time to time by the County Zoning and Conservation Committee.
(Ord. No. 1-2011, § 24.0, 4-19-2011)

Secs. 10-2-63—10-2-80. Reserved.

DIVISION 4. INSPECTIONS

Sec. 10-2-81. Inspections.

- (a) Inspections shall be conducted only after the required Sanitary Permit(s) have been issued by the County.
 - (b) Twenty-four hours' notice for final inspection shall be given to the County for all Private On-Site Wastewater Treatment Systems installed, modified, connected or reconnected.
 - (c) These Private On-Site Wastewater Treatment Systems shall be inspected by the County for compliance with Wis. Admin. Code Chs. SPS 382, 383 and 384, other appropriate Wisconsin Statutes and Administrative Codes and this article.
 - (d) Notification for final inspection shall be given in accordance with the requirements of Wis. Admin. Code Ch. SPS 383.
 - (e) When the Private On-Site Wastewater Treatment System or Non-Plumbing Sanitation System requires a licensed installer, the Master Plumber responsible for system installation, or a journeyman Plumber familiar with the system's installation, shall be present during the performance of the inspection.
 - (f) When a Private On-Site Wastewater Treatment System is ready for inspection, the Plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The Plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
 - (g) Private On-Site Wastewater Treatment Systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County.
- (Ord. No. 1-2011, § 25.0, 4-19-2011)

Sec. 10-2-82. Reinspection.

- (a) A Reinspection fee may be assessed when a reinspection of a Private On-Site Wastewater Treatment System is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Wisconsin Administrative Codes, the approved plans or this article. Each additional reinspection required at the site may require a fee.
 - (b) The Reinspection fee shall be due within ten working days of written notification by the County. Failure to pay this fee within that period shall constitute a violation of this article.
- (Ord. No. 1-2011, § 26.0, 4-19-2011)

Sec. 10-2-83. Testing.

- (a) If testing of new systems or new system components is required by Wis. Admin. Code Ch. SPS 382, 383 or 384, or as a condition of plan approval, notice shall be given to the County as specified in Section 10-2-81(d), so that the County may make an inspection during the test.
 - (b) The County shall verify that required testing has been completed, by:
 - (1) Performing an inspection during the test;
 - (2) Requiring written verification from the responsible person; or
 - (3) Both (b)(1) and (2).
- (Ord. No. 1-2011, § 27.0, 4-19-2011)

Secs. 10-2-84—10-2-101. Reserved.

DIVISION 5. SYSTEM MAINTENANCE AND MANAGEMENT

Sec. 10-2-102. Maintenance and management.

(a) All Private On-Site Wastewater Treatment Systems shall be managed and maintained in accordance with Wis. Admin. Code Chs. SPS 383 and 384 and this article.

(b) The property owner, or owner's agent, shall report to the County each inspection, maintenance or servicing event, in accordance with Wis. Admin. Code Ch. SPS 383 and this article.

(c) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the County prior to Sanitary Permit issuance.

(d) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the County whenever there is a change to such document(s).

(e) The property owner shall submit a new maintenance agreement and/or servicing contract to the County prior to expiration of any existing maintenance agreement and/or servicing contract.

(Ord. No. 1-2011, § 28.0, 4-19-2011)

Sec. 10-2-103. Maintenance program.

(a) All new and existing Private On-Site Wastewater Treatment Systems shall be visually inspected and/or pumped within three years of the date of installation and at least once every three years thereafter. Pumping is not required if upon inspection the tank is found to have less than one-third of the volume occupied by sludge and scum.

(b) Visual inspection of a Private On-Site Wastewater Treatment System shall be conducted by persons specified in Wis. Admin. Code SPS § 383.54, to determine the condition of the tank and whether wastewater or effluent from the Private On-Site Wastewater Treatment System is ponding on the ground surface.

(c) Pumping of a tank shall be done by a certified septage servicing operator in accordance with Wis. Stats. Ch. NR 114.

(d) The applicant for a Sanitary Permit shall be provided written notice of the maintenance program at the time the Sanitary Permit is issued.

(e) The maintenance and servicing of all Private On-Site Wastewater Treatment Systems shall occur as required by Wis. Admin. Code § SPS 383.54.

(f) The service provider shall record the inspection, evaluation, maintenance and/or servicing report within 30 calendar days from the date of service to a maintenance recording system in a manner prescribed by the County and as required by Wis. Admin. Code § SPS 383.55.

(Ord. No. 1-2011, § 29.0, 4-19-2011)

Sec. 10-2-104. Private On-Site Wastewater Treatment System maintenance documentation.

(a) Pursuant to Wis. Admin. Code § SPS 383.21(2)(c)5, owners of Private On-Site Wastewater Treatment Systems requiring service, maintenance, monitoring or evaluation at an interval of 12 months or less shall record documentation of such with a deed to the property.

(b) Pursuant to Wis. Stats. § 145.20(4), the County may assess the owner of a Private On-Site Wastewater Treatment System for costs related to the pumping of a Septic Tank or Holding Tank.

(Ord. No. 1-2011, § 30.0, 4-19-2011)

ARTICLE III. WASTE STORAGE

Sec. 10-3-1. Authority and purpose.

The general purpose of this article is to protect and promote the health, safety, prosperity, aesthetic conditions and general welfare of the people, natural resources and communities within the County, under authority granted by the Wisconsin Statutes.

(Res. No. 2020-25, § 1(exh. A, § 1-1(1)), 6-18-2020)

Sec. 10-3-2. Title.

This article shall be known as, referred to, and may be cited as the "Sawyer County Waste Storage Ordinance" and is hereinafter referred to as "this article."

(Res. No. 2020-25, § 1(exh. A, § 1-1(2)), 6-18-2020)

Sec. 10-3-3. Findings and declaration of policy.

(a) The County Board of Supervisors recognizes the importance of our quality Groundwater and surface water resources, the need to maintain these resources for our future generations, and the need to protect the overall health, welfare and safety of the County's residents, visitors, and natural resources.

(b) The County Board of Supervisors also recognizes that the proper management of animal waste contributes to the protection of Groundwater and surface water, and its natural resources and to protect public health, welfare and safety.

(c) The County Board of Supervisors recognizes the necessity of complying with state law and regulations when regulating waste storage, and therefore recognizes the necessity of incorporating State standards into this article. In addition to complying with State law, consistency in regulation will assist the public to ensure the applicable regulations are met.

(Res. No. 2020-25, § 1(exh. A, § 1-1(3)), 6-18-2020)

Sec. 10-3-4. Purpose.

The purpose of this article is to regulate the location, design, construction, installation, alteration, operation, and maintenance of all new and Substantially Altered Manure Storage Facilities. This article also regulates the closure of Manure Storage Facilities and assures safe handling and spreading of Manure in order to prevent Water Pollution. It is further intended to provide for the administration and enforcement of this article and to provide penalties for its violation.

(Res. No. 2020-25, § 1(exh. A, § 1-1(4)), 6-18-2020)

Sec. 10-3-5. Applicability.

The Permit and other requirements in this article apply to all of the unincorporated areas of the County.

(Res. No. 2020-25, § 1(exh. A, § 1-1(5)), 6-18-2020)

Sec. 10-3-6. Interpretation.

In its interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the County, and shall not be deemed a limitation of any other power granted to the County by State law or other applicable law, code or regulation.

(Res. No. 2020-25, § 1(exh. A, § 1-1(6)), 6-18-2020)

Sec. 10-3-7. Abrogation, greater restrictions.

This article is not intended to repeal, annul, abrogate, impair or interfere with any existing covenants, deed restrictions, agreements, ordinances (other than existing County waste storage ordinances), rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this article imposes greater restrictions, the provisions of this article shall govern.

(Res. No. 2020-25, § 1(exh. A, § 1-1(7)), 6-18-2020)

Sec. 10-3-8. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Abandoned Manure Storage Facility* means where the Facility is located ceases operations, or Manure has not been added or removed from the Facility for a period of 24 months.

- (2) *Animal Unit* means a unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained, or stabled in an animal feeding operation. For the purpose of this article, one Animal Unit is equivalent to 1,000 pounds of livestock live weight.
- (3) *Applicant* means any Person who applies for a Permit under this article.
- (4) *As-Built Plans* is the documentation showing actual construction of any Facility subject to this article.
- (5) *Bedrock* means the solid or consolidated rock formation typically underlying loose surficial material such as soil, alluvium or glacial drift. The term "Bedrock" includes, but is not limited to, limestone, dolomite, sandstone, shale and igneous and metamorphic rock.
- (6) *DATCP* means the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- (7) *DNR* means the Wisconsin Department of Natural Resources.
- (8) *Groundwater* means any of the waters of the State, occurring in a saturated subsurface geological formation of rock or soil.
- (9) *Land Water Forest Resource Committee (LWFRC)*, acting as the Land Conservation Committee (LCC), is a committee made up of members of the County Board of Supervisors and others who, by authority from Wis. Stats. §§ 59.70(20) and 92.07, determine policy and give direction for soil and water conservation activities, and provides direction to the County Zoning and Conservation Department.
- (10) *Manure* means livestock excreta and the following when intermingled with excreta in normal farming operations: debris, including bedding, water, soil, hair, and feathers; processing derivatives, including separated sand, separated Manure solids, precipitated Manure sludges, supernatants, digested liquids, composted bio solids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.
- (11) *Manure Storage Facility or Facility* means one or more impoundments made by constructing an embankment, excavating a pit or dugout, or fabricating a structure specifically for the purpose of temporarily storing Manure and related wastes. A Manure Storage Facility includes stationary equipment and piping used to load or unload a Manure storage structure if the equipment is specifically designed for that purpose and is an integral part of the Facility, and specifically includes components to transfer waste from milking centers, runoff from barnyards, and leachate and contaminated runoff to feed storage.
- (12) *Margin of Safety Level* means the maximum operating level of a Manure Storage Facility. This includes one foot of free board plus the increase in elevation necessary to store the volume of runoff and precipitation that enters the Facility from a 25-year, 24-hour storm event.
- (13) *Natural Resources Conservation Service (NRCS)* means an agency of the United States Department of Agriculture which, for purposes of this article, develops and maintains a technical guide with conservation practice standards and specifications, engineering manuals and handbooks, and other technical documentation related to Manure Storage Facilities, Nutrient Management Plans, and other technical matters covered by this article.
- (14) *NRCS Technical Guide* means the most current stated version of the NRCS field office technical guide, as may be amended, provided by the USDA Natural Resources Conservation Service (NRCS), which contains technical data, including the standards referenced within this article to properly and safely locate, construct, install, alter, design, operate, maintain and close a Manure Storage Facility and/or the associated Manure Transfer System. Copies of the NRCS Technical Guide are on file with DATCP and the Wisconsin Legislative Reference Bureau. Copies of individual standards contained in the NRCS Technical Guide may be obtained from the County Zoning and Conservation Department or from an NRCS field office.
- (15) *Nutrient Management Plan* means an annual written plan that complies with Wis. Admin. Code Ch. ATCP 50.04(3), as may be amended, and details the amount, form, placement, and timing of the application of plant nutrients, including animal Manure. The plan must also meet NRCS Technical Standard 590.

- (16) *Ordinary High-Water Mark (OHWM)* means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
- (17) *Permit* means the signed, written statement issued under this article authorizing the Applicant to construct, install, reconstruct, extend, enlarge, Substantially Alter or close a Manure Storage Facility, and to use or dispose of waste from the Facility, pursuant to the terms of this article and as set forth in the Permit.
- (18) *Permittee* means any Person to whom a Permit is issued under this article.
- (19) *Permitting Authority* means the entity within the County government legally responsible for administering and enforcing this article. The LCC shall have full authority for carrying out the duties under ordinance, including the decision-making authority, unless the authority is delegated to the County Zoning and Conservation Department and its employees under Wis. Stats. § 92.09 or as otherwise set forth in this article.
- (20) *Person* means any individual, corporation, partnership, joint venture, other business organization, agency, unincorporated association, municipal corporation, County or State agency within the State, the federal government, or any combination thereof.
- (22) *Safety Devices* means devices, which are designed to protect humans and livestock from the hazards associated with a Manure Storage Facility.
- (23) *Stop Work Order* means an order to cease any activity in the operation of, or construction of, an activity subject to regulation.
- (24) *Substantially Alter* means a change initiated by an owner, operator, or Permittee that results in a relocation of a structure or Facility or significant changes to the size, depth, or configuration of a structure or Facility, including:
 - a. Replacement of a liner and liner reconstruction in a Manure Storage Facility or structure.
 - b. An increase in the volumetric capacity or area of a Manure Storage Facility or structure.
 - c. A change in a Manure Storage Facility or structure related to a change in livestock management from one species of livestock to another, such as cattle to poultry, or changes in Manure consistency such as what would occur in using a separator.
- (25) *Technical Standard* is any practice standard within the NRCS Technical Guide.
- (26) *Technical Standard 313* is a practice standard within the NRCS Technical Guide that covers the proper location, design, construction, installation, alteration, operation and maintenance of a Manure Storage Facility.
- (27) *Technical Standard 360* is a practice standard within the NRCS Technical Guide that covers decommissioning of Facilities, and/or the rehabilitation of contaminated soil, in an environmentally safe manner, where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.
- (28) *Technical Standard 590* is a practice standard within the NRCS Technical Guide that covers managing the amount, form, placement and timing of plant nutrients associated with organic wastes (Manure, other waste, and organic byproducts), commercial fertilizers, legume crops and crop residues.
- (29) *Technical Standard 634* is a practice standard within the NRCS Technical Guide that covers the design, material types and quality, and installation of components such as conduits, pumps, valves, and other structures or devices to transfer Manure and waste from buildings and yards and other sources to storage, loading areas, crop fields and other destinations. The standard establishes the minimum acceptable requirements for design, construction, and operation of Waste Transfer System components.
- (30) *Unpermitted Manure Storage Facility* means a Manure Storage Facility constructed, modified, or placed in use without first obtaining Permit, including facilities constructed before June 18, 2020, and may

include an earthen structure or impoundment made with a concrete liner which fully or partially covers the bottom and/or the sidewalls of the impoundment.

- (31) *Waste Transfer System* or *Manure Transfer System* means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey Manure, other waste, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure, loading area, or treatment area.
- (32) *Water Pollution* means contaminating or rendering unclean or impure the Groundwater or surface water of the State, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.
- (33) *Zoning and Conservation Department* or ZAC means the County Zoning and Conservation Department, the County Zoning and Conservation Department Administrator, and the County Zoning and Conservation Department staff designated for oversight, enforcement and providing technical and administrative support for this article.

(Res. No. 2020-25, § 1(exh. A, § 1-2), 6-18-2020)

Sec. 10-3-9. Activities subject to regulation.

(a) *Permit requirements.* Any Person who constructs, Substantially Alters, changes use of or closes a Manure Storage Facility and related Waste Transfer Systems, or who employs another Person to do the same, shall be subject to the requirements of this article, including, but not limited to, all Permit requirements.

(b) *New construction.* Any new Manure Storage Facility or Substantially Altered Manure Storage Facility shall be designed, constructed and maintained to minimize the risk of structural failure of the Facility and minimize leakage of the Facility. Permit requirements include design, construction and As-Built Plans approved by a professional engineer or engineer practitioner and meeting requirements of NRCS standards and specifications. Permit requirements also include an approved Nutrient Management Plan and an updated checklist submitted annually, with the updated plan available to the County Zoning and Conservation Department upon request, and any other information or materials requested by the LCC or the County Zoning and Conservation Department.

(c) *Safety Devices.* All Manure Storage Facilities shall be equipped with Safety Devices, including fences and warning signs, intended to protect humans and livestock from the hazards associated with such Facilities. Safety Devices shall be designed and installed as required by Technical Standard 313.

(d) *Abandoned Manure Storage Facility.*

- (1) Closure of a Manure Storage Facility shall occur when an operation where the Facility is located ceases operations, or Manure has not been added or removed from the Manure Storage Facility for a period of 24 months. Any Person who owns a Manure Storage Facility that has been determined to have been abandoned must lower the level of the Manure Storage Facility to an elevation of one foot above the floor of the Manure Storage Facility within a period of six months from the date the Manure Storage Facility was determined to be abandoned. The Abandoned Manure Storage Facility shall be subject to Technical Standard 360 "Closure of Waste Impoundments." The Manure shall be uniformly spread on cropland or pasture according to an approved Nutrient Management Plan.
- (2) The owner or operator of the Manure Storage Facility may retain the Facility for a longer period of time by demonstrating to the County Zoning and Conservation Department that all of the following conditions are met:
 - a. The Manure Storage Facility is designed, constructed and maintained in accordance with Subsection (b) of this section.
 - b. Retention of the Manure Storage Facility is warranted based on anticipated future use.
- (3) Manure Storage Facilities that pose an imminent threat to public health, surface water, or Groundwater shall be upgraded, replaced, or abandoned in accordance with this section.
- (4) Levels of materials in Manure Storage Facilities may not exceed the Margin of Safety Level.

(Res. No. 2020-25, § 1(exh. A, § 1-3), 6-18-2020)

Sec. 10-3-10. Standards.

(a) *Manure and waste storage.* All standards and specifications for design, construction, and closure of Manure Storage Facilities or other animal waste storage facilities are those in Technical Standard 313 "Waste Storage Facility," Technical Standard 634 "Manure Transfer," and Technical Standard 360 "Closure of Waste Impoundments" of the NRCS Technical Guide.

(b) *Nutrient management.* The standards for management and utilization of animal waste are those in Technical Standard 590 "Nutrient Management" of the NRCS Technical Guide and shall comply with Wis. Admin. Code Ch. ATCP 50.04(3).

(Res. No. 2020-25, § 1(exh. A, § 1-4), 6-18-2020)

Sec. 10-3-11. Manure storage Permits.

(a) *Permit required.* No Person may undertake any activity subject to this article without obtaining a Permit from the County Zoning and Conservation Department.

(b) *Exception to Permit requirement.* A Permit is not required for emergency repairs, such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages to a Manure Storage Facility, which may be performed without a Permit. If repairs will alter the original design and construction of the Manure Storage Facility, a report shall be made to the County Zoning and Conservation Department within two working days of the emergency for determination on whether a Permit will be required for any additional alteration or repair to the Facility.

(c) *Fee.* All fees under this article are established pursuant to a fee schedule duly adopted by the County Board of Supervisors. Copies of the current fee schedule are kept on file at the County Zoning and Conservation Department. A nonrefundable permit application fee is payable upon submission of a permit application. Permit fees shall double if a Facility is constructed or closed prior to issuance of a permit. Separate fees to be paid by an Applicant may apply for engineering or other professional assistance provided by the County in the enforcement of this article, or obtained to assist the County to design a Manure Storage Facility, or in the process of reviewing an application for Permit or amendment to a Permit under this article.

(d) *Manure Storage Facility construction plan and Nutrient Management Plan required.* Each application for a Manure Storage Facility construction Permit or Waste Storage Facility Closure Permit shall be filed with the County Zoning and Conservation Department. Each application for a Manure Storage Facility construction Permit under this article shall include a waste storage facility plan and a Nutrient Management Plan. Plans for the Manure Storage Facility (including Waste Transfer System) and the management of Manure shall be prepared in accordance with following requirements:

- (1) A narrative of the general criteria required within Technical Standard 313, and of other applicable NRCS Technical Standards, including management and site assessments. The narrative should include, but is not limited to:
 - a. The number and type of animals for which storage is provided, the duration for which storage is to be provided, daily gallons and/or cubic feet of waste and Manure produced, bedding type, and Manure handling practices.
 - b. A description and construction plan of the method of transferring animal waste into and from the Manure Storage Facility.
 - c. Soil test pit or boring logs and their locations with soil descriptions and test results. Soil test pit or boring criteria should follow Technical Standard 313V.A.2.b and characterize the subsurface (soils, saturation, and Bedrock). This includes the elevation of redoximorphic features (mottling), gleyed soil and moisture condition.
- (2) A general location map drawing of the site, which shall include:
 - a. The location of structures in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within 1,000 feet of the proposed Facility or system.

- b. The location of any wells within 250 feet of the Facility.
 - c. The scale of the drawing and the north arrow with the date the general location map was prepared.
 - d. The location of any floodplains.
- (3) Engineering design drawings of the Manure Storage Facility or Waste Transfer System, which shall include:
- a. Specific design components that shall comply with Technical Standard 313, and additional applicable NRCS Technical Standards, such as Technical Standard 634.
 - b. A recoverable benchmark(s), including elevation(s) expressed in feet and tenths.
 - c. The scale of the drawings and the north arrow. The engineering design drawing shall be drawn to a scale no smaller than one inch equals 100 feet.
 - d. The date the engineering design drawings were prepared, name and signature of preparer, and identification of any professional status of the preparer, such as those set forth in Wis. Admin. Code Ch. ATCP 50, Subch. VI - Soil and Water Professionals.
- (4) The structural details, including, but not limited to, dimensions, cross sections, concrete thickness, concrete joint design and placement, design loads, design computations, reinforcement schedules, thickness and placement of Groundwater protection liners, and all material specifications.
- (5) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and Groundwater.
- (6) A construction site erosion control plan.
- (7) Estimated start of construction and construction schedule.
- (8) A safety plan that identifies hazards to animals and people in the production area, and design features to minimize those hazards.
- (9) An operation and maintenance plan for installed practices.
- (10) A Nutrient Management Plan prepared in compliance requirements of this article, including Subsection (f) of this section.
- (11) Other additional information reasonably requested by the LCC or the County Zoning and Conservation Department to protect water quality and the public health, welfare and safety, or to achieve compliance with the requirements of this article.
- (e) *Manure storage closure plan required.* Each application for a closure permit under this article shall include a site-specific design for closure as specified in Technical Standard 360. The plan shall include:
- (1) A general location map drawing of the Manure Storage Facility, which shall include:
 - a. The location of the Manure Storage Facility in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within 1,000 feet of the existing Facility.
 - b. The scale of the drawing and the north arrow.
 - c. The date the general location map was prepared.
 - d. The date the engineering design drawings were prepared, name and signature of preparer, and identification of any professional status of the preparer, such as those set forth in Wis. Admin. Code Ch. ATCP 50, Subch. VI - Soil and Water Professionals.
 - (2) A description of the method and specifications in transferring Manure into and from the Manure Storage Facility to ensure proper closure of Waste Transfer Systems.
 - (3) Provisions to remove or permanently plug the Waste Transfer System serving the Manure Storage Facility.
 - (4) Provisions to remove and properly dispose of all accumulated Manure in the Manure Storage Facility in

compliance with applicable Technical Standards.

- (5) For all waste impoundments, plan requirements and provisions shall be in compliance and consistent with applicable Technical Standards.
- (6) The Manure Storage Facility may be converted to other uses, where as it is demonstrated the conversion will not result in a degradation of Groundwater and/or surface waters or be a threat to public health, safety or general welfare. A detailed description of intended alternative use must be described for all Manure Storage Facility conversions for determination if conversions will be allowed the County Zoning and Conservation Department.
- (7) Provisions to ensure that Manure Storage Facility closures and conversions shall implement safety measures to ensure the protection of the public from hazardous conditions and protect the public health, welfare and safety.
- (8) Other additional information reasonably requested by the County Zoning and Conservation Department to protect water quality and the public health, welfare and safety, or to achieve compliance with the requirements of this article.

(f) *Permit standards.*

- (1) *Manure storage construction.* Permit applications shall provide sufficient documentation to demonstrate that a new or Substantially Altered Manure Storage Facility:

- a. Is designed in accordance with the following Technical Standards:

- 1. Technical Standard 313.
- 2. Technical Standard 634.

- (2) *Manure storage closure.* Permit applications shall provide sufficient documentation to demonstrate that the plan for Manure Storage Facility closure meets Technical Standard 360.
- (3) *Manure and nutrient management.* Nutrient Management Plans shall comply Technical Standard 590, Wis. Admin. Code §§ ATCP 50.04(3) and NR 151.07, as each may be amended.
- (4) *Other standards.* Other technical guides such as AWMFH or EFH may be used to evaluate compliance with the requirements of this article.
- (5) *Incorporation of Technical Standards and specifications.* All Technical Standards and specifications are incorporated by reference and made part of this article. Any future amendment, revision or modification of the Technical Standards or specifications incorporated herein are made a part of this article, unless the LCC specifically affirmatively acts to a different version. Copies of all applicable Technical Standards and specifications may be obtained from the County Zoning and Conservation Department.
- (6) *Certification.* All Permit applications must include a certification provided by a qualified Person that designs and plans meet the Technical Standards and specifications in this article, including, but not limited to, the requirements of this Subsection (f).
- (7) *Variances.* Variances from these standards and specifications can only be granted in accordance with Section 10-3-14.

(g) *Review of application.* The County Zoning and Conservation Department shall receive and review all Permit applications and shall determine if the proposed Manure Storage Facility meets required standards set forth in this article. Within 45 calendar days after receiving the completed application and fee, the County Zoning and Conservation Department shall inform the Applicant in writing whether the Permit application is approved or disapproved. If additional information is required, the County Zoning and Conservation Department shall so notify the Applicant. The County Zoning and Conservation Department has 30 calendar days from the receipt of the additional information in which to approve or disapprove the application. No construction or use of any Facility may commence without the final approval form and Permit issued by the County Zoning and Conservation Department.

- (h) *Permit approval conditions.* All Permits issued under this article shall be issued subject to the following

conditions and requirements:

- (1) Facility and system design, construction, and closure shall be carried out in accordance with the approved plans and applicable standards.
- (2) Permittees must obtain all required permits, approvals and authorizations before commencing construction activities.

Note: DNR and other permits may be needed for construction site erosion control and stormwater management, floodplain and shoreland construction, and livestock facilities with 1,000 or more Animal Units.

- (3) The Permittee shall give five working days' written notice to the County Zoning and Conservation Department before starting any construction activity authorized by the Permit.
- (4) Approval in writing must be obtained from the County Zoning and Conservation Department prior to making any changes or modifications to the approved plans and specifications.
- (5) Following completion of construction and prior to use, an agricultural or civil engineer registered in the State, or DATCP, NRCS or County Zoning and Conservation Department engineering practitioner and the Permittee and, if applicable, the contractor, shall certify in writing on forms provided by the County Zoning and Conservation Department that all Facilities and systems were installed as planned, including As-Built Plan dimensions and changes or modifications as authorized per Subsection (h)(4) of this section made during construction.
- (6) The County Zoning and Conservation Department shall provide on-site inspection and final approval for all construction projects conducted under a Permit issued under this article. To receive final approval, a Manure Storage Facility must be fully constructed as designed, including the marking of the maximum operating level and implementation of all Safety Devices.
- (7) No permitted Manure Storage Facility may receive Manure until the County Zoning and Conservation Department provides its final approval and issues the required Permit. No Manure may be emptied from a permitted Manure Storage Facility until the County Zoning and Conservation Department approves the Nutrient Management Plan submitted by the Applicant.
- (8) Other additional conditions, requirements or restrictions required by the County Zoning and Conservation Department to protect water quality and the public health, welfare and safety, or to achieve compliance with the requirements of this article.
 - (i) *Permit expiration.* All activities authorized by a Permit shall be completed within two years from the date of issuance of the Permit, after which time such Permit shall be void.
 - (j) *Permit revocation.* In addition to any other actions authorized under this article, the County Zoning and Conservation Department may revoke any Permit issued under this article if the Applicant, Permittee, owner or operator of a Facility has misrepresented any material fact in the Permit application, plan or specification, or if the Applicant, Permittee, owner or operator violates any of the conditions of the Permit or this article. The decision of the Zoning and Conservation Department may be appealed to the LCC as set forth in Section 10-3-14.

(Res. No. 2020-25, § 1(exh. A, § 1-5), 6-18-2020)

Sec. 10-3-12. Administration and enforcement.

(a) *Delegation of authority.* The LCC, on behalf of the County Board of Supervisors, hereby designates the County Zoning and Conservation Administrator as the Permitting Authority, and delegates the authority to administer and enforce this article.

(b) *Administrative duties.* In the administration and enforcement of this article, the County Zoning and Conservation Department shall:

- (1) Keep an accurate record of all Permit applications, Manure Storage Facility or other facility plans, Nutrient Management Plans, Permits issued, inspections made, and other official actions.
- (2) Review Permit applications and issue Permits in accordance with the terms of this article.

- (3) Conduct, or cause to be conducted, inspections of Manure Storage Facilities to determine if a Facility construction, closure or operation meet the requirements of this article.
- (4) Conduct, or cause to be conducted, reviews of the Nutrient Management Plans and their implementation.
- (5) Investigate complaints relating to compliance with the requirements of this article and act upon the findings in accordance with provisions of this article.
- (6) Perform other duties as specified in this article.

(c) *Inspection authority.* The County Zoning and Conservation Department, as agent for the LCC, or its representative(s), is authorized to enter upon any lands affected by this article to inspect the land, and request records to determine compliance with this article, including inspection of sites prior to or after the issuance of a Permit and sites with Unpermitted Manure Storage Facilities. If permission cannot be received from the Applicant or Permittee, entry by the County Zoning and Conservation Department, or its representative, may proceed in accordance with Wis. Stats. § 66.0119. Refusal to grant permission to enter lands affected by this article for purposes of inspection shall be grounds for Permit denial or revocation. The County may take any action authorized by this article to enforce this right of inspection.

(d) *Enforcement authority.* In addition to the authority to revoke Permits specified in this article, the County Zoning and Conservation Department is authorized to issue a Stop Work Order(s). The County Zoning and Conservation Department is authorized to post an order stopping work upon land that has had a Permit revoked or on land currently undergoing activity in violation of this article, and such posting shall be deemed sufficient for providing requisite notice to the Permittee, owner and operator. Notice is given by both posting upon the land where the violation occurs one or more copies of the order stating the violation, and by mailing a copy of the order by certified mail to the Person whose activity is in violation of this article. The order shall specify that the activity must cease immediately or be brought into compliance within five calendar days.

(e) *Permit revocation and stop work orders to remain in effect.* Permit revocation or orders stopping work shall remain in effect unless or until a Permit is reinstated or a Stop Work Order is canceled by the LCC, the County Zoning and Conservation Administrator, or by a court of general jurisdiction and the activity is brought into compliance with this article. The County Zoning and Conservation Department is authorized to refer any violation of this article or of any Stop Work Order issued pursuant to this article to the County's Corporation Counsel or District Attorney for commencement of further legal proceedings.

(f) *Abatement order authority.* The County Zoning and Conservation Department may issue an order to abate any violation of this article. In the event an offense is not abated as ordered, the County may take such action as is necessary to abate the offense and the cost of such abatement will become a lien upon the real property upon which the violation occurred and may be collected in the same manner as other taxes.

(g) *Citation authority.* Upon receipt of a verified report and request from the County Zoning and Conservation Department, the County Sheriff or other authorized Person shall issue a citation to a violator pursuant to law for violations of this article.

(h) *Referral authority.* The County Zoning and Conservation Department may refer a violation of this article to the County's Corporation Counsel to pursue legal action, including, but not limited to, the enforcement of any part of this article through injunctions or restraining orders.

(i) *Other lawful remedies.* Nothing in this section may be construed to prevent the County from using any other lawful means to enforce this article.

(Res. No. 2020-25, § 1(exh. A, § 1-6), 6-18-2020)

Sec. 10-3-13. Violations and penalties.

(a) It is unlawful for a Person to violate any provision of this article or any condition contained in a Permit issued pursuant to this article.

(b) It is unlawful for any Person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a County agent, board, commission, committee, department, employee, officer, or official acting in any capacity under this article.

(c) It is unlawful for a Person to disobey, fail, neglect, or refuse to comply with, or otherwise resist an order issued pursuant to this article.

(d) Any Person who fails to comply with the provisions of this article, conditions of a Permit, or any order of the County issued in accordance with this article, or resists enforcement, shall be subject to a citation or other enforcement action listed in Chapter 1, Article II.

(e) Any Person, firm or corporation who violates or refuses to comply with any of the provisions of this article shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 per offense, together with a taxable cost of action.

(f) A separate offense is deemed committed on each day that a violation occurs or continues.

(Res. No. 2020-25, § 1(exh. A, § 1-7), 6-18-2020)

Sec. 10-3-14. Appeals and variances.

(a) *Appeals.*

(1) Any Applicant, Permittee or other individual having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made under this article, may file an appeal pursuant to the terms of this section.

(2) All appeal requests shall be filed within 30 calendar days of the date of the order, requirement, decision, or determination that is the subject of the appeal was made. The LCC shall hear and consider the appeal at their next scheduled meeting, and not more than 45 days from when the appeal was filed. All appeal requests shall be sent via certified mail to the LCC at the address of the County Zoning and Conservation Department.

(3) All appeal requests shall state the grounds upon which the appeal is made, specify written evidence and the reason for the request, including which requirements from this article are involved, and other applicable facts, information or evidence supporting the appeal request.

(4) A written decision of the appeal shall be mailed to the appellant within 30 days of the appeal decision. The decision will affirm, deny, or modify the initial determination.

(5) Nothing in this Subsection (a) is intended to limit the appeal right of any appellant, including, but not limited, to an appeal pursuant to Wis. Stats. Ch. 68.

(b) *Variances.* The LCC may, upon the request of an Applicant, authorize a variance from the requirements of this article when, upon showing by the Applicant, unnecessary hardship would result from literal enforcement of this article.

(1) A variance shall:

a. Be consistent with the spirit and purpose of this article.

b. Be based on unique circumstances and not to the general conditions of the area.

c. Not be granted for a self-created hardship.

d. Not permit an activity or practice that may fail structurally or otherwise and cause significant Water Pollution or other off-site impacts.

e. Not be granted if the variance will result in an outcome that is contrary to the public interest and be damaging to the rights of other Persons.

f. Not be granted solely on the basis of economic gain or loss.

g. Not be granted solely on the fact that certain conditions existed prior to the effective date of the ordinance from which this article is derived.

(2) No variance from the standards in the Technical Guide may be approved unless the County receives a variance or waiver from the Technical Standards through the NRCS or other authorized authority. If public funds are involved, this may be a program requirement at the County's discretion.

- (3) No variance from any State code or standard may be approved unless the County receives a variance or waiver from the State code or standard by DATCP, DNR, or other authorized authority.

(Res. No. 2020-25, § 1(exh. A, § 1-8), 6-18-2020)

ARTICLE IV. WIND ENERGY SYSTEMS

Sec. 10-4-1. Purpose, authorization and interpretation.

The purpose of this article is to oversee the permitting of Wind Energy Systems for the purpose of preserving and protecting public health and safety; preserving and protecting natural resources such as forests, flowages, lakes, rivers, streams and wetlands; to allow for the orderly development of land, protect property values and the quality of life of nearby property owners; and esthetic conditions within the County; without significantly increasing the cost of, or decreasing the efficiency of, Wind Energy Systems. This article is adopted pursuant to the authority granted by Wis. Stats. §§ 59.69, 59.694 and 66.0401. This article does not repeal, abrogate, annul, impair, or interfere with any existing ordinance.

(Ord. of 12-20-2007(2), § 1.0)

Sec. 10-4-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Administrator* means the County Zoning Administrator, Deputy Zoning Administrator or other Zoning Department employee designated by the County Zoning Committee.
- (2) *Committee* means the County Zoning Committee.
- (3) *Flicker* or *Shadow Flicker* means the effect that results when the shadow cast by the rotating blade of a Wind Energy System moves across a fixed point.
- (4) *Nonparticipating Property* means real property on which either there is no large wind system or there is a large wind system that is in a different Wind Farm System than another large wind system.
- (5) *Owner* means the person or entity that owns a wind system.
- (6) *Participating Property* means property on which a large wind system is located and that is in the same Wind Farm System as another large wind system.
- (7) *Total Height* means the vertical distance from ground level to the tip of a wind turbine blade when the tip is at its highest point.
- (8) *Wind Energy System* means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. The types of Wind Energy Systems are:
 - a. *Large Wind Energy System* means a Wind Energy System that has a nameplate capacity of more than 50 kilowatts and one Wind Tower or turbine.
 - b. *Small Wind Energy System* means a Wind Energy System that has a nameplate capacity of 50 kilowatts or less and one Wind Tower and turbine.
 - c. *Personal Wind Energy System* means a Wind Energy System that has a nameplate capacity of 10 kilowatts or less, one Wind Tower and turbine, a maximum height of 35 feet, is not visible from adjacent properties, produces no measurable noise and complies with all other zoning regulations.
 - d. *Wind Farm System* means a Wind Energy System that includes more than one Wind Tower.
- (9) *Wind Tower* means the monopole, freestanding, or guyed structure than supports a wind turbine generator.

(Ord. of 12-20-2007(2), § 2.0)

Sec. 10-4-3. Standards.

(a) *Structure.* A Wind Tower must be of monopole construction to the extent practicable. If monopole construction is not practicable, a Wind Tower must be of freestanding construction to the extent practicable. If monopole or freestanding construction is not practicable, a Wind Tower may be guyed.

(b) *Location.* A Wind Energy System may be located on County property if approval is granted by the Committee and any other committee of the County Board of Supervisors with jurisdiction over that property and the approval of the County Board of Supervisors.

(1) Large Wind Energy Systems and Wind Farm Systems may be located only in areas that are zoned Agricultural One (A-1), Agricultural Two (A-2), Forestry One (F-1) and in the Industrial One (I-1) zone district provided that the parcel has a minimum size of five acres.

(2) Small Wind Energy Systems and Personal Wind Energy Systems may be permitted in all zone districts.

(c) *Setbacks.*

(1) A Wind Energy System shall not be located closer than 1.1 of its Total Height from:

- a. Lot lines;
- b. Public road rights-of-way;
- c. Power or telephone line rights-of-way (buried or above ground);
- d. Pipeline rights-of-way; or
- e. Driveway/access easement.

(2) A Wind Energy System shall not be located closer than 300 feet from:

- a. The ordinary high-water mark of navigable waters; and
- b. Public parks.

(3) Reduced setbacks may be allowed for Subsections (c)(1)a through e and (2)b of this section if written permission is granted by the affected property owner for a specific lesser setback and recorded with the County Register of Deeds.

(4) The Wind Energy System in a Large Wind Energy System and each Wind Energy System in a Wind Farm System shall be set back at least 300 feet from the residence of a Nonparticipating Property unless written permission is granted by the affected property owner for a specific lesser setback and recorded with the County Register of Deeds.

(d) *Spacing and density.* A Wind Energy System must be separated from every other Wind Energy System, to include those on adjacent properties and those owned by others, by a sufficient distance so that it does not interfere with another Wind Energy System.

(e) *Height.* The Total Height of a Wind Energy System shall not exceed 150 feet unless a greater height is approved by the Committee.

(f) *Clearance.* The vertical distance from ground level to the tip of a wind turbine blade when the blade is at its lowest point must be at least 35 feet, except for Personal Wind Energy Systems.

(g) *Access.* A Wind Tower, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence.

(h) *Electrical wires.* All electrical wires associated with a Wind Energy System, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground.

(i) *Code compliance.* All Wind Energy Systems must comply with the National Electrical Code, the National Electrical Safety Code, and all applicable State and federal codes and regulations.

(j) *Lighting.* A Wind Tower and turbine may not be artificially lighted unless such lighting is required by the Federal Aviation Administration. If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent

white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

(k) *Equipment.* The electrical disconnect and rotor braking system shall be located under the sweep area of the blade assembly.

(l) *Appearance, color, and finish.* The exterior surface of any visible components of a Wind Energy System must be a nonreflective, neutral color. Wind Towers and turbines in a Wind Farm System that are located within one mile of each other on a Participating Property must be of uniform design, including tower type, color, number of blades, and direction of blade rotation.

(m) *Signs.* No wind turbine, tower, building, or other structure associated with a Wind Energy System may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, tower, building, or other structure associated with a Wind Energy System so as to be visible from any public road.

(n) *Noise.* The noise generated by the operation of a Wind Energy System 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 Wind Energy System is located. The noise level generated by the operation of a wind 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.

(o) *Flicker or Shadow Flicker.* The Owner of a Wind Energy System must take such reasonable steps as are necessary to prevent, mitigate, and eliminate Shadow Flicker on any occupied structure on a Nonparticipating Property.

(Ord. of 12-20-2007(2), § 3.0)

Sec. 10-4-4. General requirements.

(a) *Conditional use permit.* A conditional use permit is required to be approved by the Committee for all Wind Energy Systems. Application must be on a form provided by the Administrator. The Committee may, by unanimous approval, delegate its authority to the Administrator to issue permits for Personal Wind Energy Systems only. The Committee, by a majority vote of its members, may withdraw this authorization at any time.

(b) *Fees.*

- (1) The application for conditional use permit for a Small Wind Energy System and a Large Wind Energy System not included in a Wind Farm System and the application for a conditional use permit for a Personal Wind Energy System must be accompanied by the fee required for a conditional use permit.
- (2) The application for a conditional use permit for a Wind Farm System must be accompanied by the fee required for a conditional use permit, plus a processing fee in the amount established by resolution for each Wind Energy System included in the Wind Farm System.

(c) *Site plan--Large Wind Energy Systems and Wind Farm Systems.*

- (1) The Owner must provide a site plan and pay the fee for a site plan review if such a review is required by the Committee.
- (2) The site plan shall contain, at a minimum, the following information:
 - a. Name, corporate status, address, and telephone number of the person signing the application and certifying that the application is true and correct.
 - b. Name, corporate status, address, and telephone number of the system Owner.
 - c. Name, signature, corporate status, address, and telephone number of the landowner.
 - d. Legal description of the property and a description of a benchmark on the property, including its elevation expressed in feet and tenths of feet.
 - e. Number, description, and design specifications of each Wind Energy System, including the manufacturer, model, capacity, blade length, height, lighting, and Total Height of each Wind System.

- f. Blueprints or drawings that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any tower and tower foundation.
 - g. Scale diagram showing proposed location of aboveground and underground electrical wiring, access routes, landscaping, and fencing.
 - h. Statement describing any hazardous materials that will be used on the property and how those materials will be stored.
 - i. Location of any above ground utility lines within or adjacent to the property.
 - j. Existing buildings and structures within one-half mile of the property, including any church, hospital, public library, residence, and school.
 - k. Any sewer service planning area and incorporated municipal boundary within one-half mile of the property.
 - l. Copy of a certificate of authority and environmental assessment, if applicable, from the Wisconsin Public Service Commission.
 - m. Statement that each Wind Energy System will be installed in compliance with manufacturer's specifications, along with a copy of the manufacturer's specifications.
 - n. Statement that the Owner will construct and operate each Wind Energy System, or Wind Farm System, in compliance with all applicable local, State, and federal codes, laws, orders, regulations, and rules.
 - o. Statement signed by the landowner acknowledging that the landowner is financially responsible if the Owner fails to reclaim the site as required by Section 10-4-6(d) and that any removal and reclamation costs incurred by the County will become a lien on the property and may be collected from the landowner in the same manner as property taxes.
 - p. Any additional information (e.g., environmental assessment, etc.) that may be required by the Committee.
- (d) *Site plan--Small Wind Energy Systems.*
- (1) The Owner must provide a site plan and pay the fee for a site plan review if such a review is required by the Committee.
 - (2) The site plan shall contain, at a minimum, the following information:
 - a. Name, address, telephone number and signature of the property owner.
 - b. Legal description of the property.
 - c. Number, description, and design specifications of the Wind Tower, including the manufacturer, model, capacity, blade length, height, lighting, and Total Height.
 - d. Blueprints or drawings that have been approved by a registered professional engineer or system installer, showing a Wind Energy System diagram and height.
 - e. A diagram of convenient scale showing the proposed location of the Wind Energy System, aboveground and underground electrical wiring; and system setback distance to property lines, overhead utility lines within or adjacent to the property and all existing and proposed buildings and structures within a distance equal to 150 percent of the height of the tower.
 - f. Copy of a Certificate of Authority and Environmental Assessment, if required by the Wisconsin Public Service Commission.
 - g. Statement that each Wind Energy System shall be installed in compliance with manufacturer's specifications, along with a copy of the manufacturer's specifications.
 - h. Statement that the Owner will construct and operate the system in compliance with all applicable local, State, and federal codes, laws, orders, regulations, and rules.

- i. Statement signed by the landowner acknowledging that the landowner is financially responsible if the Owner fails to reclaim the site as required by Section 10-4-6(d) and that any removal and reclamation costs incurred by the County will become a lien on the property and may be collected from the landowner in the same manner as property taxes.
 - j. Any additional information that may be required by the Committee.
- (e) *Site plan--Personal Wind Energy Systems.* The site plan shall contain, at a minimum, the following information:
- (1) Name, address, telephone number and signature of the property owner.
 - (2) Legal description of the property.
 - (3) Description and design specifications of system, including the manufacturer, model, capacity, blade length, height, lighting, and Total Height.
 - (4) A diagram of convenient scale showing that the proposed location of the Wind Energy System meets those structure setbacks that are the greater of those required in Article IX of this chapter or 1.1 times the Total Height of the system.
 - (5) Copy of a Certificate of Authority and Environmental Assessment, if required by the Wisconsin Public Service Commission.
 - (6) Statement that the Wind Energy System shall be installed in compliance with manufacturer's specifications, along with a copy of the manufacturer's specifications.
 - (7) Statement that the Owner will construct and operate the system in compliance with all applicable local, State, and federal codes, laws, orders, regulations, and rules.
- (f) *Expiration.* A permit issued pursuant to this article expires if the Wind Energy System is not installed and functioning within two years from the date the permit is approved by the Committee. The Committee may extend the permit in response to a written request made prior to its expiration if the Committee determines that the request is reasonable under the circumstances.
- (g) *Financial assurance.*
- (1) *Large Wind Energy Systems and Wind Farm Systems.* The Owner must provide a performance bond, completion bond, or other financial assurance of at least \$20,000.00 for each Large Wind Energy System to guarantee the performance of the restoration requirement set forth in Section 10-4-6.
 - (2) *Small Wind Energy Systems.* The Committee may at its discretion require financial assurance.
 - (3) *Personal Wind Energy Systems.* The Committee may at its discretion require financial assurance.
- (Ord. of 12-20-2007(2), § 4.0)

Sec. 10-4-5. Conditional use permit procedure.

- (a) A person may submit an application to the Administrator for a conditional use permit for a Wind Energy System. The application must be on a form approved by the Administrator and must be accompanied by ten copies of a scaled drawing, other descriptive information sufficient to enable the Committee to determine whether the requirements of this article will be satisfied, and such other information as may be specified on the application form. The Administrator will review the application materials for completeness and may request that the applicant provide additional information. When the Administrator determines that the application is complete, the Administrator will forward it to the Committee.
- (b) The Committee will conduct a hearing on the application after the publishing of a Class 2 hearing notice.
- (c) The Committee may grant a conditional use permit if it determines that the requirements of this article are met and that granting the permit will not unreasonably interfere with the orderly land use and development plans of the County. The Committee may, in writing and with findings of fact supported by documentation and/or testimony:
- (1) Include conditions in the permit and waive or reduce the burden of this article if, in the Committee's

judgment, such actions meet and serve the purpose of this article (Section 10-4-1).

- (2) The Committee may consider the following factors when setting conditions (these factors shall not be considered to be all inclusive):
- a. Proposed ingress and egress.
 - b. Proximity to transmission lines to link the system to the electric power grid.
 - c. Number of Wind Towers and their location.
 - d. Nature of land use on adjacent and nearby properties.
 - e. Location of other Wind Energy Systems in the surrounding area.
 - f. Surrounding topography.
 - g. Proximity to residential structures, residential zoning districts, or areas identified for future residential use.
 - h. Design characteristics that may reduce or eliminate visual obtrusiveness.
 - i. Possible adverse effects on migratory birds, raptors, and other animals and wildlife.
 - j. Possible adverse effects of stray voltage, interference with broadcast signals, shadow effect, and noise.
 - k. Impact on the orderly development, property values, and esthetic conditions within the County.
 - l. Effect on public and private roads.
 - m. Recommendation of the town board.
 - n. Any other factors that are relevant to the proposed system.

(d) The installation and continued operation of a Wind Energy System is contingent upon compliance with any conditions that are set by the Committee, including fees and licenses.

(e) The Committee's decision, the reason for its decision, and any conditions will be recorded in the Committee's minutes. The Administrator will issue a conditional use permit or inform the applicant that the conditional use permit has been denied.

(f) Any person or persons jointly or severally aggrieved by any decision of the Committee, or any taxpayer, or any officer, department board or bureau of the County may commence an action with the County Board of Appeals to review the Committee's decision in whole or in part, within 30 days after the filing of the decision in the office of the Committee.

(Ord. of 12-20-2007(2), § 5.0)

Sec. 10-4-6. Abandonment and restoration.

(a) A Wind Energy System that is out of service for a continuous 12-month period will be deemed to have been abandoned and the Administrator may issue a notice of abandonment to the Owner. If, within 30 days of receipt of a notice of abandonment, the Owner provides the Administrator with written information showing that the system has not been abandoned, the Administrator will withdraw the notice.

(b) An Owner shall provide the Administrator with a written notice of termination of operations if the operation of a Wind Energy System is terminated. Such notice shall be provided within 30 days of system operation termination.

(c) A Wind Energy System must be removed within three months of the mailing date of the notice of abandonment unless the Administrator withdraws the notice or within six months of providing notice of termination of operations. The notice of abandonment shall be mailed by certified mail to the address of the property owner as listed by the Land Records Department. The Owner must remove all:

- (1) Wind turbines, aboveground improvements, and outdoor storage;
- (2) Foundations, pads, and underground electrical wires and reclaim the site to a depth of four feet below

the surface of the ground; and

- (3) Hazardous material from the property and dispose of the hazardous material in accordance with federal and State law.

(d) If the Owner fails to remove a Wind Energy System and reclaim the site, the County may remove or cause the removal of the system and the reclamation of the site. The County may recover the cost of removal and reclamation from any financial assurance provided by the Owner pursuant to Section 10-4-4(g). Any removal or reclamation cost incurred by the County that is not recovered from the Owner will become a lien on the property where the removal or reclamation takes place and may be collected from the landowner in the same manner as property taxes.

(Ord. of 12-20-2007(2), § 6.0)

Sec. 10-4-7. Signal interference.

The Owner of a Wind Energy System must take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals. If within 12 months of the installation of a Wind Energy System, adjacent property owners can justify to the Committee that the system is causing unreasonable interference with such signals as received on their properties, the Committee shall give the system Owner not more than three months to correct the interference problem. Should the Committee be convinced at the end of that three-month period that the interference has not been adequately abated, the Committee may order the removal of the system.

(Ord. of 12-20-2007(2), § 7.0)

Sec. 10-4-8. Violations.

It is unlawful for any person to construct, install, maintain, modify, or operate a Wind Energy System that is not in compliance with this article or with any condition contained in a conditional use or land use permit issued pursuant to this article.

(Ord. of 12-20-2007(2), § 8.0)

Sec. 10-4-9. Administration and enforcement.

- (a) This article shall be administered by the Administrator.

(b) The Administrator may enter any property for which application has been made for a conditional use or land use permit under this article to verify the information on the application and to determine whether the conditions stated in the issued permit have been met. The Sheriff or the Sheriff's designee may enter any property for which a land use permit has been issued under this article to conduct an inspection to determine whether there is any violation of Section 10-4-3(n).

(c) The Administrator may issue orders to abate any violation of this article. The Sheriff or the Sheriff's designee may issue an order to abate a violation of Section 10-4-3(n).

(d) The Administrator may issue a citation for any violation of this article. The Sheriff or the Sheriff's designee may issue a citation for any violation of Section 10-4-3(n).

(e) The Administrator may refer any violation of this article to the Corporation Counsel for enforcement. The Sheriff may refer a violation of Section 10-4-3(n) to Corporation Counsel for legal action.

(f) Nothing in this section shall be construed to prevent the County from using any other lawful means to enforce this article.

(Ord. of 12-20-2007(2), § 9.0)

Sec. 10-4-10. Penalties.

(a) *Large Wind Energy System or a Wind Farm System.* Any person who fails to comply with any provision of this article or of a conditional use permit or a land use permit issued pursuant to this article shall, upon conviction thereof, forfeit at least \$500.00 but not more than \$1,000.00 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. Any person who is in default of payment of a

forfeiture or costs may be imprisoned in the County jail until the forfeiture or costs are paid, except that the period of imprisonment may not exceed 30 days.

(b) *Small Wind Energy System or Personal Wind Energy System.* Any person who fails to comply with any provision of this article or of a conditional use permit or a land use permit issued pursuant to this article shall, upon conviction thereof, forfeit at least \$100.00 but not more than \$500.00 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. Any person who is in default of payment of a forfeiture or costs may be imprisoned in the County jail until the forfeiture or costs are paid, except that the period of imprisonment may not exceed ten days.

(c) *Failure by County employee, official or officer.* The failure of any employee, official, or officer of the County to perform any official duty imposed by this article will not subject the employee, official, or officer to the penalty imposed for violation of this article unless a penalty is specifically provided.

(Ord. of 12-20-2007(2), § 10.0)

ARTICLE V. FIREWOOD PERMIT

Sec. 10-5-1. Permit required.

No one shall take or cut wood from County lands without first obtaining a permit for that purpose from the County Forest Administrator or designee.

(Ord. No. 2-2009, § 1, 5-21-2009)

Sec. 10-5-2. Limitations on use of permits.

(a) All permits must be in immediate possession of the permittee while cutting or taking wood.

(b) No permit shall be issued except for cutting firewood for the personal use of the permittee or the permittee's immediate household, or immediate family.

(c) No cutting is allowed within 150 feet of the American Birkebeiner Ski Trail.

(d) No tops or branches may be left on roads, ditches, trails, lakes or streams.

(Ord. No. 2-2009, § 2, 5-21-2009)

Sec. 10-5-3. Exceptions.

This article does not apply to:

(1) Picnic and campfire use where wood will be used within three days.

(2) Cutting otherwise authorized by the County, cabin permits, etc.

(3) Logging contracts.

(Ord. No. 2-2009, § 3, 5-21-2009)

Sec. 10-5-4. Penalties for violation of Sections 10-5-1 and 10-5-2.

(a) Violators of Section 10-5-2(a), (c), and (d) shall forfeit not less than \$50.00 nor more than \$100.00.

(b) Violators of Sections 10-5-1 and 10-5-2(b) shall forfeit not less than \$50.00 nor more than \$400.00.

(c) Each day of violation shall be a separate offense.

(d) Payment of forfeiture upon violation shall not preclude the County from seeking or obtaining restitution for wood taken in violation of this article.

(Ord. No. 2-2009, § 4, 5-21-2009)

Sec. 10-5-5. Right to cancel permit.

The County reserves the rights to cancel the permit at any time.

(Ord. No. 2-2009, § 5, 5-21-2009)

ARTICLE VI. NONMETALLIC MINING RECLAMATION

DIVISION 1. GENERALLY

Sec. 10-6-1. Title.

This article shall be known as the "Nonmetallic Mining Reclamation Ordinance for Sawyer County."

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 1)

Sec. 10-6-2. Purpose.

The purpose of this article is to establish a local program to ensure the effective reclamation of Nonmetallic Mining Sites on which Nonmetallic Mining takes place in the County after the effective date of the ordinance from which this article is derived, in compliance with Wis. Admin. Code Ch. NR 135 and Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.).

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 2)

Sec. 10-6-3. Statutory authority.

This article is adopted under authority of Wis. Stats. § 295.13(1), Wis. Admin. Code § NR 135.32, and Wis. Stats. § 59.51.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 3)

Sec. 10-6-4. Restrictions adopted under other authority.

The purpose of this article is to adopt and implement the uniform Statewide standards for Nonmetallic Mining Reclamation required by Wis. Stats. § 295.12(1)(a), and contained in Wis. Admin. Code Ch. NR 135. It is not intended that this article repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning Nonmetallic Mining Reclamation previously adopted pursuant to other State law.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 4)

Sec. 10-6-5. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the applicable requirements for Nonmetallic Mining Reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the Reclamation requirements for Nonmetallic Mining Sites required by Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.) and Wis. Admin. Code Ch. NR 135. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Wis. Admin. Code Ch. NR 135, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Wis. Admin. Code Ch. NR 135.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 5)

Sec. 10-6-6. Applicability.

(a) *Overall applicability.* The requirements of this article apply to all Operators of Nonmetallic Mining Sites within the County except as exempted in Subsection (b) of this section and for Nonmetallic Mining Sites located in a city, village or town within the County that has adopted an ordinance pursuant to Wis. Stats. § 295.14 and Wis. Admin. Code § NR 135.32(2). This article does not apply to Nonmetallic Mining Sites where Nonmetallic Mining permanently ceased before August 1, 2001. This article applies to Nonmetallic Mining conducted by or on behalf of a county, Municipality or for the benefit or use of the State or any State agency, board, commission or department, except for the waiver of Financial Assurance in Section 10-6-61(c).

(b) *Exemptions.* This article does not apply to the following activities:

- (1) Nonmetallic Mining at a Site or that portion of a Site that is subject to permit and Reclamation requirements of the Wisconsin Department of Natural Resources under Wis. Stats. § 30.19, 30.195 or 30.20, and complies with Wis. Admin. Code Ch. NR 340.
- (2) Excavations subject to the permit and Reclamation requirements of Wis. Stats. § 30.30 or 30.31.

- (3) Excavations or grading by a Person solely for domestic or farm use at that Person's residence or farm.
- (4) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- (5) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (6) Excavations for building construction purposes conducted on the building site.
- (7) Nonmetallic Mining at Nonmetallic Mining Sites where less than one acre of total affected acreage occurs over the life of the mine.
- (8) Any Mining operation, the Reclamation of which is required in a permit obtained under Wis. Stats. Ch. 293.
- (9) Any activities required to prepare, operate or close a Solid Waste disposal facility under Wis. Stats. Ch. 289 or a hazardous waste disposal facility under Wis. Stats. Ch. 291 that are conducted on the property where the facility is located, but an Applicable Nonmetallic Mining Reclamation Ordinance and the standards established in this article apply to activities related to Solid Waste or hazardous waste disposal that are conducted at a Nonmetallic Mining Site that is not on the property where the Solid Waste or hazardous waste disposal facility is located, such as activities to obtain Nonmetallic Minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (10) a. Nonmetallic Mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the Nonmetallic Mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the Nonmetallic Mining Site.
 b. This exemption only applies to a Nonmetallic Mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes Reclamation requirements and the Operator reclaims the Nonmetallic Mining Site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
 c. If a Nonmetallic Mining Site covered under Subsections (b)(10)a and b of this section is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this Subsection (10) still applies, provided that the Site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.
- (11) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.
- (12) Removal of material from the bed of Lake Michigan or Lake Superior by a public utility pursuant to a permit under Wis. Stats. § 30.21.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 7)

Sec. 10-6-7. Administration.

The provisions of this article shall be administered by the County Zoning Administration.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 8)

Sec. 10-6-8. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alternative Requirement* means an alternative to the Reclamation standards of this article provided through a written authorization granted by the County pursuant to Section 10-6-65.
- (2) *Applicable Reclamation Ordinance* means a Nonmetallic Mining Reclamation ordinance, including this article, that applies to a particular Nonmetallic Mining Site and complies with the requirements of Wis. Admin. Code Ch. NR 135 and Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.), unless the

Wisconsin Department of Natural Resources is the Regulatory Authority as defined in Subsection (20)c of this section. If the Wisconsin Department of Natural Resources is the Regulatory Authority, the term "Applicable Reclamation Ordinance" means the relevant and applicable provisions of Wis. Stats. Ch. NR 135.

- (3) *Borrow Site* means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.
- (4) *Contemporaneous Reclamation* means the sequential or progressive Reclamation of portions of the Nonmetallic Mining Site affected by Mining operations that is performed in advance of final site Reclamation, but which may or may not be final Reclamation, performed to minimize the area exposed to erosion, at any one time, by Nonmetallic Mining activities.
- (5) *Department* means the Wisconsin Department of Natural Resources.
- (6) *Environmental Pollution* has the meaning in Wis. Stats. § 295.11(2).
- (7) *Financial Assurance* means a commitment of funds or resources by an Operator to a Regulatory Authority that satisfies the requirements in Section 10-6-61 and is sufficient to pay for Reclamation activities required by this article.
- (8) *Highwall* means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds 3:1.
- (9) *Landowner* means the Person who has title to land in fee simple or who holds a land contract for the land. A Landowner is not a Person who owns Nonmetallic Mineral rights to land, if a different Person possesses title to that land in fee simple or holds a land contract for that land.
- (10) *Licensed Professional Geologist* means a Person who is licensed as a professional geologist pursuant to Wis. Stats. Ch. 470.
- (11) *Municipality* means any city, town or village.
- (12) *Nonmetallic Mineral* means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic Minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and Topsoil.
- (13) *Nonmetallic Mining or Mining* means all of following:
 - a. Operations or activities at a Nonmetallic Mining Site for the extraction from the earth of mineral aggregates or Nonmetallic Minerals for sale or use by the Operator. Nonmetallic Mining includes use of Mining equipment or techniques to remove materials from the in-place Nonmetallic Mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic Mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of Nonmetallic Minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
 - b. Processes carried out at a Nonmetallic Mining Site that are related to the preparation or processing of the mineral aggregates or Nonmetallic Minerals obtained from the Nonmetallic Mining Site. These processes include, but are not limited to, stockpiling of materials, blending mineral aggregates or Nonmetallic Minerals with other mineral aggregates or Nonmetallic Minerals, blasting, grading, crushing, screening, scalping and dewatering.
- (14) *Nonmetallic Mining Reclamation or Reclamation* means the rehabilitation of a Nonmetallic Mining Site to achieve a land use specified in a Nonmetallic Mining Reclamation plan approved under this article, including removal or reuse of Nonmetallic Mining refuse, grading of the Nonmetallic Mining Site, removal, storage and Replacement of Topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of Environmental Pollution and, if practicable, the restoration of plant, fish and wildlife habitat.

- (15) *Nonmetallic Mining Refuse* means waste soil, rock and mineral, as well as other natural site material resulting from Nonmetallic Mining. Nonmetallic Mining refuse does not include marketable byproducts resulting directly from or displaced by the Nonmetallic Mining that are scheduled to be removed from the Nonmetallic Mining Site within a reasonable period of time after extraction.
- (16) *Nonmetallic Mining Site* or *Site* means all contiguous areas of present or proposed Mining described in Subsection (16)a of this section, subject to the qualifications in Subsection (16)b of this section.
- a. The term "Nonmetallic Mining Site" means the following:
 1. The location where Nonmetallic Mining is proposed or conducted.
 2. Storage and processing areas that are in or contiguous to areas excavated for Nonmetallic Mining.
 3. Areas where Nonmetallic Mining refuse is deposited.
 4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for Nonmetallic Mining.
 5. Areas where grading or regrading is necessary.
 6. Areas where Nonmetallic Mining Reclamation activities are carried out or structures needed for Nonmetallic Mining Reclamation, such as Topsoil stockpile areas, revegetation test plots, or channels for surface water diversion.
 - b. The term "Nonmetallic Mining Site" does not include any of the following areas:
 1. Those portions of sites listed in Subsection (16)a of this section not used for Nonmetallic Mining or purposes related to Nonmetallic Mining after August 1, 2001.
 2. Separate, previously mined areas that are not used for Nonmetallic Mineral extraction after August 1, 2001, and are not contiguous to mining sites, including separate areas that are connected to active mining sites by public or private roads.
 3. Areas previously mined but used after August 1, 2001, for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to Nonmetallic Mining.
- (17) *Operator* means any Person who is engaged in, or who has applied for a permit to engage in, Nonmetallic Mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- (18) *Person* means an individual, owner, operator, corporation, limited liability company, partnership, association, county, Municipality, interstate agency, state agency or federal agency.
- (19) *Registered Professional Engineer* means a Person who is registered as a professional engineer pursuant to Wis. Stats. § 443.04.
- (20) *Regulatory Authority* means one of the following:
- a. The county in which the Nonmetallic Mining Site is located, that has an Applicable Reclamation Ordinance under Wis. Stats. § 295.13, except where a Municipality has adopted an Applicable Reclamation Ordinance pursuant to Subsection (20)b of this section.
 - b. The Municipality in which the Nonmetallic Mining Site is located and which has adopted an Applicable Reclamation Ordinance under Wis. Stats. § 295.14.
 - c. The Department, in cases where a county Mining Reclamation program is no longer in effect under Wis. Stats. § 295.14, but only if there is no Applicable Reclamation Ordinance enacted by the Municipality in which the Nonmetallic Mining Site is located.
- (21) *Replacement of Topsoil* means the replacement or redistribution of Topsoil or Topsoil Substitute Material to all areas where Topsoil was actually removed or affected by Nonmetallic Mining for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the Reclamation plan approved pursuant to this article.

- (22) *Solid Waste* means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, Mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Wis. Stats. Ch. 283 or source material, special nuclear material or byproduct material, as defined in Wis. Stats. § 254.31(1).
- (23) *Topsoil* means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the Reclamation plan.
- (24) *Topsoil Substitute Material* means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the Reclamation plan.
- (25) *Unreclaimed Acre or Unreclaimed Acres.*
 - a. The term "Unreclaimed Acre" or "Unreclaimed Acres" means those unreclaimed areas in which Nonmetallic Mining has occurred after August 1, 2001, and areas where Nonmetallic Mining Reclamation has been completed but is not yet certified as reclaimed under Section 10-6-35(c). However, the term "Unreclaimed Acre" or "Unreclaimed Acres" does not include any areas described in Subsection (25)b of this section.
 - b. The term "Unreclaimed Acre" or "Unreclaimed Acres" does not include:
 - 1. Those areas where Reclamation has been completed and certified as reclaimed under Section 10-6-35(c).
 - 2. Those areas previously affected by Nonmetallic Mining but which are not used for Nonmetallic Mining after August 1, 2001.
 - 3. Those portions of Nonmetallic Mining Sites which are included in a Nonmetallic Mining Reclamation plan approved pursuant to this article but are not yet affected by Nonmetallic Mining.
 - 4. Areas previously mined but used after August 1, 2001, for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from Nonmetallic Mining.
 - 5. For purposes of fees under Section 10-6-33, those areas within a Nonmetallic Mining Site which the County has determined to have been successfully reclaimed on an interim basis in accordance with Section 10-6-35(c).

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 10)

Sec. 10-6-9. Standards.

All Nonmetallic Mining Sites subject to this article shall be reclaimed in conformance with the standards contained below.

- (1) *General standards.*
 - a. *Refuse and other Solid Wastes.* Nonmetallic Mining refuse shall be reused in accordance with a Reclamation plan. Other Solid Wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to Wis. Stats. Chs. 289 and 291.
 - b. *Area disturbed and Contemporaneous Reclamation.* Nonmetallic Mining Reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by Nonmetallic Mining and to provide for Nonmetallic Mining Reclamation of portions of the Nonmetallic Mining Site while Nonmetallic Mining continues on other portions of the Nonmetallic Mining Site.

- c. *Public health, safety and welfare.* All Nonmetallic Mining Sites shall be reclaimed in a manner so as to comply with federal, State and local regulations governing public health, safety and welfare.
 - d. *Habitat restoration.* When the land use required by the Reclamation plan approved pursuant to this article requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by Nonmetallic Mining operations.
 - e. *Compliance with environmental regulations.* Reclamation of Nonmetallic Mining Sites shall comply with any other applicable federal, State and local laws, including those related to environmental protection, zoning and land use control.
- (2) *Surface water and wetlands protection.* Nonmetallic Mining Reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in Wis. Admin. Code Chs. NR 102--105. Before disturbing the surface of a Nonmetallic Mining Site and removing Topsoil, all necessary measures for diversion and drainage of runoff from the Site to prevent pollution of waters of the State shall be installed in accordance with the Reclamation plans approved pursuant to this article. Diverted or channelized runoff resulting from Reclamation may not adversely affect neighboring properties.
- (3) *Groundwater protection.*
- a. *Groundwater quantity.* A Nonmetallic Mining Site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.
 - b. *Groundwater quality.* Nonmetallic Mining Reclamation shall be conducted in a manner which does not cause groundwater quality standards in Wis. Admin. Code Ch. NR 140 to be exceeded at a point of standards application defined in that article.
- (4) *Topsoil management.*
- a. *Removal.* Topsoil and Topsoil Substitute Material shall be provided as specified in the Reclamation plan approved pursuant to this article in order to achieve Reclamation to the approved post-mining land use. Topsoil and Topsoil Substitute Material removal shall be performed, when specified in the Reclamation plan, prior to any Mining activity associated with any specific phase of the Mining operation.
 - b. *Volume.* The Operator shall obtain the volume of soil required to perform final Reclamation by removal of on-site Topsoil or Topsoil Substitute Material or by obtaining Topsoil or Topsoil Substitute Material as needed to make up the volume of Topsoil as specified in the Reclamation plan approved pursuant to this article.
 - c. *Storage.* Once removed, Topsoil or Topsoil Substitute Material shall, as required by the Reclamation plan approved pursuant to this article, either be used in Contemporaneous Reclamation or stored in an environmentally acceptable manner. The location of stockpiled Topsoil or Topsoil Substitute Material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which Topsoil or Topsoil Substitute Material is stockpiled.
- (5) *Final grading and slopes.*
- a. All areas affected by Mining shall be addressed in the approved Reclamation plan, pursuant to Section 10-6-60 to provide that a stable and safe condition consistent with the post-mining land use is achieved. The Reclamation plan may designate Highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of Reclamation or designate other areas affected by Mining, including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the Regulatory Authority may require that either a site-specific engineering analysis be performed by

- a Registered Professional Engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the Operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the Reclamation plan will not be adversely affected.
- b. Final reclaimed slopes covered by Topsoil or Topsoil Substitute Material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: Alternative Requirements are approved under Section 10-6-65; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved Reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a Registered Professional Engineer. All areas in the Nonmetallic Mining Site where Topsoil or Topsoil Substitute Material is to be reapplied shall be graded or otherwise prepared prior to Topsoil or Topsoil Substitute Material redistribution to provide the optimum adherence between the Topsoil or Topsoil Substitute Material and the underlying material.
 - c. When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically six feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the waterbody to allow for a safe exit.
- (6) *Topsoil redistribution for Reclamation.* Topsoil or Topsoil Substitute Material shall be redistributed in accordance with the Reclamation plan approved pursuant to this article in a manner which minimizes compaction and prevents erosion. Topsoil or Topsoil Substitute Material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or Topsoil Substitute Material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.
- (7) *Revegetation and site stabilization.* Except for permanent roads or similar surfaces identified in the Reclamation plan approved pursuant to this article, all surfaces affected by Nonmetallic Mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved Reclamation plan and shall be performed as soon as practicable after Mining activity has permanently ceased in any part of the mining site.
- (8) *Assessing completion of successful Reclamation.*
- a. The criteria for assessing when Reclamation is complete and, therefore, when the Financial Assurance may be released shall be specified in the Reclamation plan approved pursuant to this article. Criteria to evaluate Reclamation success shall be quantifiable.
 - b. Compliance with the revegetation success standards in the approved Reclamation plan shall be determined by:
 - 1. On-site inspections by the County or its agent;
 - 2. Reports presenting results obtained during Reclamation evaluations including summarized data on revegetation, photo-documentation or other evidence that the criteria approved in the Reclamation plan to ascertain success have been met; or
 - 3. A combination of inspections and reports.
 - c. In those cases where the post Mining land use specified in the Reclamation plan requires a return of the Mining Site to a pre-mining condition, the Operator shall obtain baseline data on the existing plant community for use in the evaluation of Reclamation success pursuant to this section.
 - d. Revegetation success may be determined by:
 - 1. Comparison to an appropriate reference area;
 - 2. Comparison to baseline data acquired at the Mining Site prior to its being affected by Mining; or
 - 3. Comparison to an approved alternate technical standard.

- e. Revegetation using a variety of plants indigenous to the area is favored.
- (9) *Intermittent Mining.* Intermittent Mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an Operator's Reclamation permit, no Environmental Pollution or erosion of sediments is occurring, and Financial Assurance for Reclamation pursuant to Section 10-6-61 is maintained covering all remaining portions of the Site that have been affected by Nonmetallic Mining and that have not been reclaimed.
- (10) *Maintenance.* During the period of the site Reclamation, after the Operator has stated that Reclamation is complete but prior to release of Financial Assurance, the Operator shall perform any maintenance necessary to prevent erosion, sedimentation or Environmental Pollution, comply with the standards of this section, or to meet the goals specified in the Reclamation plan approved pursuant to this article.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 11)

Secs. 10-6-10—10-6-28. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 10-6-29. Permit modification.

The County Zoning Committee shall be the approving authority for the modification of Nonmetallic Mining permits.

- (1) *By the County.* A Nonmetallic Mining Reclamation permit issued under this article may be modified by the County if it finds that, due to changing conditions, the Nonmetallic Mining Site is no longer in compliance with Wis. Admin. Code Ch. NR 135 or this article. Such modification shall be by an order modifying the permit in accordance with Section 10-6-38. This modifying order may require the Operator to amend or submit new application information, Reclamation plan, proof of Financial Assurance or other information needed to ensure compliance with Wis. Admin. Code Ch. NR 135 or this article.
- (2) *At the Operator's option.* If the Operator of any nonmetallic mine that holds a Reclamation permit issued under this article desires to modify such permit or Reclamation plan approved under this article, it may request such modification by submitting a written application for such modification to the County Zoning Administration. The application for permit or plan modification shall be acted on using the standards and procedures of this article.
- (3) *Required by the Operator.* The Operator of any nonmetallic mine that holds a Reclamation permit issued under this article shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned Reclamation, or other aspects of Mining required by the Reclamation plan approved pursuant to this article. Such application for permit modification shall be acted on using the standards and procedures of this article.
- (4) *Review.* All actions by the County on permit modifications requested or initiated under this section are subject to review under Section 10-6-69.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 23)

Sec. 10-6-30. Permit suspension and revocation.

(a) *Grounds.* The County Zoning Administrator may suspend or revoke a Nonmetallic Mining Reclamation permit issued pursuant to this article if it finds the Operator has done any of the following:

- (1) Failed to submit a satisfactory Reclamation plan within the timeframes specified in this article.
- (2) Failed to submit or maintain Financial Assurance as required by this article.
- (3) Failed on a repetitive and significant basis to follow the approved Reclamation plan.

(b) *Procedures.* If the County Zoning Administrator finds grounds for suspending or revoking a Nonmetallic Mining Reclamation permit set forth in Subsection (a) of this section, the Zoning Administrator may issue a special order suspending or revoking such permit as set forth in Section 10-6-38(b).

- (c) *Consequences.*

- (1) If the County Zoning Administrator makes any of the findings in Subsection (a) of this section, the Zoning Administrator may suspend a Nonmetallic Mining Reclamation permit for up to 30 days. During the time of suspension, the Operator may not conduct Nonmetallic Mining at the Site, except for Reclamation or measures to protect human health and the environment as ordered by the Regulatory Authority pursuant to Section 10-6-38.
- (2) If the County Zoning Administrator makes any of the findings in Subsection (a) of this section, the Zoning Administrator may revoke a Nonmetallic Mining Reclamation permit. Upon permit revocation, the Operator shall forfeit the Financial Assurance it has provided pursuant to this article to the County. The County may use forfeited Financial Assurance to reclaim the site to the extent needed to comply with this article and the Applicable Reclamation Ordinance.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 24)

Sec. 10-6-31. Annual Operator reporting.

(a) *Contents and deadline.* Annual reports that satisfy the requirements of this section shall be submitted by the Operators of Nonmetallic Mining Sites to the County Zoning Administration. Reports shall be submitted on forms provided by the County Zoning Administration.

- (1) *Contents.* The annual report required by this section shall include all of the following:
 - a. The name and mailing address of the Operator.
 - b. The location of the Nonmetallic Mining Site, including legal description, tax key number or parcel identification number if available.
 - c. The identification number of the applicable Nonmetallic Mining permit assigned by the County Zoning Administration.
 - d. The acreage currently affected by Nonmetallic Mining extraction and not yet reclaimed.
 - e. The amount of acreage that has been reclaimed to date on a permanent basis, and the amount reclaimed on an interim basis.
 - f. A plan, map or diagram accurately showing the acreage described in Subsections (a)(1)d and e of this section.
 - g. The following certification, signed by the Operator:

"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Wis. Admin. Code Ch. NR 135"

- (2) *Deadline.* The annual report shall cover activities on unreclaimed acreage for the previous calendar year and be submitted by January 31.

- (3) *When reporting may end.* Annual reports shall be submitted by an Operator for all active and intermittent Mining Sites to the County Zoning Administration for each calendar year until Nonmetallic Mining Reclamation at the Site is certified as complete pursuant to Section 10-6-35(c) or at the time of release of Financial Assurance pursuant to Section 10-6-61(a)(7).

(b) *Inspection in lieu of report.* The County may, at its discretion, obtain the information required in Subsection (a) of this section for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If the County obtains and documents the required information, the annual report need not be submitted by the Operator. If the County determines that the Operator need not submit an annual report pursuant to this subsection, it shall advise the Operator in writing at least 30 days before the end of the applicable calendar year. In that case, the County shall require the Operator to submit the certification required in Subsection (a)(1)g of this section.

(c) *Retention of annual reports.* Annual reports submitted under Subsection (a) of this section or inspection records that replace them under Subsection (b) of this section shall be retained by the County at the office of the County Zoning Administration for at least ten years after the calendar year to which they apply. These records, or

complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Wis. Stats. Ch. NR 135.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 25)

Sec. 10-6-32. Plan review fees.

(a) *Amount and applicability.* A Person who intends to operate a Nonmetallic Mining Site for which a permit application has been submitted under Section 10-6-59 shall submit a nonrefundable plan review fee based on the schedule developed by the County Land and Water Conservation Department. No plan review fee may be assessed under this section for any local transportation-related Mining receiving an automatic permit under Section 10-6-63(c). A separate plan review fee shall be paid under this section for any modification to an existing Reclamation plan submitted pursuant to Section 10-6-29.

(b) *Expedited plan review fee.* A Person who intends to operate a Nonmetallic Mining Site for which a permit application has been submitted under Section 10-6-59 may obtain expedited Reclamation plan review by paying a fee equal to the fee imposed by the County Zoning Administration Fee Schedule for a variance public hearing. Such fee shall be in addition to that required in Subsection (a) of this section.

(c) *Relation to annual fee.* Any Reclamation plan review fee or expedited Reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under Section 10-6-33.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 26)

Sec. 10-6-33. Annual fees.

(a) *Areas subject to fees, procedures, deadline and amount.*

- (1) Operators of all Nonmetallic Mining Sites subject to Reclamation permits issued under this article shall pay annual fees to the County Zoning Administration.
- (2) Fees paid under this section shall be calculated based on the Unreclaimed Acres of a Nonmetallic Mining Site, as defined below:
 - a. The term "Unreclaimed Acre" or "Unreclaimed Acres" means those unreclaimed areas in which Nonmetallic Mining has occurred after August 1, 2001, and areas where Nonmetallic Mining Reclamation has been completed but is not yet certified as reclaimed under Section 10-6-61(a)(7). However, the term "Unreclaimed Acre" or "Unreclaimed Acres" does not include any areas described in Subsection (a)(2)b of this section.
 - b. The term "Unreclaimed Acre" or "Unreclaimed Acres" does not include:
 1. Those areas where Reclamation has been completed and certified as reclaimed under Section 10-6-61(a)(7).
 2. Those areas previously affected by Nonmetallic Mining but which are not used for Nonmetallic Mining after August 1st, 2001.
 3. Those portions of Nonmetallic Mining Sites which are included in an approved Nonmetallic Mining Reclamation plan but are not yet affected by Nonmetallic Mining.
 4. Areas previously mined but used after August 1, 2001, for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from Nonmetallic Mining.
 5. Those areas within a Nonmetallic Mining Site which the County has determined to have been successfully reclaimed on an interim basis in accordance with Section 10-6-35(b) and (c).
 6. Those areas defined as not included in a Nonmetallic Mining Site under Section 10-6-8(16)b.
 - c. Fees shall be assessed on active acres only and shall not be assessed on acreage where Nonmetallic Mining is proposed and approved but where no Nonmetallic Mining has yet taken place.

- (3) Fees assessed pursuant to this section shall be based on Unreclaimed Acres at the end of the year. Such fees apply to a calendar year or any part of a year in which Nonmetallic Mining takes place, until final Reclamation is certified as complete under Section 10-6-35. Fees shall be paid no later than January 31 for the previous year.
- (4) If Reclamation has already occurred on portions of a Nonmetallic Mining Site, the fees for such portions may be submitted with a request that they be held by the County pending certification of completed Reclamation pursuant to Sections 10-6-35(c) and 10-6-61(a)(7). Upon such certification the County shall refund that portion of the annual fee that applies to the reclaimed areas. If the County fails to make a determination under Sections 10-6-35(c) and 10-6-61(a)(7) within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.
- (5) The amount collected shall equal the Wisconsin Department of Natural Resource's share as described in Subsection (b) of this section, the share of the County described in Subsection (c) of this section, and, if applicable, the Reclamation plan review fee described in Section 10-6-32.
- (b) *Wisconsin Department of Natural Resources share of fee.*
- (1) Fees paid under this section shall, except where provided in Subsection (b)(2) of this section, include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Table 1.

TABLE 1: Wisconsin Department of Natural Resources' Share of Annual Fees Collected by Sawyer County

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres (does not include mines < 1 acre)	\$35.00
6 to 10 acres	\$70.00
11 to 15 acres	\$105.00
16 to 25 acres	\$140.00
26 to 50 acres	\$160.00
51 acres or larger	\$175.00

- (2) For Nonmetallic Mining Sites at which no Nonmetallic Mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be \$15.00.
 - (3) The County shall forward fees collected under this Subsection (b) to the Wisconsin Department of Natural Resources by March 31.
 - (c) *County's share of fee.* Fees paid under this section shall also include an annual fee due to the County, which shall be in the amount established by resolution per Unreclaimed Acre, or fraction thereof not reclaimed.
 - (d) *Reduced fee for inactive mines, County's share.* Any site on which no Nonmetallic Mining activity has taken place in a calendar year shall be assessed a fee in the amount established by resolution.
- (Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 27)

Sec. 10-6-34. Regulatory reporting and documentation.

- (a) *Reporting.* The County Zoning Administration shall send an annual report to the Wisconsin Department of Natural Resources by March 31 for the previous calendar year. The reports shall include the following information for the previous year's Nonmetallic Mining Reclamation program:
 - (1) The total number of Nonmetallic Mining Reclamation permits in effect.
 - (2) The number of new permits issued within the jurisdiction of the County.

- (3) The number of acres approved for Nonmetallic Mining and the number of acres newly approved in the previous year.
 - (4) The number of acres being mined or Unreclaimed Acres.
 - (5) The number of acres that have been reclaimed and have had Financial Assurance released pursuant to Section 10-6-61(a)(7).
 - (6) The number of acres that are reclaimed and awaiting release from the Financial Assurance requirements of this division pursuant to Section 10-6-35(a) and (b).
 - (7) The number and nature of Alternative Requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or Financial Assurance forfeitures.
- (b) *Documentation.* The County shall, to the best of its ability, maintain the information set forth below, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of the County's Reclamation program pursuant to Wis. Admin. Code Ch. NR 135.
- (1) Documentation of compliance with Wis. Admin. Code Ch. NR 135 and this article.
 - (2) The procedures employed by the County regarding Reclamation plan review, and the issuance and modification of permits.
 - (3) The methods for review of annual reports received from Operators.
 - (4) The method and effectiveness of fee collection.
 - (5) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.
 - (6) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
 - (7) Responses to citizen complaints.
 - (8) The method of and accuracy in determining the amount of the Financial Assurance obtained from the Operator to guarantee Reclamation performance.
 - (9) The maintenance and availability of records.
 - (10) The number and type of approvals for Alternative Requirements issued pursuant to Section 10-6-65.
 - (11) The method of determining the success of Reclamation in meeting the criteria contained in the Reclamation plan and subsequently releasing the Financial Assurance pursuant to Section 10-6-61(a)(7).
 - (12) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of the County to implement its Nonmetallic Mining Reclamation program under this article.
 - (13) The amount of fees collected in comparison to the amount of money actually expended for Nonmetallic Mining Reclamation program administration.
 - (14) Any other performance criterion necessary to ascertain compliance with Wis. Admin. Code Ch. NR 135.
- (Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 28)

Sec. 10-6-35. Completed Reclamation; reporting, certification and effect.

(a) *Reporting.* The Operator of a Nonmetallic Mining Site may certify completion of Reclamation for a portion or all of the Nonmetallic Mining Site pursuant to a Reclamation plan prepared and approved pursuant to this article and Wis. Admin. Code Ch. NR 135. Certification forms shall be provided by the County Zoning Administration.

(b) *Reporting of interim Reclamation.* The Operator of a Nonmetallic Mining Site may report completion of interim Reclamation as specified in the Reclamation plan for the site prepared and approved pursuant to this article and Wis. Admin. Code Ch. NR 135. Reporting of interim Reclamation shall be done according to the procedures in

Subsection (a) of this section.

(c) *Certification of completed Reclamation.* The County Land and Water Conservation Department shall inspect a Nonmetallic Mining Site for which reporting of Reclamation or interim Reclamation has been submitted pursuant to this section within 60 days of receipt, and make a determination in writing in accordance with Section 10-6-61(a)(7)c. If it is determined that interim or final Reclamation is complete, including revegetation as specified in a Reclamation plan that conforms with Section 10-6-60, the County shall issue the mine Operator a written certificate of completion.

(d) *Effect of completed Reclamation.* If Reclamation is certified by the County as complete under Subsection (c) of this section for part or all of a Nonmetallic Mining Site, then:

- (1) No fee shall be assessed under Section 10-6-33 for the area so certified.
- (2) The Financial Assurance required by Section 10-6-61 shall be released or appropriately reduced in the case of completion of Reclamation for a portion of the Mining Site.
- (3) For sites which are reported as interim reclaimed under Subsection (b) of this section and so certified under Section 10-6-35(c), Financial Assurance for reclaiming the certified area shall be reduced by an amount as determined by the County Zoning Committee.

(e) *Effect of inaction following report of completed Reclamation.* If no written response as required by Subsection (c) of this section for an area of the mining site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to the County for it under Section 10-6-33 shall be refunded.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 29)

Sec. 10-6-36. Permit termination.

When all final Reclamation required by a Reclamation plan conforming to Section 10-6-60 and required by this article is certified as complete pursuant to Sections 10-6-35(c) and 10-6-61(a)(7), the County Zoning Administration shall issue a written statement to the Operator of the Nonmetallic Mining Site, thereby terminating the Reclamation permit.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 30)

Sec. 10-6-37. Right of entry and inspection.

For the purpose of ascertaining compliance with the provisions of Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.), Wis. Admin. Code Ch. NR 135, or this article, any authorized officer, agent, employee or representative of the County may inspect any Nonmetallic Mining Site subject to this article as provided below.

- (1) No Person may refuse entry or access onto a Nonmetallic Mining Site of a duly authorized officer, employee or agent of the County or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the Site for compliance with the Nonmetallic Mining Reclamation permit, this article, Wis. Admin. Code Ch. NR 135 or Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.).
- (2) Any Person who enters the Site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, State or local laws or regulations controlling Persons on the Nonmetallic Mining Site.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 31)

Sec. 10-6-38. Orders and citations.

(a) *Enforcement orders.* The County may issue orders as set forth in Wis. Stats. § 295.19(1)(a), to enforce Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.), Wis. Admin. Code Ch. NR 135, this article, a permit issued pursuant to this article or a Reclamation plan required by Section 10-6-60 and a permit issued under this article. A violation of this article, an order or permit issued pursuant to this article or a Reclamation plan required by Section 10-6-60 and a permit issued under this article shall be considered a violation of Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.) and Wis. Admin. Code Ch. NR 135.

(b) *Special orders.* The County may issue a special order, as set forth in Wis. Stats. § 295.19(1)(b) and (c), suspending or revoking a Nonmetallic Mining Reclamation permit pursuant to Section 10-6-30, or directing an Operator to immediately cease an activity regulated under Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.), Wis. Admin. Code Ch. NR 135 or this article until the necessary plan approval is obtained.

(c) *Review of orders.* A Person holding a Reclamation permit who is subject to an order pursuant to this section shall have the right to review the order in a contested case hearing under Wis. Stats. § 68.11, notwithstanding the provisions of Wis. Stats. §§ 68.001, 68.03(8) and (9), 68.06 and 68.10(1)(b).

(d) *Citations.* The County may issue a citation under Wis. Stats. § 66.0113 and Chapter 1, Article II to collect forfeitures to enforce Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.), Wis. Admin. Code Ch. NR 135, this article, a permit issued pursuant to this article or a Reclamation plan required by Section 10-6-60 and a permit issued under this article. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

(e) *Enforcement.* The County may submit any order issued under Section 10-6-38 to abate violations of this article to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 32)

Sec. 10-6-39. Penalties.

Any violation of Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.), Wis. Admin. Code Ch. NR 135, this article, a permit issued pursuant to this article or a Reclamation plan required by Section 10-6-60 and a permit issued under this article may result in forfeitures as provided in Wis. Stats. § 295.19(3) as follows:

- (1) Any Person who violates Wis. Admin. Code Ch. NR 135 or an order issued under Section 10-6-38 may be required to forfeit not less than \$25.00 nor more than \$1,000.00 for each violation. Each day of continued violation is a separate offense. While an order issued under Section 10-6-38 is suspended, stayed or enjoined, this penalty does not accrue.
- (2) Except for the violations referred to in Subsection (1) of this section, any Person who violates Wis. Stats. Ch. 295, Subch. I (Wis. Stats. § 295.11 et seq.), Wis. Admin. Code Ch. NR 135, any Reclamation plan approved pursuant to this article or an order issued pursuant to Section 10-6-38 shall forfeit not less than \$10.00 nor more than \$5,000.00 for each violation. Each day of violation is a separate offense. While an order issued under Section 10-6-38 is suspended, stayed or enjoined, this penalty does not accrue.
- (3) Any citation issued for a violation of this article shall include a deposit based on the schedule established by Chapter 1, Article II with additional costs for penalty assessment, court costs and Justice information fees (JIF)/court support service fees (CSF) as determined by the County Clerk of Courts.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 33)

Secs. 10-6-40—10-6-58. Reserved.

DIVISION 3. PERMITS

Sec. 10-6-59. Nonmetallic Mining Reclamation permit application required.

(a) No Person may engage in Nonmetallic Mining or in Nonmetallic Mining Reclamation without possessing a Nonmetallic Mining Reclamation permit issued pursuant to the Applicable Reclamation Ordinance unless the activity is specifically exempted in Section 10-6-6(a) or (b) or 10-6-8(16)b.

- (1) *Required submittal.* All Operators of Nonmetallic Mining Sites shall apply for a Reclamation permit from the County Zoning Administration. All applications for Reclamation permits under this section shall be accompanied by the following information:
 - a. A brief description of the general location and nature of the nonmetallic mine.
 - b. A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.

- c. The names, addresses and telephone numbers of all Persons or organizations who are owners or lessors of the property on which the Nonmetallic Mining Site is located.
 - d. The name, address and telephone number of the Person or organization who is the Operator.
 - e. A certification by the Operator of the Operator's intent to comply with the Statewide Nonmetallic Mining Reclamation standards established by Division 2 of this article.
- (2) *Reclamation permit application contents.* The Operator of any existing Nonmetallic Mining Site may apply for a Reclamation permit from the County by providing the information set forth below to the County Zoning Administration.
- a. The information required by Subsection (1) of this section.
 - b. The plan review and annual fees required by Sections 10-6-32 and 10-6-33.
 - c. A Reclamation plan conforming to Section 10-6-60.
 - d. A certification that the Operator will provide, as a condition of the Reclamation permit, Financial Assurance as required by Section 10-6-61 upon granting of the Reclamation permit and before Mining begins.
- (b) To avoid duplication, the permit application and submittals required under this section may, by reference, incorporate existing plans or materials that meet the requirements of this article.
- (Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 12)

Sec. 10-6-60. Reclamation plan.

- (a) *Reclamation plan required.* All Operators who conduct or plan to conduct Nonmetallic Mining shall submit to the County a Reclamation plan that meets all of the following requirements and complies with the Reclamation standards of Division 2 of this article.
- (b) *Site information.* The Reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the Site, including, but not limited to:
- (1) Maps of the Nonmetallic Mining Site including the general location, property boundaries, the areal extent, geologic composition and depth of the Nonmetallic Mineral deposit, the distribution, thickness and type of Topsoil, the location of surface waters and the existing drainage patterns, and the approximate elevation of groundwater, as determined by existing hydrogeologic information. In specific instances where the existing hydrogeologic information is insufficient for purposes of the Reclamation plan, the applicant may supplement the information with the opinion of a Licensed Professional Geologist or hydrologist.
 - (2) Topsoil or Topsoil Substitute Material, if required to support revegetation needed for reclaiming the Site to approved post-mining land use, can be identified using County soil surveys or other available information, including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.
 - (3) Information available to the mine Operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mining site.
 - (4) Existing topography as shown on contour maps of the Site at ten feet intervals.
 - (5) Location of manmade features on or near the Site.
 - (6) For proposed Nonmetallic Mining Sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by Nonmetallic Mining, including the location of stockpiles, wash ponds and sediment basins.
- (c) *Post-mining land use.*
- (1) The Reclamation plan shall specify a proposed post-mining land use for the Nonmetallic Mining Site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-

mining land use shall also be consistent with all applicable local, State, or federal laws in effect at the time the plan is submitted.

- (2) Land used for Nonmetallic Mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to Wis. Stats. § 91.46(6) shall be restored to agricultural use.

(d) *Reclamation measures.* The Reclamation plan shall include a description of the proposed Reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of Reclamation activities for various stages of Reclamation of the Nonmetallic Mining Site. The following shall be included:

- (1) A description of the proposed earthwork and Reclamation, including final slope angles, Highwall reduction, benching, terracing and other structural slope stabilization measures and, if necessary, a site-specific engineering analysis performed by a Registered Professional Engineer as provided by Subsection 10-6-9(5) a or b.
- (2) The methods of Topsoil or Topsoil Substitute Material removal, storage, stabilization and conservation that will be used during Reclamation.
- (3) A plan or map which shows anticipated topography of the reclaimed Site and any water impoundments or artificial lakes needed to support the anticipated future land use of the Site.
- (4) A plan or map which shows surface structures, roads and related facilities after the cessation of Mining.
Note: The information required in Subsections (3) and (4) of this section may be combined on a single plan or map provided that the plan or map scale is such that the information is readily discernible.
- (5) The estimated cost of Reclamation for each stage of the project or the entire Site if Reclamation staging is not planned.
- (6) A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.
- (7) Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.
- (8) A plan and, if necessary, a narrative showing erosion control measures to be employed during Reclamation activities. These shall address how Reclamation activities will be conducted to minimize erosion and pollution of surface water and groundwater.
- (9) A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to Section 10-6-35(b) and (d) and which will be subsequently disturbed prior to final Reclamation. Descriptions shall include an identification of the proposed areas involved, methods of Reclamation to comply with the standards in Division 2 of this article and timing of interim and final Reclamation.
- (10) A description of how the Reclamation plan addresses the long-term safety of the reclaimed Mining Site. The description shall include a discussion of site-specific safety measures to be implemented at the Site and include measures that address public safety with regard to adjacent land uses.

(e) *Criteria for successful Reclamation.* The Reclamation plan shall contain criteria for assuring successful Reclamation in accordance with Section 10-6-9(8).

(f) *Certification of Reclamation plan.* The Operator shall provide a signed certification that Reclamation will be carried out in accordance with the Reclamation plan. If the Operator does not own the land, the Landowner or lessor, if different from the Operator, shall also provide signed certification that they concur with the Reclamation plan and will allow its implementation.

(g) *Existing plans and approvals.* To avoid duplication of effort, the Reclamation plan required by this section may, by reference, incorporate existing plans or materials that meet the requirements of this article.

(h) *Approval of Reclamation plan.* The County Zoning Committee is the approving authority for Reclamation plans.

- (1) The County Zoning Administration shall submit Reclamation plans to the County Land and Water Conservation Department for review and on-site inspection. The SCLWCD shall:
 - a. Recommend changes to the Reclamation plan as necessary.
 - b. Determine the cost of Reclamation.
 - c. Recommend an amount for Financial Assurance.
- (2) The County Zoning Committee shall approve, conditionally approve or deny the Reclamation plan submitted under this section in writing in accordance with Section 10-6-63(b) for mines that apply for a Reclamation permit in conformance with Section 10-6-59. Conditional approvals of Reclamation plans shall be made according to Section 10-6-63(e) and denials of Reclamation plans shall be made pursuant to Section 10-6-64. The Operator shall keep a copy of the Reclamation plan approved under this section at the mining site or, if not practicable, at the Operator's nearest place of business.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 13)

Sec. 10-6-61. Financial Assurance.

(a) *Financial Assurance requirements.* All Operators of Nonmetallic Mining Sites in the County shall prepare and submit a proof of Financial Assurance that meets the following requirements:

- (1) *Notification.* The Regulatory Authority shall provide written notification to the Operator of the amount of Financial Assurance required under Subsection (a)(3) of this section.
- (2) *Filing.* Following approval of the Nonmetallic Mining Reclamation permit, and as a condition of the permit, the Operator shall file a Financial Assurance with the County through the County Zoning Administration. The Financial Assurance shall provide that the Operator shall faithfully perform all requirements in this article, an Applicable Reclamation Ordinance and the Reclamation plan. Financial Assurance shall be payable exclusively to the County. In cases where one or more other Regulatory Authorities regulate a Nonmetallic Mining Site, all Financial Assurance shall be made payable to the County only if it currently has primary regulatory responsibility.
- (3) *Amount and duration of Financial Assurance.* The amount of Financial Assurance shall equal as closely as possible the cost to the County of hiring a contractor to complete either final Reclamation or progressive Reclamation according to the approved Reclamation plan. The amount of Financial Assurance shall be determined by the County Zoning Committee and reviewed periodically by the County to assure it equals outstanding Reclamation costs. Any Financial Assurance filed with the County shall be in an amount equal to the estimated cost for reclaiming all sites the Operator has under project permits. The County may accept a lesser initial amount of Financial Assurance provided that the permittee initiates a process to continuously increase the amount of Financial Assurance until it is adequate to effect Reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of Reclamation by the expected time of final Reclamation. The period of the Financial Assurance is dictated by the period of time required to establish the post Mining land use declared and approved of in the Reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the Reclamation plan.
- (4) *Form and management.* Financial Assurance shall be provided by the Operator and shall be by a bond or an alternate Financial Assurance. Financial Assurance shall be payable to the County and released upon successful completion of the Reclamation measures specified in the Reclamation plan. Alternate Financial Assurances may include, but are not limited to, cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the Financial Assurance shall be paid to the Operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial Assurance arrangements may include, at the

discretion of the County, a blend of different options for Financial Assurance including a lien on the property on which the Nonmetallic Mining Site occurs or a combination of Financial Assurance methods.

- (5) *Multiple projects.* Any Operator who obtains a permit from the County for two or more Nonmetallic Mining Sites may elect, at the time the second or subsequent site is approved, to post a single Financial Assurance in lieu of separate Financial Assurance instruments for each Nonmetallic Mining Site. When an Operator elects to post a single Financial Assurance in lieu of separate Financial Assurances for each Mining Site, no Financial Assurances previously posted on individual Mining Sites shall be released until the new Financial Assurance has been accepted by the County.
- (6) *Multiple jurisdictions.* In cases where more than one Regulatory Authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the Regulatory Authorities to avoid requiring the permittee to prove Financial Assurance with more than one Regulatory Authority for the same Nonmetallic Mining Site. Financial Assurance is required for each Site and two or more sites of less than one acre by the same Operator, except that governmental units are not required to obtain Financial Assurance.
- (7) *Certification of completion and release.*
 - a. The Operator shall notify the Regulatory Authority, by filing a notice of completion, at the time that the Operator determines that Reclamation of any portion of the Mining Site or the entire Site is complete. The County Land and Water Conservation Department shall inspect the mining site or portion thereof that was the subject of the notice of completion to determine if Reclamation has been carried out in accordance with the approved Reclamation plan. The County may partially release the Financial Assurance if it determines that compliance with a portion of the Reclamation plan has been achieved and requires no waiting period. After determination by the County Land and Water Conservation Department that Reclamation is complete, the County Zoning Administration shall issue a certificate of completion and shall release the Financial Assurance or appropriately reduce the Financial Assurance in the case of Reclamation of a portion of the Mining Site.
 - b. The County shall make a determination of whether or not the certification in Subsection (a)(7)a of this section can be made within 60 days that the request is received.
 - c. The County may make a determination under this subsection that:
 1. Reclamation is not yet complete;
 2. It is not possible to assess whether Reclamation is complete due to weather conditions, snow cover or other relevant factors;
 3. Reclamation is complete in a part of the mine; or
 4. Reclamation is fully complete.
- (8) *Forfeiture.* Financial Assurance shall be forfeited if any of the following occur:
 - a. A permit is revoked under Section 10-6-30 and the appeals process has been completed.
 - b. An Operator ceases Mining operations and fails to reclaim the Site in accordance with the Reclamation plan.
- (9) *Cancellation.* Financial Assurance shall provide that it may not be cancelled by the surety or other holder or issuer except after not less than a 90-day notice to the County Zoning Administration in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the Operator shall deliver to the County a replacement proof of Financial Assurance. Replacement Financial Assurance shall be approved by the County Zoning Committee. In the absence of this replacement Financial Assurance, all Mining shall cease until the time it is delivered and in effect.
- (10) *Changing methods of Financial Assurance.* The Operator of a Nonmetallic Mining Site may change from one method of Financial Assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to Subsection (a)(12) of this section. The Operator shall

give the County Zoning Administration at least 60 days' notice prior to changing methods of Financial Assurance and may not actually change methods without the written approval of the County. The County Zoning Committee shall approve changes in methods of Financial Assurance.

- (11) *Bankruptcy notification.* The Operator of a Nonmetallic Mining Site shall notify the Regulatory Authority by certified mail of the commencement of voluntary or involuntary proceeding under bankruptcy code, 11 USC et seq., naming the Operator as debtor, within ten days of commencement of the proceeding.
- (12) *Adjustment of Financial Assurance.* Financial Assurance may be adjusted when required by the County. The County may notify the Operator in writing that adjustment is necessary and the reasons for it. The County may adjust Financial Assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for Reclamation. Approvals of adjustment of Financial Assurance shall be approved by the County Zoning Committee.
- (13) *Net worth test.*
 - a. Only an Operator that meets the definition of "company" in Wis. Stats. § 289.41(1)(b) may use the net worth method of providing Financial Assurance.
 - b. The Operator shall submit information to the Regulatory Authority in satisfaction of the net worth test requirements of Wis. Stats. § 289.41(4). The criteria in Wis. Stats. § 289.41(6)(b), (d), (e), (f), (g), (h) and (i) shall apply.
 - c. An Operator using the net worth test to provide Financial Assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to Reclamation cost ratio in accordance with Wis. Stats. § 289.41(6).
 - d. Determinations under the net worth test shall be done in accordance with Wis. Stats. § 289.41(5).
 - e. In addition, the Operator shall submit a legally binding commitment to faithfully perform all compliance and Reclamation work at the mining site that is required under this article.
- (b) *Private nonmetallic mines.* The Operator of any Nonmetallic Mining Site that applies for a Reclamation permit in conformance with Section 10-6-59 shall submit the proof of Financial Assurance required by Subsection (a) of this section as specified in the Reclamation permit issued to it under this article.
- (c) *Public Nonmetallic Mining.* The Financial Assurance requirements of this section do not apply to Nonmetallic Mining conducted by the State, a State agency, board, commission or department, or a Municipality. (Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 14)

Sec. 10-6-62. Public notice and right of hearing.

The filing fee for an application to issue a Reclamation permit shall be the fee indicated on the County Zoning Administration Fee Schedule for a County Zoning Committee public hearing regarding a conditional use application. The fee shall triple for an after-the-fact application.

- (1) *Reclamation plan hearing.* The County shall provide public notice and the opportunity for a public informational hearing as set forth below.
 - a. *Public notice.*
 - 1. When the County Zoning Administration receives an application to issue a Reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies Section 10-6-59.
 - 2. The notice shall briefly describe the Mining and Reclamation planned at the Nonmetallic Mining Site. The notice shall be published as a Class 1 notice pursuant to Wis. Stats. § 985.07(1) in the official newspaper of the County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials, including the Reclamation plan.
 - 3. Copies of the notice shall be forwarded by the County Zoning Administration to the County

Zoning Committee, the town clerks, the County Land and Water Conservation Department, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the Site is located.

- b. *Hearing.* The County shall provide for an opportunity for a public informational hearing on an application or request to issue a Nonmetallic Mining Reclamation permit as follows:
 1. If it conducts a zoning-related hearing on the Nonmetallic Mining Site, the County Zoning Committee shall provide the opportunity at this hearing to present testimony on Reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a Nonmetallic Mining Reclamation permit required by this section. The County Zoning Committee shall consider the Reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this article.
 2. The subject matter and testimony at this informational hearing shall be limited to Reclamation of the Nonmetallic Mining Site.

- (2) *Local transportation-related mines.* No public notice or informational hearing is required for a Nonmetallic Mining Reclamation permit issued to a local transportation-related mine pursuant to Section 16-6-63(c).

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 15)

Sec. 10-6-63. Issuance of a Nonmetallic Mining Reclamation permit.

(a) *Permit required.* No Person may engage in Nonmetallic Mining or Nonmetallic Mining Reclamation in the County without first obtaining a Reclamation permit issued under this section, except for Nonmetallic Mining Sites that are exempt from this article under Section 10-6-6(a) or (b) or 10-6-8(16)b.

(b) *Permit issuance.* Applications for Reclamation permits for Nonmetallic Mining that satisfy Section 10-6-59 shall be issued a Reclamation permit or otherwise acted on as provided below.

- (1) The County Zoning Committee shall be the approval authority for the issue of permits for new mines.
- (2) Unless denied pursuant to Section 10-6-64, the County shall approve in writing a request that satisfies the requirements of Section 10-6-59 to issue a Nonmetallic Mining Reclamation permit for the proposed nonmetallic mine.
- (3) The County may not issue an approval without prior or concurrent approval of the Reclamation plan that meets the requirements of Section 10-6-60. The Regulatory Authority may issue a Reclamation permit subject to conditions in Subsection (e) of this section if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete Reclamation permit application, unless a public hearing is held pursuant to Section 10-6-62. If a public hearing is held, the Regulatory Authority shall issue the Reclamation permit, subject to conditions pursuant to Subsection (e) of this section, if appropriate, or shall deny the permit as provided in Section 10-6-64, no later than 60 days after completing the public hearing.
- (4) Permits issued pursuant to this Subsection (b) shall require compliance with a Reclamation plan that has been approved and satisfies the requirements of Section 10-6-60 and provision by the applicant of Financial Assurance required under Section 10-6-61 and payable to the County prior to beginning Mining.

(c) *Automatic permit for local transportation-related mines.*

- (1) The County Zoning Administration shall automatically issue an expedited permit under this subsection to any Borrow Site that:
 - a. Will be opened and reclaimed under contract with a Municipality within a period not exceeding 36 months;
 - b. Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the Municipality;

- c. Is regulated and will be reclaimed under contract with the Municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of Nonmetallic Mining Sites;
 - d. Is not a commercial source;
 - e. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any; and
 - f. Is not otherwise exempt from the requirements of this article under Section 10-6-6(b)(10).
- (2) In this Subsection (c), the term "Municipality" has the meaning as defined in Wis. Stats. § 299.01(8).
- (3) Automatic permits shall be issued under this subsection in accordance with the following provisions:
- a. The applicant shall notify the County of the terms and conditions of the contract with respect to Reclamation of the proposed Borrow Site.
 - b. The applicant shall provide evidence to the County to show that the Borrow Site and its Reclamation will comply with applicable zoning requirements, if any.
 - c. The County shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a Reclamation plan under Section 10-6-60.
 - d. The County shall accept the contractual provisions in lieu of the Financial Assurance requirements in Section 10-6-61.
 - e. The public notice and hearing provisions of Section 10-6-62 do not apply to Nonmetallic Mining Sites that are issued automatic permits under this Subsection (3).
 - f. Mines permitted under this Subsection (3) shall pay an annual fee to the County as provided in Section 10-6-33, but shall not be subject to the plan review fee provided in Section 10-6-32.
 - g. The County shall issue the automatic permit within seven days of the receipt of a complete application.
 - h. If the Borrow Site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this Subsection (3) still applies, provided the site will be reclaimed under a contractual obligation with the Municipality in accordance with the Wisconsin Department of Transportation requirements.
 - i. Notwithstanding Section 10-6-31, the Operator of a Borrow Site under this Subsection (3) is required to submit only the information in an annual report necessary to identify the Borrow Site and to determine the applicable annual fee.
- (d) *Expedited review.* The County Zoning Committee is the approving authority for Reclamation permit applications under this section. Any Operator of a Nonmetallic Mining Site may request expedited review of a Reclamation permit application under Subsection (d)(1) or (2) of this section as follows:
- (1) The Operator may submit a request for expedited permit review with payment of the expedited review fee specified in Section 10-6-32(b). This request shall state the need for such expedited review and the date by which such expedited review is requested.
 - (2) The Operator may only submit a request for expedited review under this Subsection (d) if the applicant requires a Reclamation permit to perform services under contract with a Municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.
 - (3) Following receipt of a request under this Subsection (d), the County shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under Subsection (d)(1) of this section shall be returned.
 - (4) Expedited review under this Subsection (d) shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to Section 10-6-62. This Subsection (d) does not impose an obligation upon the Regulatory Authority to act upon a permit application under this Subsection (d) by a specific date.

Review of an expedited Reclamation permit application shall be by the County Zoning Committee at a scheduled public hearing.

- (e) *Permit conditions.* Any decision under this section may include conditions as provided below.
- (1) The County may issue a Reclamation permit or approve a Reclamation plan subject to general or site-specific conditions if needed to assure compliance with the Nonmetallic Mining Reclamation requirements of this article. The approvals may not include conditions that are not related to Reclamation.
- (2) One required condition of the issued permit shall be that the new mine obtain Financial Assurance pursuant to Section 10-6-61 prior to beginning Mining.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 16)

Sec. 10-6-64. Permit denial.

An application for a Nonmetallic Mining Reclamation permit shall be denied as set forth below:

- (1) An application to issue a Nonmetallic Mining Reclamation permit shall be denied, within the timeframe for permit issuance specified in Section 10-6-63, if the County finds any of the following:
 - a. The applicant has, after being given an opportunity to make corrections, failed to provide to the County an adequate permit application, Reclamation plan, Financial Assurance or any other submittal required by Wis. Admin. Code Ch. NR 135 or this article.
 - b. The proposed Nonmetallic Mining Site cannot be reclaimed in compliance with the Reclamation standards contained in this article, Wis. Admin. Code Ch. NR 135 or Wis. Stats. Ch. 295, Subch. I. (Wis. Stats. § 295.11 et seq.).
 - c.
 - 1. The applicant, or its agent, principal or predecessor has, during the course of Nonmetallic Mining in the State within ten years of the permit application or modification request being considered, shown a pattern of serious violations of this article or of federal, State or local environmental laws related to Nonmetallic Mining Reclamation.
 - 2. The following may be considered in making this determination of a pattern of serious violations:
 - (i) Results of judicial or administrative proceedings involving the Operator or its agent, principal or predecessor.
 - (ii) Suspensions or revocations of Nonmetallic Mining Reclamation permits pursuant to this article, other Reclamation ordinances or Wis. Admin. Code Ch. NR 135.
 - (iii) Forfeitures of Financial Assurance.
 - d. A denial under this section shall be in writing and shall contain documentation of reasons for denial.
- (2) A decision to deny an application to issue a Reclamation permit may be reviewed under Section 10-6-69.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 17)

Sec. 10-6-65. Alternative Requirements.

(a) *Scope of Alternative Requirements approvable.* An Operator of a Nonmetallic Mining Site may request an Alternative Requirement to the Reclamation standard established in Section 10-6-9. The County may approve an Alternative Requirement to the Reclamation standards established in this article if the Operator demonstrates and the County finds that all of the following criteria are met:

- (1) The Nonmetallic Mining Site, the surrounding property or the Mining plan or Reclamation plan has a unique characteristic which requires an Alternative Requirement.
- (2) Unnecessary hardship which is peculiar to the Nonmetallic Mining Site or plan will result unless the Alternative Requirement is approved.
- (3) Reclamation in accordance with the proposed Alternative Requirement will achieve the planned post-

Mining land use and long-term site stability in a manner that will not cause Environmental Pollution or threaten public health, safety or welfare.

(b) *Procedures.*

- (1) The Operator of a Nonmetallic Mining Site requesting an alternate requirement in Subsection (a) of this section shall demonstrate all the criteria in Subsection (a) of this section. This shall be submitted in writing to the County Zoning Committee, Box 676, Hayward, WI 54843-0676. The request shall be accompanied by the fee stated on the County Zoning Administration Fee Schedule.
- (2) The County Zoning Committee shall hold a public hearing within 60 days of receipt of the application. The hearing shall be posted as a Class 1 notice pursuant to Wis. Stats. § 985.07(1), in the official newspaper of the County. The County Land and Water Conservation Department shall provide a written or oral recommendation. The vote of the majority of the quorum shall be necessary to decide any request. An on-site inspection by the County Zoning Committee or its agents may be necessary for the Committee to make a decision.
- (3) A request for an Alternative Requirement may be incorporated as part of an application to issue or modify a Nonmetallic Mining Reclamation permit.

(c) *Transmittal of decision on request for Alternative Requirement.* The decision on a request for alternate Reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.

(d) *Notice to Wisconsin Department of Natural Resources.* The County shall provide notice to the Wisconsin Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least ten days prior to any public hearing held under Subsection (b) of this section on a request for an alternate requirement under this section. A copy of any written decision on Alternative Requirements shall be submitted to the Wisconsin Department of Natural Resources within ten days of issuance.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 18)

Sec. 10-6-66. Permit duration.

(a) A Nonmetallic Mining Reclamation permit issued under this article shall last through operation and Reclamation of the Nonmetallic Mining Site, unless suspended or revoked.

(b) If the mine Operator is not the Landowner, the Reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to Section 10-6-67.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 19)

Sec. 10-6-67. Permit transfer.

A Nonmetallic Mining Reclamation permit issued under this article shall be transferred to a new owner or Operator upon satisfaction of the following conditions:

- (1) A Nonmetallic Mining Reclamation permit may be transferred to a new Operator upon submittal to the County of proof of Financial Assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.
- (2) The transfer is not valid until Financial Assurance has been submitted by the new Operator and accepted by the County and the County makes a written finding that all conditions of the permit will be complied with. The previous Operator shall maintain Financial Assurance until the new Operator has received approval and provided the Financial Assurance under this section.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 20)

Sec. 10-6-68. Previously permitted Sites.

For any Nonmetallic Mining Site which had a Reclamation permit previously issued by another Regulatory Authority pursuant to Wis. Admin. Code Ch. NR 135 that becomes subject to Reclamation permitting authority of the County the terms and conditions of the previously-issued municipal Reclamation permit shall remain in force

until modified by the County pursuant to Section 10-6-29(1).

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 21)

Sec. 10-6-69. Review.

Any permitting decision or action made by the County under this article may be reviewed as set forth in this section. Notwithstanding Wis. Stats. §§ 68.001, 68.03(8) and (9), 68.06 and 68.10(1)(b), any Person who meets the requirements of Wis. Stats. § 227.42(1) may obtain a contested case hearing under Wis. Stats. § 68.11, on the County's decision to issue, deny or modify a Nonmetallic Mining Reclamation permit.

(Ord. No. 4-2001, 6-21-2001; Ord. of 2007; Ord. of 5-21-2015, § 22)

**ARTICLE VII. METALLIC MINERAL EXPLORATION, PROSPECTING, BULK SAMPLING,
MINING AND RECLAMATION**

Sec. 10-7-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any term not expressly defined in this article shall have the meaning set forth in Wis. Stats. Ch. 293, and if not defined therein then as defined in Wis. Admin. Code Ch. NR 132, and if not defined therein then as defined in Wis. Admin. Code Ch. NR 182.

- (1) *Affiliate* means any Person that, directly or indirectly, controls, or is controlled by, or is under common control with a Person. The term "control" (and the correlative meanings of the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of such Person.
- (2) *Applicable Laws and Regulations* means any federal, State, municipal, regulatory or other governmental entity law, regulation, requirement, condition, restriction, or binding agreement applicable to Exploration, an Exploration Site, Prospecting, a Prospecting Site, Bulk Sampling, a Bulk Sampling Site, a Mining Site, Mining, a Mining Operation, or other provision contained within a Exploration Permit, Prospecting Permit, Bulk Sampling Permit or Mining Permit issued pursuant to this article.
- (3) *Applicant* means any Person that has or intends to submit an Application for a Mining Permit to the County pursuant to this article.
- (4) *Application* means an application filed or to be filed with the County by which the Applicant applies for a Mining Permit pursuant to this article and shall contain all the information required by this article, including, but not limited to, the information required pursuant to Section 10-7-12 or as may otherwise be reasonably required by the County.
- (5) *Buffer Area* means an undisturbed vegetated area measured from the property line of the Mining Site into the Mining Site, in which no Mining Operations, structures or roads can occur or be constructed except for the construction and maintenance of a vegetated berm or a berm constructed of materials acceptable to the County.
- (6) *Bulk Sampling* means the same definition as set forth in Wis. Stats. § 293.01(2m).
- (7) *Bulk Sampling Permit* means a permit issued pursuant to Section 10-7-6.
- (8) *Bulk Sampling Site* means the entire area of land upon which Bulk Sampling will occur.
- (9) *Conditional Use Permit* means a permit issued pursuant to Section 10-7-14.
- (10) *Conditional Use Permit/Mining Permit* means a Mining Permit issued by virtue of an approved and issued Conditional Use Permit.
- (11) *County Board* means the Sawyer County Board of Supervisors.
- (12) *County Board of Appeals* means the Board of Appeals of Sawyer County pursuant to Wis. Stats. § 59.694.
- (13) *County Zoning Committee* means the County Zoning Committee of the County Board of Supervisors, and the designated County Zoning Agency pursuant to Wis. Stats. § 59.69(2).

- (14) *County Zoning Ordinance* means the zoning and land use ordinance adopted by the County pursuant to Wis. Stats. § 59.69.
- (15) *Exploration* means exploration as defined in Wis. Admin. Code Ch. NR 130, as it may be amended.
- (16) *Exploration Permit* means the permit required pursuant to Section 10-7-4 as a condition of engaging in Exploration.
- (17) *Exploration Site* means the entire area of land upon which Exploration will occur.
- (18) *Government Body or Agency* means any State, federal, municipal entity, department, agency, regulatory authority, or other government unit having jurisdiction or maintaining any other authority to regulate Exploration, an Exploration Site, Prospecting, a Prospecting Site, Bulk Sampling, a Bulk Sampling Site, Mining, a Mining Site, or Mining Operations.
- (19) *Local Agreement* means an agreement entered into pursuant to Wis. Stats. § 293.41 and approved pursuant to Section 10-7-15.
- (20) *Local Agreement/Mining Permit* means a Mining Permit issued by virtue of an approved Local Agreement.
- (21) *Local Committee* is a committee created pursuant to Wis. Stats. § 293.33 and Section 10-7-8.
- (22) *Mining or Mining Operation* means all or part of the process involved in the Mining of nonferrous metallic minerals, on or as part of the Mining Site, other than for Exploration, Bulk Sampling, or Prospecting, including, but not limited to:
 - a. Extraction from the earth of mineral aggregates or minerals for off-site use or sale, including drilling and blasting, as well as associated activities such as excavation, grading and dredging of such materials.
 - b. Manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation or blending of the mineral aggregates or metallic minerals obtained by extraction from the Mining Site or with materials transferred from off-site.
 - c. Manufacturing processes aimed at producing metallic or nonmetallic products for sale or use by the Operator.
 - d. Stockpiling or storage of metallic or nonmetallic products for sale or use off-site and stockpiling of waste materials.
 - e. Transport of the extracted metallic or nonmetallic materials, finished products or waste materials to or from the extraction site.
 - f. Disposal of waste materials.
 - g. Reclamation of the extraction site.
 - h. Commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden and the production of refuse.

Prospecting or Exploration for metallic minerals is not Mining under the terms of this article.

- (23) *Mining Permit* means either a Conditional Use Permit issued pursuant to Section 10-7-14, or a Local Agreement negotiated, approved and issued pursuant to Wis. Stats. § 293.41 and Section 10-7-15.
- (24) *Mining Site* means the entire area of land upon which Mining Operations will occur, and shall include, but not be limited to, the surface area disturbed by a Mining Operation, the surface area from which the nonferrous metallic minerals or refuse or both have been removed, the surface area covered by the refuse, all lands disturbed by the Mining Operation or associated activities, the surface area covered by construction or improvement of haulageways, and any surface areas in which processing facilities, structures, equipment, materials and any other activities associated with the Mining Operation are situated, operated, conducted or otherwise utilized.

- (25) *Operator* means any Person who is engaged in, or who has applied for and been granted a Mining Permit to conduct Mining, Mining Operations, or other activities associated with Mining on a Mining Site or as part of a Mining Operation, whether individually, jointly or through subsidiaries, agents, employees or contractors.
 - (26) *Permittee* means any Person granted a Mining Permit pursuant to this article.
 - (27) *Person* means any person, individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, State agency or federal agency.
 - (28) *Prospecting* means the same definition as set forth in Wis. Stats. § 293.01(18) and Wis. Admin. Code Ch. NR 131, as each may be amended.
 - (29) *Prospecting Permit* means a permit issued pursuant to Section 10-7-5.
 - (30) *Prospecting Site* means the entire area of land upon which Prospecting will occur.
 - (31) *Retained Expert* means professional consultants, including, but not limited to, engineers, attorneys, planners, environmental specialists, and other consultants with skills relevant to reviewing, processing and acting upon Applications for a Mining Permit or to issues associated with the inspection, monitoring and enforcing of approvals and requirements of a Mining Permit.
 - (32) *WisDNR* means the Wisconsin Department of Natural Resources.
 - (33) *WisDNR Exploration License* means an exploration license issued by WisDNR pursuant to Wis. Stats. § 293.21(2).
 - (34) *Zoning Administrator* means the administrator of the County Zoning and Conservation Department.
- (Ord. No. 2018-01(1), § 1.01, 6-21-2018)

Sec. 10-7-2. Findings, purpose and authority.

- (a) *Findings.*
 - (1) Metallic Mining is a permitted activity under State law and has the potential to both beneficially and adversely impact County residents, environments and economies. Metallic Mining may provide employment opportunities, needed industrial materials and significant economic benefits to local communities. Metallic Mining Operations, however, have the potential to create nuisance conditions, negatively impact property values and present health and safety impacts to County residents if not properly designed and operated.
 - (2) Exploration, Prospecting and Bulk Sampling are regulated by the State, yet it is appropriate for the County to reasonably regulate these uses and operations to the extent that such regulation generally falls within the County's jurisdiction, such as regulation of hours of operation, traffic and noise levels.
 - (3) Many aspects of Mining Operations are subject to State and/or federal regulation. WisDNR is the unit of State government responsible for regulating any adverse impact of metallic Mining and reclamation on the air, lands, water, plants, fish and wildlife in the State. The County is also authorized to regulate metallic Mining so long as its regulation is not preempted by other Applicable Laws and Regulations. Accordingly, the County enacts this article to further the purposes stated above, which include, but are not limited to, the protection of people on neighboring properties to a Mining Site in the County, their domestic animals, structures, businesses and human endeavors and activities situated thereon, as well as the protection of County resident health, safety, convenience and general welfare from the potential adverse effects from metallic mineral Mining, including, but not limited to:
 - a. Sounds, noise, earth movement, shock, vibrations, cracks in structures and interference with the peace, quiet and enjoyment of life on neighboring properties resulting from Mining activities.
 - b. Smells, odors, dust and particulates entering upon neighboring properties and impacting County residents. The County is not, by this article, regulating air or air quality, but seeks to protect neighboring properties, people and the County and activities therein from the adverse effects of smells, odors, dust and particles due to Mining Operations, whether transported or moved by

gravity, vehicles, people, wind, weather, climatic condition or other forces.

- c. Light and light pollution entering upon neighboring properties from a Mining Site or as a result of Mining Operations.
 - d. Damage to the County's property tax base.
 - e. Damage to or destruction of public roads, public highways and bridges from vehicles and equipment used in or at the Mining Site or as part of Mining Operations.
 - f. Adverse effects on educational, recreational and business facilities in the County.
 - g. Adverse effects on agricultural, forestry, industry and business future growth in the County.
 - h. Adverse effects on uses of land in the County in accordance with their character and adaptability.
 - i. Adverse effects on the beauty and amenities of the neighboring landscape and the County's physical features.
 - j. Adverse effects on healthy surroundings for citizens', residents' and visitors' quality of life.
- (4) Given the potential effects of Mining Operations noted above, and given the complexity and uniqueness of each proposed Mining Operation, the County requires a mechanism by which to control the local impacts of Mining Operations, without duplicating or conflicting with Applicable Laws and Regulations.
 - (5) A Conditional Use Permit is a flexible planning and land use regulatory device designed to cope with situations, problems and hazards which may result from the specific metallic mineral Mining project under consideration.
 - (6) A Local Committee, created pursuant to Wis. Stats. § 293.33, presents an opportunity for the County, the Applicant, other units of government and other stakeholders to discuss and plan for the County's concerns associated with a proposed Mining Operation, and to develop solutions to address those concerns. The findings of a Local Committee may be a useful tool in negotiating a Local Agreement.
 - (7) A Local Agreement, as statutorily permitted pursuant to Wis. Stats. § 293.41, provides the County flexibility in the approval process by allowing an Applicant and the County to negotiate terms prior to commencement of the actual approval process. Also, a Local Agreement acts as a specific exception to general zoning requirements, and therefore allows the County to set forth its approvals in one binding agreement with an Applicant.
 - (8) There exist two separate and independent procedures by which an Applicant may obtain a Mining Permit under this article:
 - a. The Applicant may apply for and the County may approve the issuance of a Conditional Use Permit pursuant to Section 10-7-14; or
 - b. The Applicant and the County may enter into a Local Agreement pursuant to the terms of Wis. Stats. § 293.41 and Section 10-7-15.

A Local Agreement may include terms, conditions and provisions that the County may deem necessary to protect the health, welfare, safety and convenience of the County and its residents. The benefits of a Local Agreement include, but are not limited to, addressing the County's, Applicant's and Operator's concerns regarding the Mining Operation, the ability to modify or waive certain provisions of this article and any other County regulation, the inclusion of other parties or units of government in the Local Agreement, memorialize the findings of a Local Committee created pursuant to Wis. Stats. § 293.33, and memorialize the overall understanding of the parties in a binding agreement. A Conditional Use Permit shall be approved pursuant to Section 10-7-14 and suspended, modified, amended or revoked pursuant to Section 10-7-19. A Local Agreement shall be entered into and approved pursuant to Wis. Stats. § 293.41 and Section 10-7-15, and may be suspended, modified, amended or revoked pursuant to its terms and Section 10-7-19.

- (9) This article is not intended to conflict with, defeat the purpose of, or violate the spirit of State or federal law. This article shall be interpreted and applied in a manner that complements, and does not conflict

with, State law as set forth in Wis. Stats. § 293.41 or other Applicable Laws or Regulations.

- (b) *Purpose.* The purpose of this article is to accomplish the following:
- (1) To complement State law regulating Exploration, Prospecting and Bulk Sampling.
 - (2) To establish local minimum standards for Mining Operations conducted within the County, and a process by which to systematically consider Mining Permit Applications and Mining Operations in a manner that promotes the health, safety, welfare and convenience of the County and its residents.
 - (3) To minimize or prevent any adverse on- or off-site impacts resulting from Mining Operations, including, but not limited to, the potential impacts set forth in Subsection (a)(3) of this section.
 - (4) To set forth rules and procedures to govern Mining and Mining Operations within the County, establish procedures for the administration and enforcement of this article, and provide penalties for its violation.
 - (5) To specifically set forth the requirements for any Person desiring to engage in Mining or any Mining Operation in the County to first obtain a Mining Permit from the County and subsequently act and operate in accordance with the conditions on such Mining Permit so the County can, to the extent of the County's authority, promote the public health, safety, convenience and general welfare.
 - (6) To encourage and ensure, to the greatest extent possible:
 - a. Planned and orderly land use development;
 - b. The protection of property values and the property tax base;
 - c. Careful planning and efficient maintenance of highway systems and other transportation infrastructure;
 - d. Adequate highway, utility, health, educational and recreational facilities;
 - e. The needs of agriculture, forestry, industry and business in future growth;
 - f. The use of land and other natural resources which are in accordance with their character and adaptability;
 - g. The protection of surface water and groundwater resources;
 - h. The conservation of soil, water and forest resources;
 - i. The protection of the beauty and amenities of the landscape and physical features within the County;
 - j. Healthy surroundings for citizens' and visitors' enjoyment and lifestyles; and
 - k. The efficient and economical use of public funds.
 - (7) To ensure that Mining Operations are permitted in the County only pursuant to a Mining Permit, issued by virtue of a Conditional Use Permit or a Local Agreement, and only after a Mining Permit is issued by the County in accordance with this article.
 - (8) To ensure that the County may utilize a Local Agreement, as permitted in Wis. Stats. § 293.41, as a Mining Permit separate and apart from any procedure set forth for a conditional use.
 - (9) To ensure that conditions placed on a Mining Permit granted as a Conditional Use Permit are crafted and tailored to address existing and anticipated conditions and circumstances pertinent to the Mining Operation and impacts on the Mining Site and other areas that may be impacted by the Mining Operations throughout the County.
 - (10) To ensure that all conditions placed on a Mining Permit that is issued as a Conditional Use Permit are:
 - a. Consistent with the purposes of this article;
 - b. Within the jurisdiction of the County;
 - c. Not arbitrary or unreasonable;
 - d. Have a substantial relation to public health, safety, convenience and/or general welfare;

- e. Supported by substantial evidence; and
 - f. To the extent practicable, measurable.
- (11) To ensure coordination with WisDNR and all other State and federal regulatory bodies of a Mining Operation in the County.
 - (12) To ensure consistency with the County comprehensive plan and/or town comprehensive plans, as may be amended.
- (c) *Authority.* This article is adopted under the authority of the powers set forth in Wis. Stats. Chs. 59, 66, and 293, and any other authority granted to the County under State or federal law.
- (Ord. No. 2018-01(1), § 1.02, 6-21-2018)

Sec. 10-7-3. Applicability, exemptions, and interpretation

- (a) *Applicability.* This article shall apply to the use and proposed use of land within the unincorporated areas of the County that are subject to the County Zoning Ordinance, for the purpose of any proposed Mining Operation regardless of when such use is commenced and regardless of where such use is proposed within the County.
- (b) *Exemptions.* This article does not apply to:
- (1) Except as set forth in Sections 10-7-9(b) and 10-7-15(e), any Mining Operations made specifically exempt from any requirement in this article pursuant to a Local Agreement with the Operator under Wis. Stats. § 293.41.
 - (2) Except as set forth in Sections 10-7-9(b) and 10-7-15(e), any other requirements of the County Zoning Ordinance that may be modified or waived in a Local Agreement.
- (c) *Interpretation.* This article is not intended to repeal, abrogate, annul, impair or interfere with any existing laws, regulations, ordinances, rules, standards or permits that are not specific to metallic Mining previously adopted pursuant to other State law.
- (d) *Modification, amendment, suspension or elimination of this article.* Any modification, amendment, suspension or elimination of this article, whether in part or in full, shall require a super-majority affirmative vote by the County Board.
- (e) *Impact on existing County Zoning Ordinances.* This article shall amend the existing County Zoning Ordinances. In the event of any conflict between this article and any other County Zoning Ordinances or any other general County codes, regulations or ordinances, this article shall control.
- (Ord. No. 2018-01(1), § 1.03, 6-21-2018)

Sec. 10-7-4. Exploration Permit.

- (a) *Permit required.* No Person may commence any Exploration except in conformance with a valid Exploration Permit issued by the County pursuant to this Section 10-7-4. Exploration may only be conducted as a permitted use within the I-1 zoned district as set forth in the County Zoning Ordinance. The Exploration Permit issued by the County is a separate permit from the WisDNR Exploration License.
- (b) *Conditions on Exploration Permit Applicant.* The County shall grant an Exploration Permit if the Applicant for the Exploration Permit can demonstrate satisfaction of the following conditions:
- (1) Compliance with all terms and conditions of the WisDNR Exploration License for the duration of the WisDNR Exploration License.
 - (2) Compliance with all applicable County ordinances.
 - (3) Demonstrate to the satisfaction of the County that all other applicable and required federal, State and local permits and approvals required for the Exploration have been or will be obtained prior to commencement of any Exploration.
 - (4) Submit a copy of all permits, approvals or waivers of permits to the County, both at the time of application for the Exploration Permit and during the term of the Exploration Permit.

- (5) Comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Exploration.
- (6) Provide proof that any financial assurances required by a Government Body or Agency, if any, have been obtained as required by any Applicable Laws and Regulations.
- (c) *Conditions imposed by County.* The County shall impose conditions on the Exploration Permit related to the following:
 - (1) Provide a Buffer Area or screening from the Exploration Sites if the Exploration activities would cause undue noise, dust, lighting, odors or other adverse impacts on neighboring properties.
 - (2) Establish a setback of at least 300 feet between any Exploration Site and any existing occupied structure.
 - (3) Conduct Exploration only on Monday through Friday, not earlier than 6:00 a.m. and not later than 9:00 p.m., and on Saturday not earlier than 6:00 a.m. and not later than 12:00 noon, to avoid substantial or undue impacts on neighboring properties and County residents.
 - (4) Limit night lighting if Exploration occurs during hours of darkness to that which is minimally necessary for security and worker safety.
 - (5) Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners.
 - (6) All hazardous chemicals or substances kept on the Exploration Site or related to the Exploration shall be stored in State-approved storage containers and storage areas.
 - (7) Take necessary measures to control fugitive dust.
 - (8) Maintain compliance with all State and federal permits related to the Exploration, the suspension or revocation of which shall cause the automatic termination of the County Exploration Permit.
 - (9) Any other conditions that the County deems reasonable and necessary and that:
 - a. Are within the jurisdiction of the County;
 - b. Are not arbitrary or unreasonable;
 - c. Have a substantial relation to public health, safety, convenience and/or general welfare;
 - d. Are supported by substantial evidence; and
 - e. Are, to the extent practicable, measurable.
- (d) *Compliance.* Compliance must be met at all times or the Exploration Permit may be revoked or subject to enforcement, fines and penalties as provided in Section 10-7-19.
- (e) *Duration of Exploration Permit.* The Exploration Permit shall be of the same duration as the WisDNR Exploration License, so long as the Exploration Permit holder complies with all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Exploration Permit does not occur pursuant to this article.

(Ord. No. 2018-01(1), § 1.04, 6-21-2018)

Sec. 10-7-5. Prospecting Permit.

- (a) *Permit required.* No Person may commence any Prospecting except in conformance with a valid Prospecting Permit issued by the County pursuant to this article. Prospecting may only be conducted as a conditional use within the I-1 zoned district as set forth in the County Zoning Ordinance.
- (b) *Conditions on Prospecting Applicant.* The County shall grant a Prospecting Permit if the Applicant can demonstrate satisfaction of the following conditions:
 - (1) Compliance with all applicable County ordinances.
 - (2) Demonstrate, to the sole satisfaction of the County, that all Applicable Laws and Regulations promulgated by any Government Body or Agency, including, but not limited to, a WisDNR permit for the same Prospecting activity, have been or will be obtained prior to commencement of any Prospecting.

- (3) Submit a copy of all permits, approvals or waivers of permits to the County, both at the time of application for the Prospecting Permit and during the term of the Prospecting Permit.
- (4) Compliance with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Prospecting.
- (5) Provide proof that any financial assurances required by a Government Body or Agency, if any, have been obtained as required by any Applicable Laws and Regulations.
- (c) *Conditions imposed by County.* The County shall impose conditions on the Prospecting Permit related to the following:
 - (1) Provide a Buffer Area or screening from the Prospecting Sites if the Prospecting activities would cause undue noise, dust, lighting, odors or other adverse impacts on neighboring properties.
 - (2) Establish a setback of at least 300 feet between any Prospecting Site and any existing occupied structure.
 - (3) All hazardous chemicals or substances kept on the Prospecting Site or related to the Prospecting shall be stored in State-approved storage containers and storage areas.
 - (4) Conduct Prospecting only on Monday through Friday, not earlier than 6:00 a.m. and not later than 9:00 p.m., and on Saturday not earlier than 6:00 a.m. and not later than 12:00 noon, to avoid substantial or undue impacts on neighboring properties and County residents.
 - (5) Limit night lighting if Prospecting occurs during hours of darkness to that which is minimally necessary for security and worker safety.
 - (6) Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners.
 - (7) Take necessary measures to control fugitive dust.
 - (8) Maintain compliance with all State and federal permits related to the Prospecting, the suspension or revocation of which shall cause the automatic termination of the Prospecting Permit.
 - (9) Any other conditions that the County deems reasonable and necessary and that:
 - a. Are within the jurisdiction of the County;
 - b. Are not arbitrary or unreasonable;
 - c. Have a substantial relation to public health, safety, convenience and/or general welfare;
 - d. Are supported by substantial evidence; and
 - e. Are, to the extent practicable, measurable.
- (d) *Compliance.* Conditions established pursuant to the Prospecting Permit must be met at all times or the Prospecting Permit may be revoked or subject to enforcement, fines or penalties as provided in Section 10-7-19.
- (e) *Duration of Prospecting Permit.* The Prospecting Permit shall be of the same duration as the Prospecting Permit issued by WisDNR for the same Prospecting activities, so long as all the Prospecting Permit holder complies with all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Prospecting Permit does not occur pursuant to this article.

(Ord. No. 2018-01(1), § 1.05, 6-21-2018)

Sec. 10-7-6. Bulk Sampling Permit.

- (a) *Permit required.* No Person may commence any Bulk Sampling except in conformance with a valid Bulk Sampling Permit issued by the County pursuant to this article. Bulk Sampling may only be conducted as a conditional use within the I-1 zoned district as set forth in the County Zoning Ordinance.
- (b) *Conditions on Bulk Sampling Applicant.* The County may set the following conditions on a Bulk Sampling Permit to ensure that any party engaging in Bulk Sampling shall:
 - (1) Comply with all applicable County ordinances.

- (2) Demonstrate, to the sole satisfaction of the County, that all Applicable Laws and Regulations promulgated by any Government Body or Agency, including, but not limited to, a WisDNR permit for the same Bulk Sampling activity, have been or will be obtained prior to commencement of any Bulk Sampling.
- (3) Submit a copy of all permits, approvals or waivers of permits to the County, both at the time of application for the Bulk Sampling Permit and during the term of the Bulk Sampling Permit.
- (4) Comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Bulk Sampling.
- (5) Provide proof that any financial assurances required by a Government Body or Agency, if any, have been obtained as required by any Applicable Laws and Regulations.
- (c) *Conditions imposed by County.* The County shall impose conditions on the Bulk Sampling Permit related to the following:
 - (1) Provide a Buffer Area or screening from the Bulk Sampling Sites if the Bulk Sampling Permit activities would cause undue noise, dust, lighting, odors or other adverse impacts on neighboring properties.
 - (2) Establish a setback of at least 300 feet between any Bulk Sampling Site and any existing occupied structure.
 - (3) All hazardous chemicals or substances kept on the Bulk Sampling Site or related to the Bulk Sampling shall be stored in State-approved storage containers and storage areas.
 - (4) Conduct Bulk Sampling only on Monday through Friday, not earlier than 6:00 a.m. and not later than 9:00 p.m., and on Saturday not earlier than 6:00 a.m. and not later than 12:00 noon, to avoid substantial or undue impacts on neighboring properties and County residents.
 - (5) Limit night lighting if Bulk Sampling occurs during hours of darkness to that which is minimally necessary for security and worker safety.
 - (6) Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners.
 - (7) Take necessary measures to control fugitive dust.
 - (8) Maintain compliance with all State and federal permits related to the Bulk Sampling, the suspension or revocation of which shall cause the automatic termination of the Bulk Sampling Permit.
 - (9) Any other conditions that the County deems reasonable and necessary and that:
 - a. Are within the jurisdiction of the County;
 - b. Are not arbitrary or unreasonable;
 - c. Have a substantial relation to public health, safety, convenience and/or general welfare;
 - d. Are supported by substantial evidence; and
 - e. Are, to the extent practicable, measurable.
- (d) *Compliance.* Conditions established pursuant to the Bulk Sampling Permit must be met at all times or the Bulk Sampling Permit may be revoked or subject to enforcement, fines and penalties as provided in Section 10-7-19.
- (e) *Duration of Bulk Sampling Permit.* The Bulk Sampling Permit shall be of the same duration as the Bulk Sampling Permit issued by WisDNR, so long as all the Bulk Sampling Permit holder complies with all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Bulk Sampling Permit does not occur pursuant to this article.

(Ord. No. 2018-01(1), § 1.06, 6-21-2018)

Sec. 10-7-7. Mining Permit required.

- (a) *Zoning designation.* Mining Operations may only be conducted within the I-1 zoned district and only

after issuance of a Mining Permit, as required in this article.

(b) *Mining Permit requirement.* No Person may commence construction of a Mining Site or engage in any Mining Operations in the County except in conformance with a valid Mining Permit issued by the County pursuant to this article and within an I-1 zoned district. A Mining Permit shall be issued as a result of a Conditional Use Permit approved pursuant to Section 10-7-14 or as a result of the approval and adoption of a Local Agreement pursuant to Section 10-7-15.

(c) *Duration of Mining Permit.* The Mining Permit shall last through all Mining Operations and reclamation of the Mining Site so long as the Operator complies with all provisions of this article, any condition imposed by a Conditional Use Permit/Mining Permit, the terms of a Local Agreement in a Local Agreement/Mining Permit, all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Mining Permit does not occur pursuant to this article.

(Ord. No. 2018-01(1), § 1.07, 6-21-2018)

Sec. 10-7-8. Local Committee.

(a) *Formation.* A Local Committee may be formed or convened pursuant to Wis. Stats. § 293.33.

(b) *Powers of a Local Committee.* A Local Committee may:

- (1) Facilitate communications between an Applicant, Operators and the County.
- (2) Analyze implications of the Mining Operations.
- (3) Review and comment on reclamation plans.
- (4) Develop solutions to growth-induced issues caused by Mining Operations.
- (5) Take other steps permitted by the County Zoning Committee.
- (6) Take any other steps permitted to Wis. Stats. § 293.33.

(c) *Parties included in a Local Committee.* The County Zoning Committee shall determine the size of the Local Committee and the parties that make up the Local Committee, in the County Zoning Committee's sole discretion, which may include:

- (1) Representatives of any town, village, city or tribal government representative that may be affected by the Mining Operations.
- (2) Representatives of other industries or affected units of government that may be affected by Mining Operations, such as school districts, police/fire emergency responders, business and industry, economic development, and environmental and other interest groups or other interested parties.
- (3) Other interested Persons, including, without limitation, a representative of the Applicant and the Operator, which may be the same Person if the Applicant shall be the Operator pursuant to the Mining Permit.

(d) *Parties required in a Local Committee.* The following parties shall be included in a Local Committee:

- (1) At least one representative of the County Zoning Committee.
- (2) At least one member of the County Board.
- (3) The County Zoning Administrator or the Zoning Administrator's designee.

(e) *Local Committee findings and recommendations.* A Local Committee's findings, recommendations or reports shall not be binding upon the County Zoning Committee in negotiating a Local Agreement, nor upon the County Board when reviewing and deciding upon an Application for Local Agreement/Mining Permit.

(Ord. No. 2018-01(1), § 1.08, 6-21-2018)

Sec. 10-7-9. Local Agreement.

(a) *Local Agreement as Mining Permit.* A Local Agreement may be used as the basis to obtain a Mining Permit and shall be approved pursuant the terms of Wis. Stats. § 293.41 and as set forth in Section 10-7-15.

(b) *Required information.* A Local Agreement shall include the following information pursuant to Wis. Stats. § 293.41(2):

- (1) A legal description of the land subject to the Local Agreement and the names of its legal and equitable owners.
- (2) The duration of the Local Agreement.
- (3) The uses permitted on the Mining Site.
- (4) A description of any conditions, terms, restrictions or other requirements determined to be necessary by the County or by any town, village, city or tribal government for the public health, safety and welfare of its residents.
- (5) A description of any obligation undertaken by the County, or by any town, village, city or tribal government to enable the development to proceed.
- (6) The applicability or nonapplicability of any County, town, village, city or tribal government ordinances, approvals or resolutions.
- (7) A provision for the amendment of the Local Agreement.
- (8) Other provisions deemed reasonable and necessary by the parties to the Local Agreement.
- (9) Any other terms set forth in this article that require inclusion in the Local Agreement, including the terms set forth in Section 10-7-15(e).

(c) *Modification of zoning requirements.* Except for the requirements set forth in Sections 10-7-9(b), 10-7-15(e) and 10-7-19(f)(2), a Local Agreement may modify, waive or alter the provisions of this article, the County Zoning Ordinance, and any other County regulations. Any Local Agreement/Mining Permit shall address the subjects of Sections 10-7-16, 10-7-17 and 10-7-19; provided, however, the terms set forth in these sections may be amended in a Local Agreement/Mining Permit if agreed to by the parties to the Local Agreement. In the event the terms of this article require specific votes or actions for such waiver, or amendment, waiver or amendment cannot occur absent such votes or specific action.

(d) *Application.* An Applicant desiring to obtain a Local Agreement/Mining Permit shall follow the Application requirements in Sections 10-7-11 and 10-7-12.

(e) *Negotiation.* The County Zoning Committee shall be the designated body to negotiate a Local Agreement on behalf of the County. The County Zoning Committee may consider input from any Local Committee convened pursuant to Wis. Stats. § 293.33 and Section 10-7-8; however, the County Zoning Committee shall not be bound by any recommendations of the Local Committee or other local units of government when negotiating a Local Agreement, but should take local governments comments into consideration.

(f) *Effective date.* A Local Agreement/Mining Permit may not take effect until approved by the County Board as required in Wis. Stats. § 293.41(4) and Section 10-7-15.

(g) *Review and decision process.* An Application for a Local Agreement/Mining Permit shall follow the process set forth in Section 10-7-15.

(h) *Suspension or revocation.* A Local Agreement/Mining Permit may be suspended or revoked as provided in the Local Agreement/Mining Permit.

(Ord. No. 2018-01(1), § 1.09, 6-21-2018)

Sec. 10-7-10. Conditional Use Permit.

(a) *Conditional Use Permit as Mining Permit.* A Conditional Use Permit may be used as the basis to obtain a Mining Permit and shall be approved pursuant the terms set forth in Section 10-7-14.

(b) *Application.* An Applicant desiring to obtain a Conditional Use Permit/Mining Permit shall follow the Application requirements in Sections 10-7-11 and 10-7-12.

(c) *Review and decision process.* A Conditional Use Permit/Mining Permit Application shall follow the review and decision process set forth in Section 10-7-14.

(d) *Suspension or revocation.* A Conditional Use Permit/Mining Permit may be suspended or revoked as provided in the Conditional Use Permit/Mining Permit and pursuant to Section 10-7-19.

(e) *Requirements in a Conditional Use Permit.* A Conditional Use Permit/Mining Permit shall include the information required in Section 10-7-14 and any other conditions warranted within the County Zoning Committee's discretion, subject only to Subsection (f) of this section.

(f) *Conditions.* A Conditional Use Permit/Mining Permit may contain any terms and conditions that the County Zoning Committee deems necessary, and as described in Section 10-7-14(e), in light of the Mining Operations and in response to the specific issues presented by the proposed Mining Operations, and that:

- (1) Are within the jurisdiction of the County;
- (2) Are not arbitrary or unreasonable;
- (3) Have a substantial relation to public health, safety, convenience and/or general welfare;
- (4) Are supported by substantial evidence; and
- (5) Are, to the extent practicable, measurable.

(Ord. No. 2018-01(1), § 1.10, 6-21-2018)

Sec. 10-7-11. Procedures for applying for a Mining Permit.

(a) *Application.* An Application for a Mining Permit shall be filed with the County Zoning Administrator and shall include an electronic copy and 20 paper copies of the Application, including the required components set forth in this sections and Section 10-7-12. The Application shall not be deemed complete until the Applicant has submitted, and the Zoning Administrator has accepted, all required portions of the Application as set forth in this section and Section 10-7-12, and as otherwise required by the County.

(b) *Statement of Application for Conditional Use Permit/Mining Permit or Local Agreement/Mining Permit.* The Application shall specifically state whether the Applicant seeks a Mining Permit by virtue of approval as a Conditional Use Permit pursuant to Section 10-7-14, or by virtue of approval of a Local Agreement pursuant to Section 10-7-15.

(c) *Review and determination.* If the Applicant seeks a Conditional Use Permit/Mining Permit, review and decision on the Application shall occur pursuant to Section 10-7-14. If the Applicant seeks a Local Agreement/Mining Permit, review and decision shall occur pursuant to Section 10-7-15.

(Ord. No. 2018-01(1), § 1.11, 6-21-2018)

Sec. 10-7-12. Mining Permit Application requirements.

(a) *General requirements.* Any Applicant for a Mining Permit shall submit the information and Application fee required by this section and the fees required in Section 10-7-13 in order for the County to properly review the Application. The Applicant may provide the required Application information by reference to other documents submitted to another Government Body or Agency, including any information or documents submitted to a Local Committee as permitted pursuant to Wis. Stats. § 293.33. In cases of documentation by reference, the Applicant shall provide a copy of the referenced document and a specific cross-reference identifying where the information required by this section is located in any referenced material. The following are required:

- (1) A nonrefundable Application fee in the amount established by resolution for costs and expenses to commence the Application review process. The Application fee may be increased to cover the amount of any additional costs, expenses, fees or other amounts which the County may incur to commence the Application review process if those amounts are reasonably known to the County at the time the Application is submitted.
- (2) A Reimbursement Agreement and deposit, as described in Section 10-7-13, including an acknowledgment that the Applicant shall be responsible for any costs or expenses incurred by the County in its review and determination of the Application, regardless of whether a Mining Permit is actually issued to the Applicant or Operator for the Mining Operations.
- (3) If known at the time of Application, any applicable fees and any additional information that is provided

to assist the Retained Experts with reviewing the Application on the County's behalf.

- (4) The Application shall contain a statement, signed and notarized by the Applicant, that includes all of the following:
 - a. That the Applicant is duly authorized to bind itself, any Operator, and any Permittee to the conditions and provisions set forth in this article and in any Mining Permit issued for the Mining Operations contemplated in the Application.
 - b. That all statements, representations, documents and information which are set forth in or accompany the Application are true, correct, accurate and complete.
 - c. That the Applicant, Operator and Permittee, while engaged in metallic Mining activities and in reclamation activities, agree to abide by all of the provisions and requirements of its Mining Permit, this article, and all other Applicable Laws and Regulations.
 - d. That the Applicant's representations and statements made in the Application shall continue to exist and survive after a Mining Permit is issued to the Applicant by the County, and that the Applicant is duly authorized to bind itself, any Operator, and any Permittee for future compliance with the terms of the Mining Permit.
 - e. That the Applicant grants permission and consent to the County, its officers, employees, agents, consultants, contractors and representatives to enter the real property subject to the Application and the anticipated Mining Site for purposes of inspecting, measuring, observing and any other verification that the information contained in the Application is true and correct.
- (b) *Ownership information and Operator information.*
 - (1) The name, address, phone number, and email address of the Applicant.
 - (2) The name, address, phone number and email address of the Operator.
 - (3) The name, address, phone number, and email address of all owners or lessors of the land on which the Mining Operation will occur.
 - (4) If the Applicant is not an individual but is a corporation, partnership, limited partnership, limited liability company or other entity:
 - a. The name and address of each director, partner or member of the Applicant.
 - b. The name, address and position held by each officer or member of the Applicant.
 - c. A list of the Applicant's, or any Affiliate of the Applicant, experience in mine projects, a list of current mine projects and the status of compliance at each project site.
 - (5) Proof that all local taxes, special charges, special assessments, fees, and forfeitures (and any interest or penalties thereon) owed by the landowner and/or Operator of the proposed Mining Site are current.
 - (6) If the Operator is not an individual but is a corporation, partnership, limited partnership, limited liability company or other entity:
 - a. The name and address of each director, partner, or member of the Operator.
 - b. The name and address and position held by each officer or member of the Operator.
 - c. A list of the Operator's, or any Affiliate of the Operator, experience in mine projects, a list of current mine projects and the status of compliance at each project site.
- (c) *Site information and maps.*
 - (1) As to each parcel of real estate which is to be a part of the proposed Mining Site and included in the use of any Mining Operation:
 - a. The legal description of the parcel.
 - b. The name, address and telephone number of each owner of an interest in the parcel, along with a statement of the interest in that parcel held by that owner.

- c. The tax parcel identification number of the parcel.
 - d. A statement as to what structures, improvements and roadways will be situated on such parcel.
 - e. How such parcel will be used as part of the Mining Operation.
 - f. If the parcel is subject to a lease, the parties to such lease should be identified and a summary of its terms should be stated.
 - g. A description of any utilities (public or private) or transportation facilities on the parcel.
 - h. A description of any buildings or existing structures that will be removed to accommodate any Mining Operations.
- (2) Any planned assemblage of parcels for any portion of the Mining Site or to be used as part of the Mining Operation.
 - (3) Any other anticipated County or other Government Body or Agency land use approvals necessary to commence Mining Operations.
 - (4) Approximate dates that mine construction or other preliminary work on the Mining Site is expected to begin, when Mining Operations will commence, and when Mining Operations are anticipated to end.
 - (5) The Applicant's best estimate and explanation of the life expectancy of the mine.
 - (6) A list of all minerals and materials to be extracted from the Mining Site. This should include, but not be limited to, amounts of nonmetallic and metallic materials to be extracted.
 - (7) Survey maps and parcel identification numbers of all contiguous parcels owned by the same landowner/lessor on which the Mining Operation will be located and any additional contiguous parcels on which the landowner/lessor has secured a right of first refusal.
 - (8) An aerial photo of the proposed site at a scale of not less than one inch equals 660 feet.
 - (9) A topographic map of the Mining Site extending one mile beyond the Mining Site boundaries at contour intervals no wider than ten feet showing the boundaries of the Mining Site, the location and total acreage of the Mining Site, and the name of all roads within one mile of the Mining Site.
 - (10) A site plan for the Mining Site showing the location of all existing and proposed buildings and other structures, equipment, stockpiles, storage and parking areas, road access points, driveways, and Buffer Areas along bordering properties and public roads.
 - (11) A plan for staking or marking the borders of the entire Mining Site and for securing the Mining Site by appropriate measures, which may include fencing or alternative measures consistent with mine safety and security and in accordance with all Applicable Laws and Regulations.
 - (12) A map on which all residential, agricultural and municipal wells within one mile of the boundaries of the Mining Site in all directions are marked and given a numerical identification of the location.
 - (13) The location and name of all surface waters, including, but not limited to, lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns, and other water features on the site and within one mile of the Mining Site.
 - (14) A description of the distribution, depth and type of topsoil for the Mining Site. The description shall include the geological composition, depth and width of the metallic deposit, and the location of slopes greater than 20 percent and highly erodible soils.
 - (15) A map identifying the location of all other non-contiguous sites within the County or adjacent towns, cities, or villages, if any, that will contribute material to the Mining Operation.
- (d) *Operation plan.* The Application shall include a written narrative description of the Mining Operation in sufficient detail to allow the County and the public to understand and assess the size and scope of the proposed Mining Operation and potential impacts of the Mining Operation on public health, safety, convenience and general well-being within the County. The operation plan is intended to provide the information necessary to determine what information and conditions shall be set forth in the Mining Permit. Each part of the operation plan shall be

prepared and verified by an appropriate professional expert in the field described in the operation plan. The operation plan shall include a description of all significant aspects of the proposed Mining Operation, including, but not limited to, the following:

- (1) A summary of planned facilities for excavating, extracting, Mining, milling, ore-processing, transportation, tailings disposal, other waste disposal, sedimentation, settling, retention and detention ponds, office buildings and other structures, roads, railroad lines and utilities and the proposed location of each.
- (2) Maps showing the maximum lateral extent and minimum and maximum depth of underground or open pit workings and the location of primary shafts, tunnels and other primary underground workings. Any map submitted to satisfy this requirement shall be updated on an annual basis.
- (3) An estimate of the maximum number of people directly employed at the Mining Site during each phase and an estimated breakdown by job classification of all such employees, where such employees will park their vehicles, eat, and what facilities are available for their use.
- (4) Types of Mining equipment to be used.
- (5) Plans for visual screening of Mining activities around the perimeter of the Mining Site and on the sides of any public highway.
- (6) Plans for lighting on-site and measures to limit light pollution, including a description and analysis of the ambient noise audible in half-mile increments within a five-mile radius of the proposed Mining Site.
- (7) Radiation levels anticipated in waste rock.
- (8) A plan describing the methods for preventing access to all underground mine workings after mine closure.
- (9) Dates of the planned commencement and cessation of the Mining Operation.
- (10) Description of hours of any Mining Operation on any portion of the Mining Site, including all times when any vehicles will enter or leave any portion of the Mining site.
- (11) Description of Mining methods, machinery and equipment to be used for extraction and processing of the extracted material, and the sequence of operations.
- (12) Estimated volume of material to be extracted over the life of the mine and for the next calendar year.
- (13) Identification of all proposed off-site trucking routes, if any, together with the frequency of traffic and the common schedule of travel to be used for transporting extracted materials or products to or from the Mining Site; a description of the types of vehicles to be used on County public roads and their respective weights, lengths, widths, axle numbers and spacing, and ESAL ratings both when empty and legally loaded; an assessment, which shall include core sampling, of the adequacy of roads within proposed off-site trucking routes and a description of any proposed alterations or improvements to such roads; and a description of any traffic control or other measures needed to protect public safety.
- (14) A water budget, including an estimate of the amount of daily water use, water sources, and methods for disposing of water used or falling on the Mining Site, including, but not limited to, methods used for infiltration and control of runoff.
- (15) A listing of any hazardous materials, including, but not limited to, stored or operational fuel supplies that will be used or located on the Mining Site and a description of measures to be used for securing and storing these materials. The operation plan shall also include a written plan for the use of any hazardous materials at the Mining Site and procedures for responding to spills of these materials and fuels on the Mining Site and the frequency of regular drills for responding to spills on the Mining Site.
- (16) An erosion control plan, which shall describe what the Operator will do to prevent material from the Mining Site from eroding, migrating or moving onto neighboring properties or into other areas off the Mining Site.
- (17) A plan to control particles, which shall describe what the Operator will do to prevent/limit/minimize the

volume of particles entering onto neighboring properties from the Mining Site and from vehicles and equipment engaged in the Mining Operation.

- (18) A noise plan, which shall describe what the Operator will do to keep the noise from Mining Operations below the decibel limits set forth in Section 10-7-16(5).
- (19) A blasting plan, which shall describe under what circumstances blasting will be used, what type and volume of explosives will be used, with what frequency blasting will occur, between what hours blasting will occur, and what steps the Operator will undertake to minimize the effects of the noise and vibration from blasting on neighboring properties and the public.
- (20) A tailings and waste products plan, which shall set forth what projected volume of tailings or other waste products or materials will be generated each year, an indication of on what parcels of land such tailings and waste materials will be situated, how the tailings and waste products will be moved, and what steps the Operator will undertake to minimize the amount of particulate matter entering on neighboring properties or other areas outside of the Mining Site. This plan shall address specifically what the Operator will do if the Mining Operations encounter radioactive materials, radon, or other hazardous substances or materials.
- (21) A utilities plan, which shall describe the public utility and public service requirements for the Mining Operation and describe the manner in which all utility services will be provided at the Mining Site and the potential system upgrades which the Mining Operation may require.
- (22) A roadway and traffic analysis of all reasonably foreseeable roadway needs arising in the County due to the Mining Operations and reasonably foreseeable secondary impacts of the Mining Operation which may result in the demand for additional roadway improvements. With respect to roads in the County, the analysis shall identify and describe the anticipated needs for roadway modifications resulting from the likely mine-related traffic impacts, including both primary and secondary impacts, and shall fully describe the existing reasonably foreseeable mine-related changes to traffic patterns, traffic volume, the class of roadways associated with those patterns, and any load-related needs and restrictions. Such analysis shall set forth in detail exactly what the Operator will do in the event of any damage or destruction to public roads, highways and bridges, or other infrastructure, as well as private roads, bridges and infrastructure, resulting from Mining Operations or activities affiliated with the Mining Operations, whether conducted on the Mining Site or off the Mining Site.
- (23) A fencing plan with a diagram depicting and describing where perimeter fencing will be installed and maintained to prevent injury to Persons and animals from entry onto the Mining Site.
- (24) A County impact summary report, which shall include a thorough narrative description of the Mining Operations in sufficient detail to allow the County to assess probable physical, environmental and developmental impacts of the proposed Mining Operations, and assess and summarize the potential and estimated impacts on the human health, safety and welfare of residents of the County, based on the potential environmental, socioeconomic and other impacts of the proposed Mining Operation. The report shall include, but shall not be limited to, the likely and potential impacts of the proposed Mining Operations with respect to each of the following baselines:
 - a. A life-of-mine analysis of impacts upon social and environmental baseline parameters through completion of reclamation, including any impact market conditions may have on Mining Operations.
 - b. A traffic impact analysis that discusses all reasonably foreseeable roadway construction and maintenance needs arising in the County from the proposed Mining Operation and reasonably foreseeable secondary impacts of the Mining Operation that may result in the demand for additional roadway or other infrastructure improvements, repairs or additional maintenance needed as a result of the Mining Operations, including a description of the anticipated needs for roadway modifications resulting from the Mining Operations, both primary and secondary, and shall fully describe the existing reasonably foreseeable changes to traffic patterns, traffic volume, the class of roadways associated with those patterns, and any load-related needs and restrictions.

- c. The impacts of Mining Operations on employment, economic activity and tax base within the County.
 - d. The impacts of Mining Operations on the County's population and housing stock, including the availability of such housing stock.
 - e. The impacts of the Mining Operations on the need for additional government services, including, but not limited to, infrastructure, utilities, schools, fire protection, emergency medical services, and police.
 - f. The expected changes in land use within the County, including the percentage of lands devoted to each use currently and in the future environmental impacts resulting from Mining Operations.
 - g. A description of the current environmental characteristics of the Mining Site, including wildlife, vegetation and physical parameters of groundwater quality and quantity, and surface water quality and quantity, including wetlands as compared to the same environmental characteristics after the Mining Operations commence.
 - h. A description of the topographical and aesthetic features of the proposed Mining Site, including other geographical vegetative conditions.
 - i. A description of the cultural features of the proposed Mining Site, including, but not limited to, an inventory and analysis of all historical and cultural sites and landmarks.
- (25) Copies of other submittal or Application documents for the Mining Operation to any other Government Body or Agency.
- (26) Copies of approvals from any Government Body or Agency for the Mining Operation.
- (27) Any other information deemed necessary by the County in order for the County to make an informed and educated decision on the Application and to determine any appropriate conditions or terms to be set forth in the Mining Permit.

(Ord. No. 2018-01(1), § 1.12, 6-21-2018)

Sec. 10-7-13. Reimbursement agreement, administration deposit, fees and costs.

(a) This section is not intended to generate excess revenues for the County's use for purposes not related to an Application or any Mining Operation, but the County, and hence its taxpayers, shall not be required to bear the financial burden and obligations associated with the costs and expenses the County incurs in connection with an Application or any Mining Operations. To that end, this section provides that the Applicant shall be responsible for reimbursement of all costs and expenses incurred by the County in connection with the Application.

(b) At the time an Application is filed with the County Zoning Administrator, the Applicant shall execute for the benefit of the County a Reimbursement Agreement, which shall require the Applicant and any other Person associated with the proposed Mining Operation to pay any costs or expenses incurred by the County in its review and determination of the Application, and provide adequate security guaranteeing payment of the cost of the investigation, review and processing of the Application, including, but not limited to, Retained Expert fees, attorneys' fees, administrative costs, expenses of disseminating information to the public, expenses incurred to conduct required public hearings, and other matters compelled by the need to review and respond to the Application as provided by this article. The Reimbursement Agreement shall require the Applicant and any other Person associated with the Mining Operations to be responsible for payment of any costs or expenses incurred by the County in its review and determination of the Application, regardless of whether a Mining Permit is actually issued to the Applicant or Operator for the Mining Operations. The Reimbursement Agreement shall also detail the Operator and Permittee's ongoing obligation and responsibility for payment of any costs and expenses incurred by the County in connection with the Mining Permit, including, but not limited to, costs of Retained Experts to ensure ongoing compliance with the Mining Permit.

(c) The Applicant shall initially deposit \$50,000.00 with the County to be deposited in an administrative fee account for Application review and proposed Mining Operations so such funds are available to be withdrawn by the County and used to reimburse the County for the costs and expenses the County incurs in connection with Application review and Mining Operations. If the initial deposit of \$50,000.00 falls below \$25,000.00, the County

will notify the Applicant or Operator and the Applicant or Operator will make an additional deposit into such administrative fee account within 15 days of receipt of such notice so that the remaining balance in the administrative fee account never remains below \$25,000.00 for more than 15 days.

(d) The Applicant shall be responsible for all costs and expenses incurred by the County as a result of the Application and request for a Mining Permit, whether such costs and expenses are incurred before or after the actual Application filing. Actual costs may include, but are not limited to, Retained Expert fees, County staff time, travel expenses, professional fees, review fees, and equipment and material costs. Such costs shall not exceed those which are reasonably charged for the same or similar services by licensed professionals of the type retained.

(e) The County shall use standard cost and time accounting practices to document its time and expenses in performing any work and purchasing any equipment and services that will be billed to the Applicant. The Applicant may review the accounting records upon written request at least five business days in advance to the County Zoning Administrator or its designee.

(f) Costs and expenses the County incurs under this section shall be billed to the Applicant for reimbursement to the County on a monthly basis and shall be deducted from the initial deposit amount set forth in Subsection (c) of this section within 30 days of such billing. The County may elect to have any costs and expenses billed directly to the Applicant by any Retained Expert or other party performing services on behalf of the County in reviewing the Application. Should the initial deposit fail to cover any costs and expenses, and the Applicant fails or refuses to pay costs within 30 days upon request or demand from the County, the County may stop processing the Application and deny any Mining Permit that has not been issued. A Mining Permit shall not be issued until any fees or actual costs incurred by the County prior to issuance have been paid in full.

(g) If an Applicant withdraws its Application at any time after the Application is submitted to the County, all fees and charges assessed for work to that point in time by the County shall be paid by the Applicant. Any balance remaining of the deposit, after the payment of all fees and charges incurred by the County, shall be refunded to the Applicant.

(Ord. No. 2018-01(1), § 1.13, 6-21-2018)

Sec. 10-7-14. Review process for Conditional Use Permit/Mining Permit Applications.

(a) *Application for Conditional Use Permit/Mining Permit.* The process set forth in this section shall apply to an Application that requests the grant of a Conditional Use Permit/Mining Permit.

(b) *Initial review.* Upon receipt of a Conditional Use Permit/Mining Permit Application, the County Zoning Administrator shall complete an initial review to determine if additional information or expertise is necessary to properly evaluate the Application. The County Zoning Administrator's acceptance of an Application does not render the Application complete. The County Zoning Administrator may retain the services of Retained Experts to assist in determining whether the Application is complete and complies with the requirements of this article and other applicable County regulations and all other Applicable Laws and Regulations, as applicable and as determined by appropriate State and federal authorities on matters relating to State and federal law and regulation.

(c) *Notice of receipt.* Within 30 days of receipt of the complete Application, the County Clerk shall also publish or post a Class 2 notice under Wis. Stats. Ch. 985 indicating that the Application has been filed and transmitted to the County Zoning Committee. A copy of the Application shall be made available for public review.

(d) *Additional information.* The County Zoning Committee may request the Applicant to submit additional information if the County Zoning Committee determines that the Application is incomplete, or if the County Zoning Committee determines that additional information is needed to determine whether the proposed Mining Operation will meet the applicable standards. The County Zoning Committee may also retain the services of Retained Experts to review the Application and report to the County Zoning Committee whether additional information is required for review of the Application and to determine whether the proposed Mining Operations meet the applicable standards. The County Zoning Committee shall make a determination regarding the need for additional information or expertise within 90 days after receiving the Application, which time period may be extended for a period of time up to an additional 90 days in the County Zoning Committee's sole and absolute discretion. If the County Zoning Committee determines that no additional information or expertise is necessary, the Application shall be deemed complete.

(e) *Conditions.* The County Zoning Committee may place conditions of approval upon the Conditional Use Permit/Mining Permit based on the following considerations or addressing the following concerns:

- (1) Any minimum operational standards for the Mining Operations, as set forth in Section 10-7-16.
- (2) Any reporting requirements, as set forth in Section 10-7-17.
- (3) Any change in operation requirements, as set forth in Section 10-7-18.
- (4) Any notification requirements regarding other Government Body or Agency reports, conditions, approvals or actions.
- (5) Any notification requirements regarding notices or violations issued by any other Government Body or Agency.
- (6) Reimbursement of all County costs and expenses as described in Section 10-7-13 or as may otherwise be incurred.
- (7) Duration or phasing of the Conditional Use Permit/Mining Permit.
- (8) Any conditions to address concerns of adverse effects of the Mining Operations as set forth in Section 10-7-2(a)(3).
- (9) Any conditions, requirements or restrictions related to employment and economic improvement as a result of the Mining Operations.
- (10) Any other conditions that the County Zoning Committee may deem reasonable and necessary and that:
 - a. Are within the jurisdiction of the County;
 - b. Are not arbitrary or unreasonable;
 - c. Have a substantial relation to public health, safety, convenience and/or general welfare;
 - d. Are supported by substantial evidence; and
 - e. Are, to the extent practicable, measurable.

(f) *Retained Expert findings.* To the extent practical and within the area of expertise of a Retained Expert, a Retained Expert shall provide a written verification that any conditions imposed by the County Zoning Committee are related to the purpose of this article and are based upon facts and information that would support the imposition of the condition.

(g) *Public hearing and determination by County Zoning Committee.* Within 120 days of receipt of the complete Application, the County Zoning Committee shall hold a public hearing on the Application following a Class 2 notice under Wis. Stats. Ch. 985. Within 180 days of receipt of the complete Application, and any additional information requested by the County Zoning Committee, and following the public hearing (which may be adjourned from time to time in the County Zoning Committee's sole and absolute discretion), the County Zoning Committee shall make findings of fact and determination of whether to grant the Application's request for a Conditional Use Permit/Mining Permit, or deny the Application's request for a Conditional Use Permit/Mining Permit.

(h) *Approval and issuance of Mining Permit.* Upon the County Zoning Committee's approval of the Application's request for a Conditional Use Permit/Mining Permit, the approved Conditional Use Permit shall be deemed the Mining Permit.

(i) *Remedies on denial.* If the County Zoning Committee denies the Conditional Use Permit/Mining Permit request, an Applicant may exercise any remedies available under the County's ordinances or at law, including, but not limited to, an appeal to the County's Board of Adjustment pursuant to Wis. Stats. § 59.694(4). The County's Board of Adjustment shall apply the common law certiorari standard of review in rendering its decision and may elect to accept additional evidence, within the Board of Adjustment's discretion. In addition, the Applicant may re-submit its Application in accordance with this article, and re-submittal shall constitute an Application in conformance with all provisions of this article, provided that any differences between the original Application and the new Application shall be summarized by the Applicant in a document entitled "Explanation of Reasons for Re-Submittal." An Application received by re-submittal may be denied for any reason that any original Application may be denied.

(Ord. No. 2018-01(1), § 1.14, 6-21-2018)

Sec. 10-7-15. Review and approval process for Local Agreement/Mining Permit.

(a) *Application for Mining Permit by Local Agreement.* The process set forth in this section shall apply to an Application that requests the grant of a Mining Permit by virtue of the County Board's approving and adopting a Local Agreement pursuant to Wis. Stats. § 293.41.

(b) *Initial review.* Upon receipt of an Application for a Local Agreement/Mining Permit, the County Zoning Administrator shall complete an initial review to determine if additional information or expertise is necessary to properly evaluate the Application. The County Zoning Administrator's acceptance of an Application does not render the Application complete. The County Zoning Administrator may retain the services of Retained Experts to assist in determining whether the Application is complete and complies with the requirements of this article and other applicable County regulations.

(c) *Notice of receipt.* Within 30 days of receipt of the complete Application, the County Clerk shall also publish or post a Class 2 notice under Wis. Stats. Ch. 985 indicating that the Application has been filed and transmitted to the County Zoning Committee. A copy of the Application shall be made available for public review.

(d) *Additional information.* The County Zoning Committee may request the Applicant submit additional information if the County Zoning Committee determines that the Application is incomplete, or if the County Zoning Committee determines that additional information is needed to determine whether the proposed Mining Operation will meet the applicable standards. The County Zoning Committee may also retain the services of Retained Experts to review the Application and report to the County Zoning Committee whether additional information is required for review of the Application and to determine whether the proposed Mining Operations meet the applicable standards. The County Zoning Committee shall make a determination regarding the need for additional information or expertise within 90 days after receiving the Application. If no additional information or expertise is deemed necessary, the Application shall be deemed complete. The County Zoning Committee is designated as the sole and exclusive agent of the County Board in relation to the negotiation of a Local Agreement. When an Application is deemed complete, the County Zoning Committee shall establish dates and locations for meetings to negotiate a Local Agreement.

(e) *Requirements in a Local Agreement.* A Local Agreement shall include the following information and terms:

- (1) The requirements set forth in Wis. Stats. § 293.41(2) and in Sections 10-7-9(b) and (c) and 10-7-19(f)(2).
- (2) Minimum operation standards such as those set forth in Section 10-7-16.
- (3) Reporting requirements such as those set forth in Section 10-7-17.
- (4) Change in operation requirements such as those set forth in Section 10-7-18.
- (5) Inspection, enforcement, procedures and penalties such as those set forth in Section 10-7-19, including a forfeiture schedule. The County Board may delegate its enforcement powers under the Local Agreement to the County Zoning Committee. Section 10-7-19(f)(2) may not be modified in a Local Agreement/Mining Permit.
- (6) The process of reimbursement of all County expenses incurred as a result of the Application review process and the negotiation process of the Local Agreement.
- (7) Other consideration for impacts of a Mining Operation paid to the County or other units of government.

(f) *Optional contents of Local Agreement.* The County Zoning Committee may consider the specific provisions in the Local Agreement related to the following, without limitation:

- (1) Any conditions, requirements or restrictions needed to adequately address concerns of adverse effects of the Mining Operations as set forth in Section 10-7-2(a)(3).
- (2) Any conditions, requirements or restrictions needed to adequately address concerns of specific environmental impacts and effects on natural resources, whether those natural resources are located entirely within the County or partially within the County.

- (3) Any conditions, requirements or restrictions related to employment and economic improvement as a result of the Mining Operations.
 - (4) Any notification requirements regarding other Government Body or Agency reports, conditions, approvals or actions, including notifications to the Operator for Mining Operations located outside of the County.
 - (5) Any notification requirements regarding notices or violations issued by any other Government Body or Agency.
 - (6) Requirements to minimize the impact of Mining Operations on roads, bridges or other transportation infrastructure.
 - (7) Reimbursement of all County costs and expenses incurred by the County, its agents and any Retained Experts in the review and negotiation of the Local Agreement and in the review and determination of whether to issue the Local Agreement/Mining Permit.
 - (8) Duration or phasing of the Local Agreement/Mining Permit.
 - (9) Any recommendations or information provided by the Local Committee, other Government Body or Agency, or relating to other Applicable Laws and Regulations.
 - (10) Any other conditions that the County Zoning Committee may deem reasonable and necessary.
- (g) *Modification of zoning ordinance requirements.* Except for the requirements set forth in Sections 10-7-9(b) and (c) and 10-7-19(f)(2), a Local Agreement may modify, waive or alter the provisions of this article and any other County regulations; provided, however, that if the terms of this article require specific votes or specific action for such waiver, waiver cannot occur absent such votes or specific action.
- (h) *Recommendation to the County Board.* Upon completion of negotiations, the County Zoning Committee shall either recommend that the County Board grant the Application's request for approval of the Local Agreement/Mining Permit, or recommend that the County Board deny the Application's request for approval of the Local Agreement/Mining Permit. The County Zoning Committee's recommendation shall not be binding upon the County Board.
- (i) *Decision by the County Board.*
- (1) *Notice and hearing.* Upon recommendation by the County Zoning Committee, the County Clerk shall place the County Zoning Committee's recommendation on the agenda for the next regular meeting of the County Board. At that meeting, the County Board shall set a date for a public hearing. At least 15 days prior to the public hearing, the County Clerk shall publish or post a Class 2 notice under Wis. Stats. Ch. 985. At the public hearing, the County Board shall take public comment on the Application and proposed Local Agreement/Mining Permit.
 - (2) *County Board decision.* Within 30 days following the public hearing, the County Chairperson shall set a date for a County Board meeting to consider a final decision on the Application and Local Agreement/Mining Permit. At that meeting, the County Board shall review the complete Application, any Local Committee reports or information, any reports or information from other units of government or parties that participated in the Local Committee or may be party to the Local Agreement, any Retained Experts' reports, public comments made and information provided at the public hearing, and any other information deemed necessary by the County Board. Consideration of the Local Agreement/Mining Permit may be adjourned from time to time as the County Board may determine in its sole and absolute discretion.
 - (3) *Approval and issuance of Mining Permit.* Upon the County Board's approval of the Application for Local Agreement/Mining Permit and adoption of the Local Agreement, the Local Agreement shall be deemed the Mining Permit.
 - (4) *Effective date.* A Local Agreement/Mining Permit shall be effective after all of the County Board, and the governing body of any other county, town, village, city or tribal government which is identified as a party to the Local Agreement approve the Agreement in a public meeting.

- (5) *Remedies on denial.* If the County Board fails to approve the Local Agreement/Mining Permit, an Applicant may re-submit its Application in accordance with this article, and re-submittal shall constitute an Application in conformance with all provisions of this article, provided that any differences between the original Application and the new Application shall be summarized by the Applicant in a document entitled "Explanation of Reasons for Re-Submittal." An Application received by re-submittal may be denied for any reason that any original Application may be denied.
- (6) *Recording.* Upon approval of a Local Agreement/Mining Permit, the County Clerk shall record a copy of the Local Agreement/Mining Permit against any parcel of real property upon which the Mining Site sits or is used as part of the Mining Operation. The Applicant shall secure all required approvals and permissions to record the Local Agreement/Mining Permit from the necessary property owners in order to comply with this subsection.

(Ord. No. 2018-01(1), § 1.15, 6-21-2018)

Sec. 10-7-16. Minimum operational standards applicable to all Mining Permits.

The standards set forth in this section shall be considered as conditions in a Conditional Use Permit/Mining Permit or as the foundation of negotiations in developing the terms of a Local Agreement/Mining Permit. The standards set forth in this section shall be deemed the minimum operational standards and no Mining Permit may allow standards below those set forth in this section unless set forth otherwise in a Local Agreement.

(1) *General standards.*

- a. The borders of the entire Mining Site will be appropriately staked or marked, and the Mining Site will be secured by appropriate measures which may include fencing or other alternative measures consistent with mine safety and security as set forth by any Government Body or Agency.
- b. The Operator shall demonstrate to the satisfaction of the County that all other Applicable Laws and Regulations of any Government Body or Agency required for the Mining Operation have been or will be obtained prior to commencement of any Mining Operation. The Applicant shall also deliver copies of any Applications, notices, reports, approvals or waivers from any Government Body or Agency regarding the Mining Operations' compliance with Applicable Laws and Regulations prior to commencing any Mining Operations.
- c. The Operator shall provide proof that it has provided the financial assurances as required under Wis. Stats. Ch. 293 or any other Applicable Laws and Regulations.
- d. The Operator shall agree to comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Mining Operations.

(2) *Buffer Areas.*

- a. The Operator shall provide a Buffer Area from the boundaries of the Mining Site to protect bordering properties from noise, dust, lighting, odors, blasting and other adverse impacts of the Mining Operation along bordering property lines and public roadways.
- b. The Buffer Area shall provide a setback of one mile from the Mining Site to the property line of any adjacent property owner unless a landowner consents to a lesser distance, but not less than 2,000 feet. If consent is provided for a lesser distance, a copy of such consent agreement shall be recorded against the property at the register of deeds office for the county in which the land is located and a copy of the agreement shall be provided to the County Clerk.
- c. The Buffer Area shall provide a setback of one-half mile from the Mining Site to any school, medical facility, nursing home, or community based residential facility.
- d. The Operator shall screen the Mining Operations from public view. Screening may be achieved through the use of berms, additional setbacks or other measures deemed adequate by the County Zoning Committee and the County Board.

- (3) *Hours of operation.* The Operator shall limit normal hours of operations at the Mining Site to nine hours a day Monday through Friday not earlier than 7:00 a.m. and not later than 8:00 p.m. and on Saturday not earlier than 8:00 a.m. and not later than 12:00 noon, to avoid substantial or undue impacts on neighboring properties and County residents. During any Mining Operations occurring after sunset, the Operator shall use white noise or lighted backup alarms on equipment. Operations on-site shall not occur on Sundays or legal holidays.
- (4) *Control of light.* The Operator shall limit night lighting on a Mining Site to that which is minimally necessary for security and worker safety. Every effort consistent with the legal requirements for safety shall be made to minimize illumination of the night sky and neighboring properties. At a minimum, such measures shall include the following:
 - a. The use of full cutoff shrouds on all lights.
 - b. Portable lighting shall be used only as necessary to illuminate temporary work areas.
 - c. The use of berms of sufficient height coupled with other methods of visual screening to block light from the Mining Site to neighboring properties.
 - d. The design and location of access roads, driveways and other access points to the Mining Site to minimize lights from traffic and operations to neighboring properties.
- (5) *Control of noise.*
 - a. The Operator shall control off-site noise levels to avoid adverse impacts to neighboring landowners. The noise levels at the boundaries of the Mining or processing site shall not exceed 65 dB. The noise levels at the boundaries of any school, medical facility, nursing home, or community based residential facility shall not exceed 60 dB. Decibels shall be based on dB(A), which is the unit of sound level expressed in decibels (dB) and A-weighted as described in ANSI 1.4-1983 and shall be measured in accordance with accepted protocols.
 - b. Noise levels shall be monitored at the Mining Site's property boundary by an independent testing company. The tests shall occur for a ten-day period at least once per quarter. The results shall be reported to the County within 30 days of the last test result.
- (6) *Blasting requirements.* In addition to all other applicable provisions of this article and any other Applicable Laws or Regulations, the Operator shall comply with the following requirements when engaging in any blasting activity as part of the Mining Operations:
 - a. Blasting may only occur between the hours of 10:00 a.m. and 2:00 p.m., Monday through Friday. Blasting may not occur on weekends or outside of the hours set forth herein.
 - b. No later than 30 days prior to blasting, the Operator shall provide written notice of its intended blasting to the County Administrator and to each property owner whose property is located within two miles of the perimeter of the Mining Site.
 - c. The Zoning Administrator, either upon request of an impacted landowner or by the Zoning Administrator's discretion, may require that any structure lying within a two-mile radius of the perimeter of the Mining Site be surveyed by an independent third party, the cost of which shall be paid by the Operator, prior to any blasting activities on the Mining Site. The Zoning Administrator, either upon request of an impacted landowner or by the Zoning Administrator's discretion, may require that any structure lying within a two-mile radius of the perimeter of the Mining Site be surveyed by an independent third party, the cost of which shall be paid by the Operator, after any blasting activities on the Mining Site to determine whether the blasting activities caused property damage to any structures or other property within the two-mile radius of the perimeter of the Mining Site.
 - d. The Operator shall comply with all Applicable Laws and Regulations when conducting blasting activities.
- (7) *Well monitoring and impact on groundwater quality.* In order to ensure compliance with the Applicable Laws and Regulations regarding groundwater quality, the Operator shall monitor all private and public

wells (to the extent access can be secured), at the Operator's sole cost and expense, located within three miles of the perimeter of the Mining Site in order to provide baseline data concerning quantity and quality of water. The Operator shall comply with the requirements of this subsection for a period of two years prior to commencement of construction of any portion of the Mining Site or commencement of any Mining Operation, and during the period of the Mining Operation, and continuing for no less than five years after the completion of the Mining Site reclamation. The wells shall be monitored quarterly for lead, arsenic, turbidity, total dissolved solids, chlorides, nitrates, specific conductivity and any toxic substance that may reasonably be believed to be present in the ore deposit proposed to be mined. Well monitoring required under this article shall be performed by an independent consultant agreeable to both the County and the Operator. All test and monitoring results shall be reported to the County within 30 days of completion. Mining Operations shall not cause an exceedance of groundwater quality standards in Wis. Admin. Code Ch. NR 140 or as otherwise may be set forth in any Applicable Law or Regulation. Any test or monitoring result showing that groundwater quality standards have not been met as set forth in Wis. Admin. Code Ch. NR 140 or any other Applicable Law or Regulation shall be cured by the Operator at the Operator's sole cost and expense.

- (8) *Fugitive dust control.* In addition to any ambient air monitoring required by WisDNR, the Operator shall comply with best management practices for control of off-site fugitive dust, including, but not limited to, use of truck covers, watering roads and equipment, and stabilizing stock piles.

(Ord. No. 2018-01(1), § 1.16, 6-21-2018)

Sec. 10-7-17. Reporting.

(a) *Considerations.* The standards set forth in this section shall be considered as conditions in a Conditional Use Permit/Mining Permit or as the foundation of negotiations in developing the terms of a Local Agreement/Mining Permit.

(b) *Ongoing reporting requirements.*

- (1) The Operator shall provide notice to the County of any notices of violations, citations, or other enforcement actions taken by any other Government Body or Agency as a result of the Mining Operation or any activity on the Mining Site. The Operator shall provide notice to the County of such actions within 15 days after receiving such notice from the Government Body or Agency.
- (2) All monitoring data, sampling results and any other test results required by this article shall be undertaken at the Operator's expense and provided to the County Clerk. Unless otherwise specified in this article, all monitoring data sampling results and any other test results shall be provided to the County Clerk within 30 days of receipt of the results by the Operator.

(c) *Annual report.*

- (1) *Submission and presentation.* No later than October 1 of each calendar year, the Operator shall submit an annual report to the County Zoning Committee for all active and intermittent Mining Sites and Mining Operations for which the Operator has a Mining Permit in the County. The County Zoning Committee may require that the Operator appear at a County Zoning Committee meeting to present the annual report and answer questions from the County Zoning Committee. The County Board may also require that the Operator appear at a County Board meeting to present the annual report and answer questions from the County Board. The reporting period shall be from the date of the issuance of the first Operator's Mining Permit to August 31, and thereafter from September 1 to August 31.

(2) *Information to be included.* The annual report shall include the following information:

- a. An identification of the Operator and location of the Mining Site.
- b. A map or drawing of the entire Mining Site accurately showing each use, activity and area associated with all Mining Operations.
- c. A map or drawing accurately showing the area of excavation, the unclaimed area and the reclaimed area, including a calculation of the number of acres for each type.
- d. A written description of activities, including ore extraction and waste material production and

operations on the Mining Site for the previous calendar year, including the cubic yards each of material extracted, processed, and waste material produced.

- e. A written description of all activities and operations on the Mining Site, including ore extraction and waste material production or processing anticipated for the following calendar year.
 - f. A written report demonstrating how the Operator has been in compliance with all terms and conditions of its Mining Permit and this article. The report shall include all groundwater, surface water and other monitoring results, as well as a copy of all annual reports or other reports submitted to any other Government Body or Agency.
 - g. A summary of all areas of noncompliance, a plan for bringing noncompliant areas into compliance, and any actions taken by any Government Body or Agency as a result of any alleged or actual non-compliance.
 - h. A signed certification by the Operator to the effect that:

"I certify that this information is true and accurate, and except as expressly set forth herein, the metallic mineral mining site and operations described herein and for which the County issued the Mining Permit dated _____ complies with all conditions of the County ordinances and codes, and all other governmental or other regulatory authority requirements, laws, regulations and requirements and is in compliance with any applicable permits, requirements, conditions and approvals required for operation of the metallic mineral mining site and operations described herein and for which the County issued the Mining Permit dated _____."
 - i. Any other materials required in this article that may not have been already submitted at the time of the annual report.
 - j. Any other materials or information that the Zoning Administrator, County Zoning Committee or County Board deems necessary.
- (3) *Quarterly inspection summary.* The Operator shall submit to the County Clerk, within 30 days following the close of each calendar quarter, a report summarizing the results of the following inspections:
- a. *Daily inspections.* The Operator shall inspect any tailings ponds and any other waste lagoons on a daily basis for evidence and indications of any phenomenon, activity or process which might affect the integrity of any tailings pond or dike.
 - b. *Monthly inspections.* The Operator shall designate one or more qualified senior personnel to inspect any tailings ponds and any other waste lagoons on a monthly basis and prepare, sign and date a report. If the Person or Persons making the monthly inspections is not a State registered professional engineer, then the Operator shall also provide for quarterly inspections as required herein by a State registered professional engineer.
 - c. *Natural event inspections.* The Operator shall inspect any tailings ponds and any other waste lagoons after any unusual natural occurrence, including, but not limited to, the following: earthquake, tornado, flood, storm event exceeding the 100-year storm threshold, or any other natural event which the Operator should reasonably expect could affect the integrity of the tailings pond, dike or other areas of the Mining Site.
- (4) *Inspection logs.* All daily, monthly and quarterly inspection observations shall be recorded in a log and maintained on the premises of the Mining Site and be made available for inspection by County officials during regular business hours. The Operator shall submit copies of inspection logs to the County upon request.

(Ord. No. 2018-01(1), § 1.17, 6-21-2018)

Sec. 10-7-18. Changes in operation.

- (a) *Considerations.* The standards set forth in this section shall be considered as conditions in a Conditional Use Permit/Mining Permit or as the foundation of negotiations in developing the terms of a Local

Agreement/Mining Permit.

(b) *Expansion.* Expansion of the Mining Site or any Mining Operation that is not specifically allowed by or is inconsistent with any limitation or parameters of the Mining Permit is prohibited and is a violation of this article. Performance of activities not described in, or activities not expressly allowed by, the Mining Permit shall be considered an unlawful expansion and a violation of this article. The movement of any waste, ore or concentrate to a Mining Site from a location outside the boundary of that Mining Site shall be deemed an unlawful expansion of Mining Operation unless such movement is specifically and expressly authorized in a Mining Permit issued pursuant to this article.

(c) *Suspension or termination of Mining.*

- (1) An Operator must provide notice to the County as soon as possible of any temporary halt of Mining Operations lasting more than 180 days, including, but not limited to, a statement showing projected loss of employment. Notice shall include the reason for the temporary suspension as well as plans to ensure continued compliance of all Applicable Laws and Regulations throughout the suspension period.
- (2) The Operator must provide notice of its intent to permanently terminate any or all Mining Operations at the Mining Site no later than one year before the proposed Mining Operation, or any portion of the Mining Operation, is terminated. The Operator must provide notice by the end of each calendar year of any significant change in the anticipated timing of each major phase of the Mining Operation as originally detailed in the plan of operation submitted as part of the Application pursuant to this article, and explain any reasonably foreseeable changes to the overall Mining Operation lifetime based on such changes.
- (3) Upon receipt of a notice of temporary halt in Mining or upon a cessation lasting more than 180 days, whichever is sooner, the County Zoning Committee may require that the Operator take additional measures to ensure that public health, safety and welfare are protected during the temporary cessation of Mining Operations, including, but not limited to, a temporary cap on tailing facilities, additional security measures, additional erosion control measures, and other site stabilization measures.
- (4) A suspension longer than two years shall be considered a permanent abandonment and require the Operator to commence closure and reclamation. The Operator may request the County Zoning Committee re-evaluate this requirement based on exceptional circumstances. The County Zoning Committee shall not be obligated to grant the request for re-evaluation. The County Zoning Committee's determination of the Operator's request for re-evaluation is not subject to appeal or other additional review.

(d) *Major Conditional Use Permit/Mining Permit modifications or amendment.*

- (1) If a Conditional Use Permit/Mining Permit has been issued, both the County and the Operator may pursue an amendment to that Conditional Use Permit/Mining Permit during the Conditional Use Permit/Mining Permit term pursuant to this Subsection (d) and Section 10-7-19(g)(2).
- (2) The County reserves the right to reopen and modify any Conditional Use Permit/Mining Permit if it is determined by the County Zoning Committee, upon the basis of newly discovered evidence, including, but not limited to, evidence presented that any Mining Operation or any part of the Mining Operation by any Government Body or Agency, such Mining would, without further conditions placed on the Mining Permit, substantially endanger the environment, public health, safety or welfare of the community. Any action to reopen a Mining Permit shall be done by hearing with at least 30 days' notice to the Operator. In order to reopen the Mining Permit and modify any terms and conditions, the County Zoning Committee must determine that there is reasonable cause to believe that the newly discovered evidence demonstrates a threat to the environment, public health, safety or welfare.
- (3) Should the Operator desire to modify the Conditional Use Permit/Mining Permit in any way, it may request modification by submitting a written Application and evidence supporting such modification to the County Clerk. Such Application shall be in substantially the same form as the original Application for the Conditional Use Permit/Mining Permit, with the same level and substance of information required, although it shall be permissible to incorporate by reference any portions of the original Application that still pertain to the re-opening request. Upon receipt of the application to modify the

Conditional Use Permit/Mining Permit, the County shall follow the procedures outlined in this article for review of an application for a Conditional Use Permit/Mining Permit as set forth in Section 10-7-14.

(e) *Minor Conditional Use Permit/Mining Permit modifications and amendments.* Upon request by either the County or the Operator for a minor modification to the Conditional Use Permit/Mining Permit, the County Zoning Committee has the discretion to determine that a proposed Mining Permit modification is so inconsequential in scope or limited in proposed duration that the Mining Permit modification procedures outlined under Subsection (d) of this section are unnecessary and therefore inapplicable. If such a determination is made, the County Zoning Committee may act on the proposed minor Conditional Use Permit/Mining Permit modification at a properly noticed County Zoning Committee meeting. The County Zoning Committee's decision shall require a super-majority vote by the County Zoning Committee.

(f) *Local Agreement/Mining Permit modification and amendment.*

- (1) The County or the Operator may request to modify or amend a Local Agreement/Mining Permit according to the procedures set forth in the Local Agreement/Mining Permit.
- (2) The Local Agreement/Mining Permit may address both major modifications and amendments and minor modifications or amendments.
- (3) Any modification or amendment to a Local Agreement/Mining Permit shall be executed by all parties thereto and shall be approved according to the requirements set forth in Wis. Stats. § 293.41(4) and Sections 10-7-9(c) and 10-7-15(f).
- (4) The County Board may delegate its authority to modify, amend, suspend or revoke a Local Agreement/Mining Permit pursuant to Subsection (f)(3) of this section to the County Zoning Committee.

(g) *Transfer of Mining Permit.* When one Operator succeeds to the interest of another in a Mining Site, the County shall release the current Operator of the responsibilities imposed by the Mining Permit only if all the following conditions are met, pursuant to the County's reasonable discretion:

- (1) Both the Operator and the successor Operator are in compliance with the requirements and standards of this article and all other Applicable Laws and Regulations.
- (2) The successor Operator assumes the responsibility of the current Operator in writing and agrees to operate, complete and reclaim the Mining Operations in accordance with the Mining Permit and all other Applicable Laws and Regulations.
- (3) The successor Operator shows proof of financial responsibility in the same manner and amount as the current Operator and the successor Operator agrees to maintain any instrument of financial assurance at the same level as the current Operator.
- (4) The County Zoning Committee makes a written finding that all conditions of the existing Mining Permit will be complied with by the successor Operator.
- (5) The Local Agreement, if any, is amended to reflect the change in Operator and Persons responsible under the Local Agreement.

(h) *Commencement of reclamation.* Reclamation of any mine shall begin within one year after cessation of Mining Operations, whether temporary or permanent, in accordance with the reclamation plan as set forth in Wis. Stats. Ch. 293 and as may be required by any Government Body or Agency.

(Ord. No. 2018-01(1), § 1.18, 6-21-2018)

Sec. 10-7-19. Inspection, enforcement, procedures and penalties associated with a Mining Permit.

(a) *Application of this section.* The provisions of this section apply to a Conditional Use Permit/Mining Permit. The provisions of this section shall be considered for inclusion in a Local Agreement/Mining Permit; provided, however, that the terms set forth in Subsection (f) of this section are required elements of a Local Agreement unless otherwise agreed by super-majority vote of the County Board.

(b) *Inspection of Mining Operation.*

- (1) Upon issuance of a Conditional Use Permit/Mining Permit, the Operator is deemed, as a condition of the

Conditional Use Permit/Mining Permit issuance, to have consented to allow inspections of the Mining Site and all Mining Operations by the County Zoning Committee or its designee(s) for the purpose of determining compliance with the provisions of this article and the terms and conditions of the Conditional Use Permit/Mining Permit. Inspections may occur pursuant to this section.

- (2) All required records to demonstrate lawful operation of the Mining Operation shall be maintained by the Operator at the Mining Site and made available within a reasonable time to the County Zoning Committee or its designee(s) to assist the County Zoning Committee to determine compliance with the provisions of this article.
 - (3) The Operator shall provide access to the Mining Site and Mining Operations to allow the County Zoning Committee or its designee(s) to inspect for the purpose of investigating any complaint against the Operator alleging a condition that negatively impacts the public health, safety or welfare.
 - (4) If, as a result of any inspections or investigations, the County Zoning Committee determines that any Retained Expert should undertake any further inspections or investigations, the County may hire a Retained Expert, the expense of which shall be paid by the Operator pursuant to Section 10-7-13. If the Operator fails to provide access for the inspections or investigations, or provide payment of the County's expenses, the County may take enforcement action under this section or as otherwise set forth in this article.
- (c) *Violations.* In addition to failure to comply with any provision of this article, the following are specific violations under this article:
- (1) Failure to comply with any term or condition set forth in the Conditional Use Permit/Mining Permit.
 - (2) Failure to comply with any Applicable Law or Regulation, or failure to comply with any permit, approval, order, condition, directive or requirement issued by a Government Body or Agency.
 - (3) Engaging in any Mining Operation or any activities associated with metallic Mining without a Mining Permit granted by the County pursuant to this article.
 - (4) Failure to comply with the applicable minimum standards and other terms of this article, all other County ordinances and codes, and any Applicable Law or Regulation, or failure to comply with any applicable permits, approvals or conditions required for the Mining Operation as set forth by a Government Body or Agency.
 - (5) Making an incorrect or false statement in the information and documentation submitted as part of the Application, Mining Permit approval process, or during inspection of the Mining Operation by the County or its designees or other duly appointed representative.
 - (6) Failure to timely file the annual operational report under Section 10-7-17.
 - (7) Failure to comply with any conditions of approving the Application or any agreements entered into as a condition of approving the Application and issuing the Mining Permit.
 - (8) Failure to provide or maintain any financial assurance required as a condition to issuing the Mining Permit.
 - (9) Failure to take appropriate action in response to a notice of violation, citation, request for additional financial assurance, or other order issued by the County.
- (d) *Notice of violation.* The County Zoning Committee or its designee may issue a notice of violation and order for curing the violation upon a violation of any term of this article or upon any violation of the terms and conditions of a Conditional Use Permit/Mining Permit pursuant to the following provisions.
- (1) The County Zoning Committee shall issue a notice of violation within 30 days of the County's obtaining knowledge of the violation by service upon the Operator. The notice of violation may include an order, proposed work plan or other remediating steps to cure the violation. The Operator shall have 30 days from the Operator's receipt of the notice of violation and order to complete all necessary work to cure the violations to the County's satisfaction.
 - (2) Any Person affected by a notice and order issued in connection with the enforcement of this article may

request and shall be granted a hearing on the notice of violation and order before the County Zoning Committee, provided such Person shall file with the County Clerk a written petition requesting the hearing and setting forth the Person's name, address, telephone number and a brief statement of the grounds for the hearing, the requested relief, or for the mitigation of the order. Such petition shall be filed within 30 days of the date the notice and order are served upon the Operator. Upon receipt of the petition for hearing, the County Clerk shall set a time and place for a hearing before the County Zoning Committee and shall give the petitioner written notice thereof. In the event the petitioner is not the Operator, the County shall provide notice of the hearing to the Operator.

- (3) After the hearing, the County Zoning Committee, by a super-majority vote, shall sustain, modify or withdraw the notice, or modify the order, depending on the County Zoning Committee's findings, as to whether the provisions of this article have been complied with. The petitioner shall be notified within ten days of the County Zoning Committee's issuance of its findings and any modification of the order. In the event the petitioner is not the Operator, the County shall provide a copy of the County Zoning Committee's findings of fact and any modification of the County's order to the Operator.
- (4) The proceedings of the public hearing, including the findings and decision of the County Zoning Committee and the reasons therefor, shall be summarized in writing and entered as a matter of public record in the office of the County Clerk.
- (5) Such record shall also include a copy of every notice and order issued in connection with the case.
- (6) If the Operator fails to correct or cure the violation to the County Zoning Committee's satisfaction in accordance with any compliance schedule, order or other findings approved by the County Zoning Committee, the County Zoning Committee may revoke the Mining Permit and commence legal action against the Operator for injunctive relief and additional appropriate forfeitures.
- (7) Prior to the County's issuance of a notice and order, and prior to the public hearing set forth in Subsection (d)(1) of this section, the County may take such action as necessary in order to protect the public's health, welfare and safety, including, but not limited to, the remedies set forth in Subsection (e) of this section in the event of any violation of this article or the Mining Permit.
- (e) *Remedies.* The County Zoning Committee may take any appropriate action or proceeding against any Person in violation of this article or in violation of the terms of the Conditional Use Permit/Mining Permit, including, but not limited to, the following:
 - (1) Issue a stop work order for all Mining Operations.
 - (2) Issue a notice of violation and order that specifies the action to be taken to remedy a violation.
 - (3) Issue a citation in accordance with Chapter 1, Article II or pursuant to the County's general authority.
 - (4) Refer the matter to legal counsel for consideration and commencement of legal action, including, but not limited to, the assessment of forfeitures under Subsection (i) of this section and injunctive relief.
 - (5) Suspend or revoke the Conditional Use Permit/Mining Permit pursuant to Subsection (f) or (g) of this section.
- (f) *Suspension or revocation of Mining Permit issued pursuant to Section 10-7-15 as a Local Agreement/Mining Permit.*
 - (1) Upon receipt of a notice of violation as set forth in Subsection (d) of this section, and after giving notice and conducting a hearing if requested pursuant to Subsection (d)(2) of this section, the County Board may suspend or revoke a Local Agreement/Mining Permit for a violation of this article or the terms of the Local Agreement/Mining Permit. A Local Agreement/Mining Permit may also be revoked if it is determined after notice and a hearing that there has been an abandonment of Mining as defined under Wis. Stats. § 293.61.
 - (2) Any suspension or revocation of a Local Agreement/Mining Permit, whether in part or in full, shall require a super-majority vote by the County Board.
 - (3) The County Board may delegate its authority to suspend or revoke a Local Agreement/Mining Permit

pursuant to this Subsection (f) to the County Zoning Committee. If the County Board delegates its authority to the County Zoning Committee pursuant to this subsection, any reference to the County Board in this section shall also include the County Zoning Committee.

(g) *Suspension or revocation of Conditional Use Permit/Mining Permit.*

- (1) Upon receipt of a notice of violation as set forth in Subsection (d) of this section and after giving notice and conducting a hearing if requested pursuant to Subsection (d)(2) of this section, the County Zoning Committee may suspend or revoke a Conditional Use Permit/Mining Permit for a violation of this article or the terms of the Conditional Use Permit/Mining Permit. A Conditional Use Permit/Mining Permit may also be revoked if it is determined after notice and a hearing that there has been an abandonment of Mining as defined under Wis. Stats. § 293.61. Notwithstanding the terms of this Subsection (g), the County Zoning Committee may suspend or revoke a Conditional Use Permit/Mining Permit pursuant to the terms of this section if such suspension or revocation is necessary to protect public health, welfare and safety.
- (2) Any modification, amendment, suspension or elimination of a Conditional Use Permit/Mining Permit, whether in part or in full, shall require a super-majority affirmative vote by the County Board.
- (3) The County Board may delegate its authority to modify, amend, suspend or revoke a Conditional Use Permit/Mining Permit pursuant to this Subsection (g) to the County Zoning Committee. If the County Board delegates its authority to the County Zoning Committee pursuant to this subsection, any reference to the County Board in this section shall also include the County Zoning Committee.

(h) *General revocation provisions applicable to all Mining Permits.* The following shall apply to revocation of any Mining Permit:

- (1) Revocation of any Mining Permit shall terminate the Operator's right and authority to continue Mining Operations pursuant to this article, but shall not affect the Operator's obligation to comply with any continuing obligations of the Operator under the terms of the Mining Permit or any agreement to which the County is a party.
- (2) Revocation of any Mining Permit shall not terminate any obligation set forth in this article or in the Mining Permit, whether existing or a future obligation, of the Operator or any Person associated with the Mining Operation.

(i) *Penalties.* Any Person or Operator who violates this article or any of the provisions contained herein shall forfeit not less than \$10.00 nor more than \$10,000.00 for each violation, as reasonably determined by the County Zoning Committee. Each day of violation is a separate offense.

- (1) The County Zoning Committee shall, promptly after verifying any violation of any provision of a Mining Permit, notify the Operator in writing of such violation and require the Operator to report to the County Clerk within ten days.
- (2) The County shall be entitled to recover from the violator the reasonable and necessary expenses associated with prosecution of the violation.
- (3) All funds recovered pursuant to this section will be placed in an assigned account established by the County and used at the County Zoning Committee's sole discretion consistent with achieving the intent of this article.
- (4) The remedies provided herein shall not be exclusive of other remedies.
- (5) If the Operator fails to correct or cure the violation to the County Zoning Committee's satisfaction in accordance with any compliance schedule approved by the County Zoning Committee, the County Zoning Committee may revoke the Mining Permit and commence legal action against the Operator for injunctive relief and additional appropriate forfeitures.

(j) *Non-waiver.* A failure by the County to take action on any past violation(s) shall not constitute a waiver of the County's right to take action on any present or future violations.

(Ord. No. 2018-01(1), § 1.19, 6-21-2018)

ARTICLE VIII. SHORELAND-WETLAND PROTECTION

Sec. 10-8-1. Statutory authorization, finding of fact, statement of purpose and title.

(a) *Statutory authorization.* This article is adopted pursuant to the authorization in Wis. Stats. § 59.692 to implement Wis. Stats. §§ 59.692, and 281.31.

(b) *Finding of fact.* Uncontrolled use of the Shorelands and pollution of the Navigable Waters of the County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of the State has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of Structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by the County.

(c) *Purpose and intent.* Wis. Admin. Code § NR 115.01 For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in Navigable Waters, this article has been established to:

- (1) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
 - a. Limiting Structures to those areas where soil and geological conditions will provide a safe foundation.
 - b. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
 - c. Controlling filling and grading to prevent soil erosion problems.
 - d. Limiting Impervious Surfaces to control runoff which carries pollutants.
- (2) Protect spawning grounds, fish and aquatic life through:
 - a. Preserving Wetlands and other fish and aquatic habitat.
 - b. Regulating pollution sources.
 - c. Controlling shoreline alterations, dredging and lagooning.
- (3) Control building sites, placement of Structures and land uses through:
 - a. Prohibiting certain uses detrimental to the Shoreland-Wetlands.
 - b. Setting minimum lot sizes and widths.
 - c. Setting minimum building setbacks from waterways.
 - d. Setting the maximum height of near shore Structures.
- (4) Preserve and restore Shoreland vegetation and natural scenic beauty through:
 - a. Restricting the removal of natural Shoreland cover.
 - b. Preventing shoreline encroachment by Structures.
 - c. Controlling Shoreland excavation and other earth moving activities.
 - d. Regulating the use and placement of Boathouses and other Structures.

(d) *Title.* This article shall be known as the "Shoreland-Wetland Protection Ordinance for Sawyer County, Wisconsin."

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 1.0)

Sec. 10-8-2. General provisions.

(a) *Areas to be regulated.* Areas regulated by this article shall include all the lands (referred to herein as Shorelands) in the unincorporated areas of the County which are:

- (1) Within 1,000 feet of the Ordinary High-Water Mark of navigable lakes, ponds or flowages. (Wis. Admin. Code § NR 115.03(8))

- (2) Within 300 feet of the Ordinary High-Water Mark of navigable rivers or streams, or to the landward side of the Floodplain, whichever distance is greater. (Wis. Admin. Code § NR 115.03(8))
- (3) The provisions of this article apply to regulation of the use and development of unincorporated Shoreland areas unless specifically exempted by law. All cities, villages, towns, counties and, when Wis. Stats. § 13.48(13) applies, state agencies are required to comply with, and obtain all necessary permits under, local Shoreland ordinances. The construction, reconstruction, maintenance or repair of State highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local Shoreland zoning ordinances if Wis. Stats. § 30.2022(1) applies. (Wis. Stats. § NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stats. §§ 61.353 and 62.233.
- (4) Determinations of navigability and Ordinary High-Water Mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate office of the Department for a final determination of navigability or Ordinary High-Water Mark. The County may work with surveyors with regard to Wis. Stats. § 59.692(1h).
- (5) Under Wis. Stats. § 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, this article does not apply to:
 - a. Lands adjacent to farm drainage ditches if:
 1. Such lands are not adjacent to a natural navigable stream or river; and
 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.
 - b. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable waterbody.
 - c. Lands adjacent to an impoundment described under Wis. Stats. § 30.10(2)(b) that does not discharge directly into a natural navigable waterway.
- (b) *Shoreland-Wetland maps.* The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this article. The maps can be viewed at <https://dnrm.wisconsin.gov/H5/?Viewer=SWDV>.
- (c) *Compliance.* (Wis. Admin. Code § NR 115.04) The use of any land, the size, shape and placement of lots, the use, size, type and location of Structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of Shoreland vegetation, and the subdivision of lots, shall be in full compliance with the terms of this article and other applicable local, state or federal regulations. Buildings and other Structures shall require a permit unless otherwise expressly excluded by a provision of this article. Property owners, builders and contractors are responsible for compliance with the terms of this article.
- (d) *Municipalities and State agencies regulated.* Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply when Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. § 30.2022(1) applies.
- (e) *Abrogation and greater restrictions.* (Wis. Stats. § 59.692(5)) The provisions of this article supersede any provisions in a County zoning ordinance that solely relate to Shorelands. In other words, if a zoning standard only applies to lands that lie within the Shoreland and applies because the lands are in Shoreland, then this article supersedes those provisions. However, where an ordinance adopted under a statute other than Wis. Stats. § 59.692 does not solely relate to Shorelands and is more restrictive than this article, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.
 - (1) (Wis. Stats. § 59.692(2)(a)) This article shall not require approval or be subject to disapproval by any town or town board.
 - (2) (Wis. Stats. § 59.692(2)(b)) If an existing town ordinance relating to Shorelands is more restrictive than

this article or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

- (3) This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this article imposes greater restrictions, the provisions of this article shall prevail.
- (4) The following provisions of Article IX of this chapter are hereby incorporated by reference; these provisions shall only apply to the Shoreland area where they impose greater restrictions than this article otherwise imposes.
- (5) (Wis. Stats. § 59.692(1d)(b)) This article may establish standards to regulate matters that are not regulated in Wis. Admin. Code Ch. NR 115, but that further the purposes of Shoreland zoning as described in Section 10-8-1(c),
- (6) (Wis. Stats. § 59.692(1k)(a)1) Counties may not establish Shoreland zoning standards in a Shoreland zoning ordinance that requires any of the following:
 - a. Approval to install or maintain outdoor lighting in Shorelands, impose any fee or Mitigation requirement to install or maintain outdoor lighting in Shorelands, or otherwise prohibits or regulates outdoor lighting in Shorelands if the lighting is designed or intended for residential use.
 - b. Requires any inspection or upgrade of a Structure before the sale or other transfer of the Structure may be made.
- (7) (Wis. Stats. § 59.692(7)) The construction and maintenance of a facility is considered to satisfy the requirements of a Shoreland zoning ordinance if the Department has issued all required permits or approvals authorizing the construction or maintenance under Wis. Stats. Ch. 30, 31, 281, or 283.

Note: A "facility" means any property or equipment of a public utility, as defined in Wis. Stats. § 196.01(5), or a cooperative association organized under Wis. Stats. Ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

(f) *Interpretation.* (Wis. Stats. § 59.69(13)) In their interpretation and application, the provisions of this article shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this article is required by statute and a standard in Wis. Admin. Code Ch. NR 115, and where the article provision is unclear, the provision shall be interpreted in light of the statute and Wis. Admin. Code Ch. NR 115 standards in effect on the date of the adoption of the ordinance from which this article is derived or in effect on the date of the most recent text amendment to this article.

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 2.0)

Sec. 10-8-3. Shoreland Wetland District. (Wis. Admin. Code § NR 115.04)

- (a) *Designation.*
 - (1) *District to include.* This district shall include all Shorelands within the jurisdiction of this article which are designated as Wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
 - (2) *Locating Shoreland Wetland boundaries.* (Wis. Admin. Code § NR 115.04(b)2.note) Where an apparent discrepancy exists between the Shoreland Wetland District boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the County shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as Wetland or meets the Wetland definition but was not shown as Wetland on the map, the County shall have the authority to immediately grant or deny a Shoreland zoning permit in accordance with the applicable regulations based on the Department's determination as to whether the area is Wetland. In order to correct Wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.
- (b) *Purpose.* This district is created to maintain safe and healthful conditions, to prevent water pollution, to

protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in Wetlands whenever possible. When development is permitted in a Wetland, the development should occur in a manner that minimizes adverse impacts upon the Wetland.

(c) *Permitted uses.* (Wis. Admin. Code § NR 115.04(3)) The following uses shall be allowed, subject to general Shoreland zoning regulations contained in this article, the provisions of Wis. Stats. Chs. 30 and 31 and Wis. Stats. § 281.36 and the provisions of other applicable local, State and federal laws:

- (1) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under this Subsection (1) and Subsection (c)(2) of this section.
 - a. Hiking, fishing, trapping, hunting, swimming, and boating;
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c. The pasturing of livestock;
 - d. The cultivation of agricultural crops;
 - e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - f. The construction or maintenance of duck blinds.
- (2) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
 - c. The maintenance and repair of existing agricultural Drainage Systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the Drainage System provided that dredged spoil is placed on existing spoil banks where possible;
 - d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - f. The maintenance, repair, replacement or reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
 - a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 1. The road cannot, as a practical matter, be located outside the Wetland;
 2. The road is designed and constructed to minimize adverse impact upon the natural functions of the Wetland enumerated in Subsection (e)(2) of this section;
 3. The road is designed and constructed with the minimum cross sectional area practical to serve the intended use;
 4. Road construction activities are carried out in the immediate area of the roadbed only.

- b. The construction or maintenance of nonresidential buildings, provided that:
 - 1. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other Wetland or aquatic animals; or some other use permitted in the Shoreland Wetland District;
 - 2. The building cannot, as a practical matter, be located outside the Wetland;
 - 3. Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
 - 4. Only limited filling or excavating necessary to provide structural support for the building is authorized.
 - c. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 - 1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stats. Ch. 29, where applicable;
 - 2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Subsection (c)(3)a of this section; and
 - 3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance Wetland values.
 - d. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines, provided that:
 - 1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the Wetland;
 - 2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the Wetland enumerated in Subsection (e)(2) of this section.
- (d) *Prohibited uses.* (Wis. Admin. Code § NR 115.04(4)) Any use not listed in Subsection (c)(1), (2) or (3) of this section is prohibited, unless the Wetland or portion of the Wetland has been rezoned by amendment of this article in accordance with Subsection (e) of this section and Wis. Stats. § 59.69(5)(e).
- (e) *Rezoning of lands in the Shoreland Wetland District.* (Wis. Admin. Code § NR 115.04(2))
- (1) For all proposed text and map amendments to the Shoreland Wetland provisions of this article, the appropriate office with the Department shall be provided with the following:
 - a. A copy of every petition for a text or map amendment to the Shoreland Wetland provisions of this article, within five days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory Map adopted as part of this article describing any proposed rezoning of a Shoreland Wetland;
 - b. Written notice of the public hearing to be held on a proposed amendment at least ten days prior to such hearing;
 - c. A copy of the County Zoning Agency's findings and recommendations on each proposed amendment within ten days after the submission of those findings and recommendations to the County Board; and
 - d. Written notice of the County Board's decision on the proposed amendment within ten days after it is issued.

- (2) A Wetland, or a portion thereof, in the Shoreland Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
- Storm and flood water storage capacity;
 - Maintenance of dry season stream flow, the discharge of groundwater to a Wetland, the recharge of groundwater from a Wetland to another area, or the flow of groundwater through a Wetland;
 - Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into Navigable Waters;
 - Shoreline protection against soil erosion;
 - Fish spawning, breeding, nursery or feeding grounds;
 - Wildlife habitat; or
 - Wetlands both within the boundary of designated areas of special natural resource interest and those Wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in Wis. Admin. Code § NR 103.04 which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.
- (3) If the Department notifies the County Zoning Agency that a proposed text or map amendment to the Shoreland Wetland provisions of this article may have a significant adverse impact upon any of the criteria listed in Subsection (e)(2) of this section, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under Wis. Stats. § 59.692(6). If the Department does so notify the county board, the effect of this amendment shall be stayed until the Wis. Stats. § 59.692(6) adoption procedure is completed or otherwise terminated.

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 3.0)

Sec. 10-8-4. Land division review and sanitary regulations. (Wis. Admin. Code § NR 115.05(2))

(a) *Land division review.* (Wis. Admin. Code § NR 115.05(2)) The county shall review, pursuant to Wis. Stats. § 236.45, all land divisions in Shoreland areas which create three or more parcels or building sites of five acres each or less within a five-year period. In such review all of the following factors shall be considered:

- Hazards to the health, safety or welfare of future residents.
 - Proper relationship to adjoining areas.
 - Public access to Navigable Waters, as required by law.
 - Adequate stormwater drainage facilities.
 - Conformity to State law and administrative code provisions.
- (b) *Planned unit development (PUD).* (Wis. Admin. Code § NR 115.05(1)(a)4)
- Purpose.* The planned unit development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the planned unit development at the time of its approval. A condition of all planned residential unit development is the preservation of certain open space, preferably on the Shoreland, in perpetuity.
 - Requirements for planned unit development.* The County Board may, at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
 - Area.* The area proposed for the planned unit development shall be at least two acres in size or have

a minimum of 200 feet of frontage on a Navigable Water.

- b. *Lots.* Any proposed lot in the planned unit development that does not meet the minimum size standards of Section 10-8-5(b) and (c) shall be a non-riparian lot.
 - c. *Lot sizes, widths, setbacks, and vegetation removal.* When considering approval of a planned unit development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased Shoreland Setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 10-8-7(b) shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
- (c) *Backlot lake access.*
- (1) All private lake accesses, deeded or contractual accesses for the purpose of Backlot lake access shall meet the following requirements. Lake access parcels that were in the same ownership as of June 15, 1995, and remain in the same ownership, even though substandard in size, do not have to comply with this section. Such lake access parcels shall be restricted to Backlot access for only a single-family lot, a single building site, a single-family unit, a single-family condominium unit or any other single area of a condominium designated as units utilizing said access shall be limited to not more than three. Campsites/Campground/RV sites located on a Backlot are prohibited from utilizing said access. Same ownership means that both the lake access parcel and its Backlot must have the same owner. A lake access parcel and its Backlot may be transferred to a different owner. However, should the lake access parcel and its Backlot be separated (i.e., different owners) the provisions of this section shall apply.
 - (2) The access lot to a navigable waterway for Backlot or offshore development shall meet the minimum lot and parcel size requirements. The lot width shall be measured at right angles at all points along its Side Lot Lines and minimum required lot area shall exclude any Wetlands.
 - (3) A "Gard Gazebo" (Section 10-8-6(2)) shall be the only building (Structure) allowed on the lake access parcel. An area on the landward side of the shoreline vegetation protection area, not to exceed 500 square feet, may be cleared for the location of this Structure.
 - (4) No utilities shall be allowed on the lake access parcel (gas, electricity, water or phone).
 - (5) The creation or use of land for a lake access shall be by conditional use only in the RR-1 and RR-2 zone districts in accordance with Section 10-8-13(c). The Zoning and Conservation Committee shall consider the size, shape, depth, present and potential use of the lake and the effect of the private access on public rights in Navigable Waters. Once created, a lake access parcel can never be built upon, unless its use as a lake access parcel is removed by a conditional use permit.
 - (6) Major Recreational Equipment/Vehicles (i.e., camping equipment) shall not be placed on the parcel.
 - (7) Shoreline lots not having access per this Subsection (c) or Subsection (d) of this section shall have a dry land access meeting the minimum requirements of Chapter 22.
- (d) *Island development.*
- (1) Islands, island lots and their mainland accesses, lots and easements that were in the same ownership as of June 15, 1995, even though substandard in size or not in conformance with this article, and remain in the same ownership after that date, do not have to comply with this section. Same ownership means that both an island and its mainland access must have the same owner. An island with its access may be transferred to a different owner. However, should the island and its access be separated (i.e., different owners) the provisions of this section shall apply.
 - (2) Islands that are subdivided or developed shall meet the following requirements:
 - a. The owner or developer of island lots shall provide a private lake access parcel on the mainland for ingress and egress to the island and for the storage of vehicles and boat trailers. The size of the mainland lake access shall meet the minimum lot and parcel size requirements. The minimum required lot area shall exclude any Wetlands.

- b. The creation or use of mainland land for a lake access for island development shall be by conditional use only in the RR-1 and RR-2 zone districts in accordance with Section 10-8-13(c). The Zoning and Conservation Committee shall consider the size, shape, depth, present and potential use of and the effect of the mainland lake access on public rights in Navigable Waters.
 - c. The construction or placement of any Structure on an access lot is prohibited with the exception of piers, docks, wharfs, boat hoists and boat shelters in conformance with Wis. Admin. Code Chs. NR 115 and 326, and Wis. Stats. Ch. 30.
 - d. The number of single-family lots, building sites, single-family units, or single-family condominium units utilizing said access shall be limited to two.
 - e. Cutting of vegetation within the required Shoreland buffer shall be consistent with Section 10-8-7(b).
- (e) *Sanitary regulations.* (Wis. Admin. Code § NR 115.05(3)) The County shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.
- (1) Where public water supply systems are not available, private well construction shall be required to conform to Wis. Admin. Code Ch. NR 812.
 - (2) Where a public sewage collection and treatment system is not available, design and construction of a private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Wis. Admin. Code Ch. SPS 383, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the County under Wis. Stats. § 59.70(5).

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 4.0)

Sec. 10-8-5. Minimum lot size. (Wis. Admin. Code § NR 115.05(1))

(a) *Purpose.* (Wis. Admin. Code § NR 115.05(1)(a)) Minimum lot sizes in the Shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of Navigable Waters shall not be included.

- (1) The construction of new dwellings or replacement dwellings, additions to existing principal Structures and the construction of accessory buildings may be permitted provided all other requirements, regulations and setbacks can be met. Only one principal dwelling/habitable Structure is allowed per legal lot.
 - (2) If multiple dwelling units exist on one parcel that were lawfully placed when constructed, and are not designated as a resort or condominium, those units may only be expanded 50 percent of the current floor area for each unit.
- (b) *Minimum area and width for each sewered lot.* (Wis. Admin. Code § NR 115.05(1)(a)1)
- (1) The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet.
 - (2) A lot shall contain in rectangular form, and extending rearward from the lot front. The width shall be measured perpendicular to a line to a depth of 200 feet at all points along said depth.
- (c) *Minimum area and width for each unsewered lot.* (Wis. Admin. Code § NR 115.05(1)(a)2)
- (1) The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet.
 - (2) A lot shall contain in rectangular form, and extending rearward from the lot front. The width shall be measured perpendicular to a line to a depth of 200 feet at all points along said depth.

Note: For newly created lots in which the lot depth cannot be met within the first 200 feet due only to a public right-of-way Subsections (b)(1) and (c)(1) of this section shall not apply. A minimum of 5,000 square feet buildable area is still required.

(d) *Substandard lots.* (Wis. Admin. Code § NR 115.05(1)(a)3) A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- (2) The substandard lot or parcel has never been developed with one or more of its Structures placed partly upon an adjacent lot or parcel.
- (3) The substandard lot or parcel is developed to comply with all other ordinance requirements, including Side Lot Line setbacks.

Note: The intent of this provision is to allow lots that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which result in a larger (closer to conforming) lot shall be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the real property lister or assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

(e) *Other substandard lots.* Except for lots which meet the requirements of Subsection (d) of this section, a building permit for the improvement of a lot having lesser dimensions than those stated in Subsections (b) and (c) of this section shall be issued only if a Variance is granted by the Board of Adjustment.

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 5.0)

Sec. 10-8-6. Setbacks. (Wis. Admin. Code NR § 115.05(1)(b))

Permitted Structure setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. All setback distances shall be measured from the principal Structure overhang or Accessory Structure appendage such as a deck, horizontally to the closest point of the Ordinary High-Water Mark. Setbacks from a Bluff shall be a minimum of 20 feet from the point at which the Slope breaks and becomes less than 40 degrees. This may be waived with a design provided by a licensed engineer.

- (1) *Shoreland Setbacks.* (Wis. Admin. Code § NR 115.05(1)(b)1) Unless exempt under Subsection (2) of this section, or reduced under Subsection (3) of this section, a setback of 75 feet from the Ordinary High-Water Mark of any Navigable Waters to the nearest part of a building or Structure shall be required for all buildings and Structures.
 - a. *For lots that abut on or contain Wetland areas that are adjacent to Navigable Waters.* Unless exempt under Subsection (2) of this section, or reduced under Subsection (3) of this section, Wetland areas that are adjacent to Navigable Waters shall be set back the greater of 75 feet from the Ordinary High-Water Mark or 40 feet from the most landward edge of the Wetland boundary to the nearest part of a building or Structure shall be required for all buildings and Structures.
 - b. *For lots that abut on or contain non-navigable Wetlands.* Wetlands that do not contain an Ordinary High-Water Mark shall be set back a minimum of 40 feet from the edge of Wetland boundary to the nearest part of a building or Structure shall be required for all buildings and Structures. (Wetland types (navigable or non-navigable) shall be determined by a representative of the Zoning and Conservation Department. Certification of Wetland Delineation, if required, is the responsibility of the property owner.)
- (2) *Exempt Structures.* (Wis. Admin. Code § NR 115.05(1)(b)1m) All of the following Structures are exempt from the Shoreland Setback standards in Subsection (1) of this section:
 - a. Boathouses.
 1. Boathouses shall be designed, constructed, and used solely for the storage of boats and related equipment and shall not include living area, including, but not limited to, decks, patios, lean-tos, porches, potable water supply, plumbing, sanitation systems, fireplaces, patio doors, food

preparation equipment, furniture, or any features inconsistent with the use of the Structure exclusively as a Boathouse.

2. Only one Boathouse is permitted for each buildable parcel that already contains a primary dwelling. The Side Lot Line setback measured to the eave shall be a minimum of ten feet.
3. Boathouses excavated into an existing Slope of more than 20 percent requires an engineered designed plan with the permit application. An erosion control plan must also be completed as part of this application for all Boathouses, regardless of Slope.
4. Boathouses shall not exceed one story. The floor area shall be greater than 100 square feet and shall not exceed 350 square feet. Boathouses shall have a gable roof with 4/12 pitch or greater. Eaves shall not exceed 24 inches. Must be placed on footings or permanent foundation.
5. Boathouses shall be entirely located within the Access and Viewing Corridor, located above the Ordinary High-Water Mark, and shall be constructed in conformity with all Floodplain zoning standards.
6. Boathouses shall be constructed and painted to blend with the natural features of the shoreline.

Note: As Wis. Stats. § 59.692(1o), the roof of a legally existing Boathouse may be used as a deck provided that: The Boathouse has a flat roof, the roof has no side walls or screens, and if the roof has railings it meets the Department of Safety and Professional Services standards.

- b. Open sided and screened Structures such as gazebos, decks, patios and screen houses in the Shoreland Setback area that satisfy the requirements in Wis. Stats. § 59.692(1v).
 1. The part of the Structure that is nearest to the water is located at least 35 feet landward from the Ordinary High-Water Mark.
 2. The floor area of all the Structures in the Shoreland Setback area will not exceed 200 square feet. Walkways, stairways, and Boathouses without decks shall be excluded in calculating this square footage.
 3. The Structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 4. The County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70 percent of the half of the Shoreland Setback area that is nearest to the water.
 5. An enforceable affidavit must be filed with the Register of Deeds prior to construction acknowledging the limitations on vegetation.
 - c. Fishing rafts that are authorized on the Wolf River and Mississippi River under Wis. Stats. § 30.126.
 - d. Devices or systems used to treat runoff from Impervious Surfaces.
 - e. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are two meters or less in diameter.
 - f. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Wis. Stats. Ch. SPS 383, and other utility Structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control stormwater runoff from the Structure.
 - g. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width. Landings are allowed where required for safety purposes and shall not exceed 40 square feet. Attached benches, seats, tables, etc., are prohibited.
- (3) *Reduced principal Structure setback.* (Wis. Admin. Code § NR 115.05(1)(b)1) Existing Development Pattern means that principal Structures exist within 250 feet of the proposed principal Structure in both

directions along the shoreline and both existing principal Structures are located less than 75 feet from the Ordinary High-Water Mark. Where there is an Existing Development Pattern, the Shoreland Setback for a proposed principal Structure may be reduced to the average Shoreland Setback of the principal Structure measured to the eave overhang on each adjacent lot of the proposed principal Structure. The Shoreland Setback may not be reduced to less than 35 feet from the Ordinary High-Water Mark of any Navigable Waters.

- (4) *Floodplain Structures.* (Wis. Admin. Code § NR 115.05(1)(b)2) Buildings and Structures to be constructed or placed in a Floodplain shall be required to comply with any applicable Floodplain zoning ordinance.

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 6.0)

Sec. 10-8-7. Vegetation. (Wis. Admin. Code § NR 115.05(1)(c))

(a) *Purpose.* (Wis. Admin. Code § NR 115.05(1)(c)1) To protect natural scenic beauty, fish and wildlife habitat, and water quality, the County shall regulate removal of vegetation in Shoreland areas, consistent with the following: The County shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

(b) *Establishment of a vegetative buffer zone.* (Wis. Admin. Code § NR 115.05(1)(c)2) To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, this article shall designate land that extends from the Ordinary High-Water Mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

- (1) The County may allow Routine Maintenance of Vegetation.
- (2) The County may allow removal of trees and shrubs less than six inches in diameter in the vegetative buffer zone to create access and viewing corridors. Trees larger than six inches in diameter may be limbed within the access and viewing corridors. The viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.
- (3) The County may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with ten or more acres of forested land consistent with "Generally Accepted Forestry Management Practices" as defined in Wis. Admin. Code § NR 1.25 (2)(b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal is consistent with these practices.
- (4) The County may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
- (5) The County may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subsection shall require that all management activities comply with detailed plans approved by the County and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 7.0)

Sec. 10-8-8. Filling, grading, lagooning. Dredging, ditching and excavating. (Wis. Admin. Code § NR115.05(1)(d))

Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of Wis. Admin. Code § NR 115.04, the requirements of Wis. Stats. Ch. 30 and other State and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment

of fish and wildlife habitat and natural scenic beauty.

- (1) *General standards.* Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under Subsection (2) of this section may be permitted in the Shoreland area provided that:
 - a. It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
 - b. Filling, grading, lagooning, dredging, ditching or excavating in a Shoreland Wetland District meets the requirements of Section 10-8-3(c)(2) and (3).
 - c. Any fill placed in the Shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.
 - d. Filling, grading or excavating within the required Shoreland buffer depth is prohibited except where authorized in association with a permitted use by this article, State, or federal regulations, and only to the minimum extent necessary to accomplish said permitted use.
- (2) *Permit required.* Except as provided in Subsection (3) of this section, a Shoreland permit is required:
 - a. For any filling or grading of any area which is within 300 feet landward of the Ordinary High-Water Mark of Navigable Water and which has surface drainage toward the water and on which there is either:
 1. Any filling or grading on Slopes of more than 20 percent.
 2. Filling or grading of more than 1,000 square feet on Slopes of 12 to 20 percent.
 3. Filling or grading of more than 2,000 square feet on Slopes less than 12 percent.
 4. A grading permit is required for filling or grading in excess of 10,000 square feet.
 - b. A conditional use permit shall be required for any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the Ordinary High-Water Mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.
- (3) *Soil conservation practices and agricultural drainage maintenance.*
 - a. Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under Subsection (2) of this section when designed and constructed to Natural Resources Conservation Service technical standards.
 - b. The maintenance of existing agricultural Drainage Systems shall be permitted in conformity with the following construction standards:
 1. The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a special exception permit under Subsection (2)b of this section is obtained.
 2. Ditch banks shall be constructed at a Slope of two horizontal to one vertical (50 percent grade) or flatter.
 3. Ditch banks shall be maintained in a sod cover and free of woody vegetation.
 4. A 35-foot-wide buffer strip of untilled, un-grazed sod cover shall be maintained adjacent to the ditch bank.
- (4) *Permit conditions.* In granting a permit under Subsection (2) of this section, the County shall attach the following conditions, where appropriate, in addition to those provisions specified in Section 10-8-13(b) or (d):
 - a. The smallest amount of bare ground shall be exposed for as short a time as feasible.
 - b. Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

- c. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- d. Lagoons shall be constructed to avoid fish trap conditions.
- e. Fill shall be stabilized according to accepted engineering standards.
- f. Filling shall comply with any local Floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a Floodplain.
- g. Channels or artificial watercourses shall be constructed with side Slopes of two units horizontal distance to one unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.
- h. The property is responsible for any damage caused to neighboring properties through increased runoff, grade changes, etc.

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 8.0)

Sec. 10-8-9. Impervious Surface standards. (Wis. Admin. Code § NR 115.05(1)(e))

(a) *Purpose.* The purpose of this section is to establish Impervious Surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of Navigable Waters. County Impervious Surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any Impervious Surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the Ordinary High-Water Mark of any navigable waterway.

(b) *Calculation of percentage of Impervious Surface.* (Wis. Admin. Code § NR 115.05(1)(e)1) Percentage of Impervious Surface shall be calculated by dividing the surface area of the existing and proposed Impervious Surfaces on the portion of a lot or parcel that is within 300 feet of the Ordinary High-Water Mark by the total surface area of that lot or parcel, and multiplied by 100. Any portion of a town road traversing a lot, publicly held parcels (parks, e.g.) or the public reserve strip in Northwoods Beach cannot be included as part of the Impervious Surface, for calculation purposes for non-publicly held properties. Impervious Surfaces described in Subsection (e) of this section shall be excluded from the calculation of Impervious Surface on the lot or parcel. If an outlot lies between the Ordinary High-Water Mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of Impervious Surface.

Note: For properties that have been "condominiumized" the Impervious Surface calculations apply to the entire property. The property is still under one legal description and Mitigation also applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

(c) *General Impervious Surface standard.* (Wis. Admin. Code § NR 115.05(1)(e)2) Except as allowed in Subsections (d) and (e) of this section allow up to 15 percent Impervious Surface on the portion of a lot or parcel that is within 300 feet of the Ordinary High-Water Mark.

(d) *Maximum Impervious Surface.* (Wis. Admin. Code § NR 115.05(1)(e)3) A property may exceed the Impervious Surface standard under Subsection (c) of this section provided the following standards are met:

- (1) For properties where the general Impervious Surface standard applies under Subsection (c) of this section, a property owner may have more than 15 percent Impervious Surface but not more than 30 percent Impervious Surface on the portion of a lot or parcel that is within 300 feet of the Ordinary High-Water Mark.
- (2) For properties that exceed the standard under Subsection (c) of this section but do not exceed the maximum standard under Subsection (d)(1) of this section, a permit can be issued for development with a Mitigation plan that meets the standards found in Section 10-8-12.
- (e) *Treated Impervious Surfaces.* (Wis. Admin. Code § NR 115.05(1)(e)3m)
 - (1) Impervious Surfaces that can be documented to show they meet either of the following standards shall be excluded from the Impervious Surface calculations under Subsection (b) of this section:

- a. The Impervious Surface is treated by devices such as stormwater ponds, constructed Wetlands, infiltration basins, rain gardens, bio-swailes or other engineered systems.
- b. The runoff from the Impervious Surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (2) An engineered designed plan will be required for either Subsection (c)(1) or (2) of this section showing the treatment of runoff with design standards and specifications.
- (3) A document will be recorded in the Register of Deeds office as an implementation and maintenance agreement of treatment device for Subsection (c)(1)a of this section.
- (f) *Existing Impervious Surfaces.* (Wis. Admin. Code § NR 115.05(1)(e)4) For existing Impervious Surfaces that were lawfully placed when constructed but that do not comply with the Impervious Surface standard in Subsection (c) of this section or the maximum Impervious Surface standard in Subsection (d) of this section, the property owner may do any of the following:
 - (1) Maintain and repair the existing Impervious Surfaces;
 - (2) Replace existing Impervious Surfaces with similar surfaces within the existing Building Envelope;
 - (3) Relocate or modify an existing Impervious Surface with similar or different Impervious Surface, provided that the relocation or modification does not result in an increase in the percentage of Impervious Surface that existed on the effective date of the County Shoreland ordinance, and the Impervious Surface meets the applicable setback requirements in Wis. Admin. Code § NR 115.05(1)(b).

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 9.0)

Sec. 10-8-10. Height. (Wis. Admin. Code § NR 115.05(1)(f))

To protect and preserve wildlife habitat and natural scenic beauty, the height of both principal and Accessory Structures are subject to the following standards:

- (1) Any Structure located within the "Shorelands" shall not exceed a height of 35 feet.
- (2) Fence height is recommended to be less than eight feet in height as no fence shall obstruct the adjoining property owner's view of the water. Fences not exempt from 75 feet OHWM setback.
- (3) Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a Structure (Point B in the following diagram), unless specified under other sections of this Code.

[GRAPHIC]

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 10.0)

Sec. 10-8-11. Nonconforming uses and Structures. (Wis. Admin. Code § NR 115.05(1)(g))

(a) *Discontinued nonconforming use.* (Wis. Admin. Code § NR 115.05(1)(g)3) If a nonconforming use is discontinued for a period of 12 months, any future use of the building, Structure or property shall conform to this article.

(b) *Maintenance, repair, replacement or vertical expansion of nonconforming Structures.* An existing Structure that was lawfully placed when constructed but that does not comply with the required Shoreland Setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the Footprint of the nonconforming Structure. Further, an existing Structure that was lawfully placed when constructed but that does not comply with the required Shoreland Setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a Structure beyond the existing Footprint if the expansion is necessary to comply with applicable State or federal requirements.

(c) *Lateral expansion of nonconforming principal Structure within the setback.* (Wis. Admin. Code § NR 115.05(1)(g)5) An existing principal Structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 10-8-6(1) may be expanded laterally, provided that all of the

following requirements are met:

- (1) The use of the Structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 - (2) The existing principal Structure is at least 35 feet from the Ordinary High-Water Mark.
 - (3) Lateral expansions are limited to a maximum of 200 square feet over the life of the Structure. No portion of the expansion may be any closer to the Ordinary High-Water Mark than the closest point of the existing principal Structure.
 - (4) The County shall issue a permit that requires a Mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The Mitigation plan shall meet the standards found in Section 10-8-12.
 - (5) All other provisions of the Shoreland ordinance shall be met.
- (d) *Expansion of a nonconforming principal Structure beyond setback.* (Wis. Admin. Code § NR 115.05(1)(g)5m) An existing principal Structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 10-8-6(1) may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 10-8-6(1) and that all other provisions of the Shoreland ordinance are met. A Mitigation plan is not required solely for expansion under this subsection, but may be required per Section 10-8-9.
- (e) *Relocation of nonconforming principal Structure.* (Wis. Admin. Code § NR 115.05(1)(g)6) An existing principal Structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 10-8-6(1) may be relocated on the property provided all of the following requirements are met:
- (1) The use of the Structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 - (2) The existing principal Structure is at least 35 feet from the Ordinary High-Water Mark.
 - (3) No portion of the relocated Structure is located any closer to the Ordinary High-Water Mark than the closest point of the existing principal Structure.
 - (4) The County determines that no other location is available on the property to build a principal Structure of a comparable size to the Structure proposed for relocation that will result in compliance with the Shoreland Setback requirement per Section 10-8-6(1).
 - (5) The County shall issue a permit that requires a Mitigation plan that shall be approved by the County and implemented by the property owner by the date specified in the permit. The Mitigation plan shall meet the standards found in Section 10-8-12, and include enforceable obligations of the property owner to establish or maintain measures that the County determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The Mitigation measures shall be proportional to the amount and impacts of the replaced or relocated Structure being permitted. The obligations of the property owner under the Mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
 - (6) All other provisions of the Shoreland ordinance shall be met.
- (f) *Maintenance, repair, replacement or vertical expansion of Structures that were authorized by Variance.* (Wis. Stats. § 59.692(1k)(a)2 and (a)4) A Structure of which any part has been authorized to be located within the Shoreland Setback area by a Variance granted before July 15, 2015, may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the Footprint of the authorized Structure. Additionally, the Structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level.
- (g) *Maintenance, repair, replacement of illegal Structures.* (Wis. Stats. § 59.692(1k)(a)2.c) A Structure that was illegally constructed, which is older than ten years and may not be enforced under the Shoreland ordinance (Wis. Stats. § 59.692(1t)) may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the Footprint of the Structure. (No vertical or lateral expansion allowed for Structures in violation.)

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 11.0)

Sec. 10-8-12. Mitigation. (Wis. Stats. § 59.692(1v), Wis. Admin. Code § NR 115.05 (1)(e)3, (g)5, (g)6)

When the County issues a permit requiring Mitigation under Sections 10-8-6(2), 10-8-9(d) and 10-8-11(c) and (e), the property owner must submit a complete permit application, that is reviewed and approved by the County. The application shall include the following:

- (1) A site plan that describes the proposed Mitigation measures.
 - a. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
 - b. The Mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- (2) An implementation schedule and enforceable obligation on the property owner to establish and maintain the Mitigation measures (see Zoning Office for the "Shoreland Mitigation Agreement" document). The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.
- (3) Mitigation Checklist:

Mitigation points are required for developing property under the following conditions.	Property owner options to earn Mitigation points include:
Impervious Surface coverage is greater than 15% but less than 20%--3 points ☐	Removal of a Structure within 75' Shoreland Setback
Impervious Surface coverage is greater than 20% but less than 30%--4 points ☐	≤ 100 ft ² --1 Pt.
≤ 200 ft ² Lateral Expansion of Nonconforming principal Structure within the Shoreland set-back--2 points ☐	101 ft ² --250 ft ² --2 Pts.
Relocation of Nonconforming principal Structure within the Shoreland Setback--1 point ☐	≥ 251 ft ² --3 Pts.
	Installation of a rain garden
	Installation of a rain garden
	Treats 0-250 ft ² --1 Pt.
	Treats 251 ft ² --500 ft ² --2 Pts.
	Treats greater than 500 ft ² --3 Pts
	Restoration (Natural Recovery) of a non-compliant Shoreland buffer.
	☐ Passive (Natural Recovery)--1 point
	☐ Active Restoration (Accelerated Recovery)--2 points
	☐ Reducing width of allowable view and access corridor(s)--1 point for every 10 foot reduction
	☐ Increasing depth of an existing compliant Shoreland buffer--1 point for every 10 feet of depth
	☐ Eliminate shoreline lighting ≤ 35' from lake shore--1 point (Must submit before and after photographs)
	☐ Existing compliant Shoreland buffer--2 points
	☐ Sea Wall Removal and Bank Stabilization--2 points (DNR permits may be required)

☐ Replacement of steel septic tank--2 points (Tank must be installed before SMA is recorded) ☐ Installation of a Stormwater Infiltration System--3 points ☐ Increasing Shoreland Setback--1 point for every 15 foot increase beyond required. (maximum of 3 points)

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 12.0)

Sec. 10-8-13. Administrative provisions.

(a) *Zoning administrator.* (Wis. Admin Code § NR 115.05(4)) The Zoning and Conservation Department Administrator shall have the following duties and powers:

- (1) A system of permits for new construction, development, reconstruction, structural alteration or moving of buildings and Structures. A copy of applications shall be required to be filed in the office of the County Zoning Administrator.
- (2) Regular inspection of permitted work in progress to ensure conformity of the finished Structures with the terms of the article.
- (3) A Variance procedure which authorizes the Board of Adjustment to grant such Variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions and the adoption of the Shoreland zoning ordinance, a literal enforcement of the provisions of this article will result in Unnecessary Hardship.
- (4) A special exception (conditional use) procedure.
- (5) The County shall keep a complete record of all proceedings before the Board of Adjustment, Zoning Agency and Planning Agency.
- (6) Written notice to the appropriate office of the Department at least ten days prior to any hearing on a proposed Variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the County for review under Section 10-8-4.
- (7) Submission to the appropriate office of the Department within ten days after grant or denial any decision on a Variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- (8) Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
- (9) The establishment of appropriate penalties for violations of various provisions of this article, including forfeitures. Compliance with this article shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in Wis. Stats. § 59.69(11).
- (10) The prosecution of violations of the Shoreland ordinance.

(b) *Permits.*

- (1) *When required.* Except where another section of this article specifically exempts certain types of development from this requirement, a permit shall be obtained from the Zoning and Conservation Administration or Board of Adjustment/Committee before any new development, change of use of an existing building or Structure, or placement of any Structure, whether the Structure is permanent or temporary. The permit fee shall be waived for Structures less than 100 square feet but setbacks and Impervious Surface standards apply.
- (2) *Application.* An application for a permit shall be made to the Zoning Administrator upon forms furnished by the County and shall include, for the purpose of proper enforcement of these regulations, the following information:

- a. Name and address of applicant and property owner.
 - b. Legal description of the property and type of proposed use.
 - c. A to scale drawing of the dimensions of the lot and location of all existing and proposed Structures and Impervious Surfaces relative to the lot lines, centerline of abutting highways and the Ordinary High-Water Mark of any abutting waterways.
 - d. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
 - e. Plans for appropriate Mitigation when required.
 - f. Payment of the appropriate fee.
 - g. Additional information required by the Zoning Administrator.
- (3) *Expiration of permit.* Zoning permits shall expire 12 months from date issued if no substantial work has commenced. The Zoning and Conservation Department Administrator may grant up to a six-month permit extension.
- (4) *Certificates of compliance.* The land use permit will serve as the certificate of compliance. Within 12 months of the land use permit issue date, all buildings indicated on the permit shall be completely constructed, enclosed and final finished (i.e., painted, stained, sided, etc.). All other Structures indicated on the permit shall be completely constructed and final finished.
- (c) *Conditional use permits aka special exception permits.*
- (1) *Application for a conditional use permit.* Any use listed as a conditional use in this article shall be permitted only after an application has been submitted to the Zoning and Conservation Department Administrator and a conditional use permit has been granted by the Zoning and Conservation Committee. To secure information upon which to base its determination, the Zoning and Conservation Department Administrator may require the applicant to furnish, in addition to the information required for a land use permit, the following information:
- a. A plan of the area showing surface contours, soil types, Ordinary High-Water Marks, groundwater conditions, subsurface geology and vegetative cover.
 - b. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
 - c. Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
 - d. Specifications for areas of proposed filling, grading, lagooning or dredging.
 - e. Other pertinent information necessary to determine if the proposed use meets the requirements of this article.
- (2) *Notice, public hearing and decision.* Before deciding whether to grant or deny an application for a special exception permit, the board of adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Zoning and Conservation Committee, shall be given as a Class 2 notice under Wis. Stats. Ch. 985. Such notice shall be provided to the appropriate office of the Department at least ten days prior to the hearing. The Zoning and Conservation Committee shall state in writing the grounds for granting or denying a special exception permit.
- (3) *Standards applicable to all special exceptions.* In deciding a special exception application, the Zoning and Conservation Committee shall evaluate the effect of the proposed use upon:
- a. The maintenance of safe and healthful conditions.
 - b. The prevention and control of water pollution including sedimentation.
 - c. Compliance with local Floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
 - d. The erosion potential of the site based upon degree and direction of Slope, soil type and vegetative

cover.

- e. The location of the site with respect to existing or future access roads.
- f. The need of the proposed use for a Shoreland location.
- g. Its compatibility with uses on adjacent land.
- h. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- i. Location factors under which:
 - 1. Domestic uses shall be generally preferred;
 - 2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - 3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc., may be referred to the applicable part of their ordinance.

(4) *Conditions attached to special exceptions.*

- a. Such conditions may include specifications for, without limitation because of specific enumeration, type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. Upon consideration of the factors listed above, the Zoning and Conservation Committee shall attach such conditions, in addition to those required elsewhere in this article, as are necessary to further the purposes of this article. Violations of any of these conditions shall be deemed a violation of this article.
- b. In granting a special exception permit, the Zoning and Conservation Committee may not impose conditions which are more restrictive than any of the specific standards in this article. Where this article is silent as to the extent of restriction, the Board may impose any reasonable permit conditions to affect the purpose of this article.

(5) *Recording.* When a special exception permit is approved, an appropriate record shall be made of the land use and Structures permitted. Such permit shall be applicable solely to the Structures, use and property so described. A copy of any decision on a special exception permit shall be provided to the appropriate office of the Department within ten days after it is granted or denied.

(6) *Revocation.* Where the conditions of a special exception permit are violated, the special exception permit shall be revoked.

(d) *Variances.*

(1) *Granting of Variance.* The board of adjustment may grant upon appeal a Variance from the standards of this article where an applicant convincingly demonstrates that:

- a. Literal enforcement of the provisions of this article will result in Unnecessary Hardship on the applicant;
- b. The hardship is due to special conditions unique to the property; and
- c. The Variance is not contrary to the public interest.

(2) *Notice, hearing and decision.* (Wis. Stats. § 59.694(6)) Before deciding on an application for a Variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under Wis. Stats. Ch. 985. Such notice shall be provided to the appropriate office of the Department at least ten days prior to the hearing. The Board shall state in writing the reasons for granting or refusing a Variance and shall provide a copy of such decision to the appropriate Department office within ten days of the decision.

(e) *Board of Adjustment.* (Wis. Stats. § 59.694) The County Executive, County Administrator or Chair of

the County Board shall appoint a board of adjustment consisting of three or five members under Wis. Stats. § 59.694. The County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by Wis. Stats. § 59.694(3).

- (1) *Powers and duties.* (Wis. Stats. § 59.694)
 - a. The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Wis. Stats. § 59.694.
 - b. It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this article.
 - c. It shall hear and decide applications for special exception permits pursuant to Subsection (c) of this section.
 - d. It may grant a Variance from the standards of this article pursuant to Subsection (d) of this section.
 - e. In granting a Variance, the Board may not impose conditions which are more restrictive than any of the specific standards in this article. Where this article is silent as to the extent of restriction, the Board may impose any reasonable permit conditions to affect the purpose of this article.
- (2) *Appeals to the Board.* (Wis. Stats. § 59.694) Appeals to the Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the Board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the Board all the papers constituting the record concerning the matter appealed.
- (3) *Hearing appeals and applications for Variances and special exception permits.* (Wis. Stats. § 59.694(6))
 - a. The Board of adjustment shall fix a reasonable time for a hearing on the appeal or application. The Board shall give public notice thereof by publishing a Class 2 notice under Wis. Stats. Ch. 985, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the Department at least ten days prior to hearings on proposed Shoreland Variances, special exceptions (conditional uses), and appeals for map or text interpretations.
 - b. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on Shoreland Variances, Special Exceptions (Conditional Uses), and appeals for map or text interpretations shall be submitted to the appropriate office of the Department within ten days after they are granted or denied.
 - c. The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the Chairperson and Secretary of the Board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
 - d. At the public hearing, any party may appear in person or by agent or by attorney.
- (f) *Fees.* (Wis. Stats. §§ 59.69, 59.694, 59.696, 59.697) The County Board may, by resolution, adopt fees for the following:
 - (1) Zoning permits.
 - (2) Certificates of compliance.
 - (3) Planned unit development reviews.
 - (4) Public hearings.
 - (5) Legal notice publications.

- (6) Special exception permits.
- (7) Variances.
- (8) Administrative appeals.
- (9) Other duties as determined by the County Board.

(g) *Relaxation of standards for persons with disabilities.* The Zoning Administrator may issue a special permit to relax the standards of this article in order to provide reasonable accommodations as required by provisions of federal and State law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodations of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this section shall establish the nature and extend of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be filed with the Register of Deeds.

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 13.0)

Sec. 10-8-14. Changes and amendments.

The County Board may, from time to time, alter, supplement or change the regulations contained in this article in accordance with the requirements of Wis. Stats. § 59.69(5)(e), Wis. Admin. Code Ch. NR 115, and this article where applicable.

- (1) *Amendments.* Amendments to this article may be made on petition of any interested party as provided in Wis. Stats. § 59.69(5).
- (2) *Shoreland Wetland map amendments.* (Wis. Admin. Code § NR 115.04)
 - a. Every petition for a Shoreland-Wetland map amendment filed with the County Clerk shall be referred to the County Zoning Agency. A copy of each petition shall be provided to the appropriate office of the Department within five days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least ten days prior to the hearing.
 - b. A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within ten days after the decision is issued.

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 14.0)

Sec. 10-8-15. Enforcement and penalties. (Wis. Admin. Code § NR 115.05(4)(j))

Any development, any building or Structure constructed, moved or structurally altered, or any use established after the effective date of the ordinance from which this article is derived in violation of the provisions of this article, by any person, firm, association, or corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator or the County Zoning Agency shall refer violations to the District Attorney or Corporation Counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this article shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this article is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. § 59.69(11).

- (1) *Penalty.* Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this article shall be subject to a forfeiture of not less than \$50.00 nor more than \$600.00 for each violation, plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this article and, as such, forfeitures shall apply accordingly. The Zoning and Conservation Department Administrator shall refer violations to the Corporation Counsel who shall prosecute violations.
- (2) *Injunction.* Any use or action which violates the provisions of this article shall be subject to a court injunction prohibiting such violation.

- (3) *Responsibility for compliance.* It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this article. Any person, firm or corporation causing a violation or refusing to comply with any provision of this article will be notified in writing of such violation by the County Zoning Administrator or the Zoning Administrator's designated Zoning Deputy. Each day a violation exists shall constitute a distinct and separate violation of this article and, as such, forfeitures shall apply accordingly. Every violation of this article is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. § 59.69(11).
 - (4) *Suspension of permit.* Whenever the Zoning and Conservation Department Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator determines there are reasonable grounds for believing there is a violation of any provision of this article, the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30-day period, an extension may be granted if reason of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to the owner's last known address or when the owner has been served by such notice by any method authorized by the laws of the State. The owner of record has the right to appeal any decision by the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator or apply to the Vilas County Board of Adjustment for a Variance from the strict rule of this article within 30 days of receipt of a notice or order.
 - (5) *Emergency conditions.* Whenever the Zoning and Conservation Department Administrator finds that an emergency exists, such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the Administrator may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The Administrator shall notify the Chairperson of the Zoning Committee within 24 hours of such situations. Notwithstanding any other provisions of this article, such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Board of Adjustment.
- (Ord. of 4-19-2017; Ord. of 1-17-2019, § 15.0)

Sec. 10-8-16. Definitions.

- (a) For the purpose of administering and enforcing this article, the words, terms or phrases used herein shall be interpreted as follows: All distances, unless otherwise specified, shall be measured horizontally.
- (b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - (1) *Access and Viewing Corridor* (Wis. Admin. Code § NR 115.03(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
 - (2) *Accessory Structure or Use* means a subordinate Structure or a use which is clearly incidental to, and customarily found in connection with, the principal Structure or use to which it is related, and which is located on the same lot as the principal Structure or use. Accessory Structures can be attached or detached. If attached to the principal Structure the accessory Structure shall comply with the same setbacks as a principal Structure.
 - (3) *Backlot* means a lot without water frontage under any form of ownership.
 - (4) *Bluff* means Slope exceeding 40 degrees with a waterbody at the toe. For the purposes of this article, a Bluff shall extend the width of the lot to be considered a Bluff.

- (5) *Boathouse* (Wis. Admin. Code § NR 115.03(1h)) means a permanent Structure used for the storage of watercraft and associated materials and includes all Structures which are totally enclosed, have roofs or walls or any combination of these structural parts.
- (6) *Building Envelope* (Wis. Admin. Code § NR 115.03(1p)) means the three dimensional space within which a Structure is built.
- (7) *County Zoning Agency* (Wis. Admin. Code § NR 115.03(2)) means that committee or commission created or designated by the County Board under Wis. Stats. § 59.69(2)(a), to act in all matters pertaining to County planning and zoning and includes the County Zoning Committee.
- (8) *Department* (Wis. Admin. Code § NR 115.03(3)) means the Department of Natural Resources.
- (9) *Drainage System* means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (10) *Existing Development Pattern* (Wis. Admin. Code § NR 115.03(3m)) means that principal Structures exist within 250 feet of a proposed principal Structure in both directions along the shoreline.
- (11) *Floodplain* (Wis. Admin. Code § NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the Regional Flood. The Floodplain includes the floodway and the floodfringe as those terms are defined in Wis. Admin. Code Ch. NR 116.
- (12) *Footprint* means the land area covered by a Structure at ground level measured on a horizontal plane. The Footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For Structures without walls (decks, stairways, patios, carports), a single horizontal plane bounded by the furthest portion of the Structure projected to natural grade.

Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the Footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under Wis. Admin. Code Ch. NR 115 and would need to follow Wis. Admin. Code § NR 115.05(1)(g)5.

- (13) *Generally Accepted Forestry Management Practices* (Wis. Admin. Code § NR 1.25(2)(b)) means forestry management practices that promote sound management of a forest. Generally Accepted Forestry Management Practices include those practices contained in the most recent version of the Department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
- (14) *Impervious Surface* (Wis. Stats. § NR 115.03(4g)) means an area that releases as runoff all or a majority of the precipitation that falls on it. The term "Impervious Surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways, as defined in Wis. Stats. § 340.01(54), or sidewalks, as defined in Wis. Stats. § 340.01(58), are not considered Impervious Surfaces.
- (15) *Internal Improvement* means modifications/alterations within a dwelling unit that do not result in the alteration of the dwelling envelope. A land use permit is not required for these activities unless it is located within a Floodplain.
- (16) *Lot, Front*. On Shoreland lots, the front shall be the area from the shoreline landward. On non-Shoreland lots, the front shall be the area from the road or road easement away from the road.
- (17) *Lot Line, Rear*, means any lot line that is generally parallel to a front line bounding the lot and does not intersect a Front Lot line. There may be multiple Rear Lot Lines.
- (18) *Lot Line, Side*, means any lot line that is neither a Front Lot line nor a Rear Lot Line.
- (19) *Major Recreational Equipment/Vehicles* means a travel trailer, pickup coach, motor home, camping trailer, tent or park model mobile home which is either dependent and/or self-contained. These types of Structures require the same setbacks as principal Structures.

- (20) *Mitigation* (Wis. Admin. Code § NR 115.03(4r)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.
- (21) *Navigable Waters* (Wis. Admin. Code § NR 115.03(5)) means Lake Superior, Lake Michigan, all natural inland lakes within the State and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Wis. Stats. § 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, Shoreland ordinances required under Wis. Stats. § 59.692 and Wis. Admin. Code Ch. NR 115 do not apply to lands adjacent to:
- Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
 - Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable waterbody.
- (22) *Ordinary High-Water Mark (OHWM)* (Wis. Admin. Code § NR 115.03(6)) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (23) *Regional Flood* (Wis. Admin. Code § NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- (24) *Routine Maintenance of Vegetation* (Wis. Admin. Code § NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (25) *Shoreland* (Wis. Admin. Code § NR 115.03(8)) means lands within the following distances from the Ordinary High-Water Mark of Navigable Waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the Floodplain, whichever distance is greater.
- (26) *Shoreland Setback* also known as the "Shoreland Setback area" in Wis. Stats. § 59.692(1)(bn) means an area in a Shoreland that is within a certain distance of the Ordinary High-Water Mark in which the construction or placement of Structures has been limited or prohibited under an ordinance enacted under Wis. Stats. § 59.692.
- (27) *Shoreland Wetland District* (Wis. Admin. Code § NR 115.03(9)) means a zoning district, created as a part of a County zoning ordinance, comprised of Shorelands that are designated as Wetlands on the Wisconsin Wetland inventory Maps prepared by the Department.
- (28) *Slope* means a degree of deviation of a surface from horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. Percent Slope is calculated as rise divided by run. A 2:1 Slope is a 50 percent Slope. Expressed in degrees, the Slope is the angle from the horizontal plane, with a 90-degree Slope being vertical (maximum) and a 45-degree Slope being a 1:1 Slope.
- (29) *Special Exception (Conditional Use)* (Wis. Admin. Code § NR 115.03(10)) means a use which is permitted by this article provided that certain conditions specified in this article are met and that a permit is granted by the Board of Adjustment or, where appropriate, the Planning and Zoning Committee or County Board.
- (30) *Structure* (Wis. Stats. § 59.692(1)(e)) means a principal Structure or any Accessory Structure, including a garage, shed, Boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.
- (31) *Unnecessary Hardship* (Wis. Admin. Code § NR 115.03(11)) means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this article.

- (32) *Variance* means an authorization granted by the Board of Appeals to construct, alter or use a building or Structure in a manner that deviates from the dimensional standards of this article.
- (33) *Wet Boathouse*. The maintenance and repair of nonconforming Boathouses which extend beyond/below the OHWM of any Navigable Waters shall be required to comply with Wis. Stats. § 30.121.
- (34) *Wetlands* (Wis. Admin. Code § NR 115.03(13)) means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (35) *Wetland Delineation* means the process of determining the boundary between non-Wetland areas and Wetlands. The County requires such delineation to be made by a State certified delineator.

(Ord. of 4-19-2017; Ord. of 1-17-2019, § 16.0)

ARTICLE IX. ZONING*

***Editor's note**—This article contains the zoning ordinance that was published and effective June 18, 1934 and subsequently amended: March 26, 1971; April 15, 1975; May 03, 1976; November 15, 1977; March 14, 1978; June 20, 1985; August 26, 1986; June 16, 1987; April 16, 1991; June 15, 1995; July 20, 1995; May 23, 1996; April 15, 1997; June 19, 1997; September 16, 1999; April 17, 2001; August 16, 2001; November 13, 2001; February 21, 2002; March 21, 2002; April 15, 2003; June 19, 2003; August 21, 2003; January 5, 2004; April 20, 2004; March 17, 2005; June 16, 2005; September 15, 2005; December 15, 2005; June 15, 2006; July 20, 2006; November 14, 2006; January 18, 2007; July 19, 2007; September 18, 2008; December 18, 2008; April 21, 2009; December 17, 2009; February 18, 2010; October 20, 2011; June 20, 2013; and July 17, 2014; May 21, 2015; November 10, 2015; December 17, 2015; June 16, 2016; October 20, 2016; August 17, 2017; September 21, 2017; June 21, 2018; February 21, 2019; April 16, 2019; June 20, 2019; July 15, 2020; and December 17, 2020. Ordinances adopted after December 17, 2020 that are included in this article are noted in history notes following amended sections.

DIVISION 1. GENERALLY

Sec. 10-9-1. Definitions and rules of interpretation.

For the purpose of administering and enforcing this article, the words or terms used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The term "person" includes an individual, all partnerships, associations, and bodies politic and corporate. The term "used or occupied," as applied to any land or Building, shall be construed to include intended, arranged, or designed to be used or occupied. The term "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

- (1) *Accessory Structure or Use* means a detached subordinate Structure or a use which is clearly incidental to, and customarily found in connection with, the Principal Structure or use to which it is related, and which is located on the same Lot as the Principal Structure or use.
- (2) *Addition (Nonconforming Parcel)* means new construction performed on a Building which increases the outside dimensions of the Building. A minimum of 75 percent of the exterior wall area of the existing Building must remain in place as exterior walls after completion of construction activities. Construction activities resulting in less than 75 percent of existing wall exterior area remaining in place, in total, shall be considered to be new/replacement construction.
- (3) *Airport* means the Hayward Municipal Airport located in S 24, T 41N, R 9W, Township of Hayward, County of Sawyer.
- (4) *Airport Hazard* means any Structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
- (5) *Alley* means a narrow service way providing a secondary public means of access to abutting properties.
- (6) *Antique Car* means a motor vehicle which has a model year of 1945 or earlier and which has not been altered or modified from the original manufacturer specifications.

- (7) *Arterial or Major Highway* means a Street which services or is designed to serve the rapid movement of concentrated volumes of traffic over relatively long distances. This type of Street provides primarily for movement between rather than within activity areas.
- (8) *Backlot* means a Lot without water frontage under any form of ownership.
- (9) *Block* means a parcel or tract of land bounded on at least one side by a public Street and on the other sides by natural or manmade barriers or unplatted land.
- (10) *Boathouse* means any permanent Structure designed solely for the purpose of protecting or storing watercraft and related equipment for noncommercial purposes. A gazebo, screened Building or similar Structure shall not substitute as a Boathouse.
- (11) *Building* means any Structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.
- (12) *Building, Height of*, means the vertical distance in feet to the peak from average grade.
- (13) *Bunkhouse* means an independent stand-alone residential Accessory Structure without plumbing which is used as temporary guest area only; no Cooking and Food Preparation Facilities; and no greater than 250 square feet of open temporary guest space. See Section 10-9-184(4)a and c.
- (14) *Campground* means a privately or municipally owned site designed, designated, maintained, intended, or used for the purpose of supplying a location for Major Recreational Equipment/Vehicles, open to the public for free or paying camping purposes.
- (15) *Camping Cabin* means any Structure constructed, placed or used which is not Major Recreational Equipment/Vehicles, and advertised or designed for the temporary shelter of visitors, tourists, campers, or Campground users, whether mobile or not, and is used strictly for shelter. The use of Camping Cabins shall meet the requirements of Section 10-9-264(10).
- (16) *Camping Trailer* means a canvas or folding Structure mounted on wheels and designed for temporary living and housekeeping purposes.
- (17) *Collector* means the owner of one or more licensed antique, collector, hobbyist, or Special Interest Vehicle.
- (18) *Collector Car* means a vehicle which is 20 years or older of consecutive years.
- (19) *Collector Street* means a minor or local Street which serves or is designed to serve the moderate speed movement traffic from Streets to Major Highways and to provide access to individual Lots. This type of a Street provides for movement within rather than between activity areas.
- (20) *Conditional Use* means a use which is permitted by this article provided that certain conditions specified in this article are met and that a permit for such use is granted by the Zoning Committee.
- (21) *Condominium* means individually owned Dwelling Units that have an undivided interest in common elements, such as associated land, that is subject to a Condominium declaration established under Wis. Stats. Ch. 703.
- (22) *Cooking and Food Preparation Facilities* means any area containing any or all of the following equipment: kitchen sink and/or other device for dishwashing, stove or other device for cooking, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.
- (23) *Dead-end Street* means a Street or portion thereof with only one vehicular outlet.
- (24) *Dependent Recreational Equipment/Vehicles* means a recreational equipment/vehicle which is dependent upon other facilities for toilet and lavatory.
- (25) *Development* means any manmade change to improved or unimproved real estate, including, but not limited to, the construction of Buildings, Structures or Accessory Structures; the construction of additions, or substantial alterations to Buildings, Structures or Accessory Structures; the placement of Mobile Homes; ditching, lagooning, dredging, filling, grading, paving, excavating or drilling operations, and the deposition or extraction of earthen materials.

- (26) *DNR* means the Wisconsin Department of Natural Resources.
- (27) *Domestic Animal* means those animals commonly referred to as domesticated household pets. For the purpose of this article Domestic Animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- (28) *Drainage System* means one or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (29) *Dwelling* means a Building designed or used exclusively as the living quarters for one or more families, including manufactured homes which meet the dimensional requirements as originally designed.
- (30) *Dwelling, Multi-Family*, means a Dwelling or group of Dwellings on one plot containing separate living quarters for two or more families but which may have joint services and/or facilities.
- (31) *Dwelling Unit* means a Building or portion thereof with rooms arranged, designed, used or intended to be used for one family. Guesthouses with kitchen and bathroom facilities and any Accessory Structures with a Habitable Living Area are considered to be Dwelling Units. Houseboats and watercraft on land shall not be used as Dwellings or Dwelling Units. Only one Dwelling Unit is allowed per Lot.
- (32) *Dwelling Unit Envelope* means the measurements of the outside of an existing Dwelling Unit or Structure measured at the perimeter of the outside walls or support, including the height measurements from the vertical distance in feet to the peak from average grade. Attached unroofed Building elements, such as porches, decks, patios, steps and other similar Structures, are not included in such measurements.
- (33) *Easement* means authorization by a property owner for the use by another, and for a specified purpose of any designated part of the owner's property.
- (34) *Essential Services* means services provided by public and private utilities necessary for the exercise of the Principal Use or service of the Principal Structure. These services include surface, underground, or overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but do not include Buildings.
- (35) *Family* means one or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.
- (36) *Farm/Agricultural Animal* means those animals commonly associated with a farm or in an agricultural setting. For the purpose of this article the term "Farm/Agricultural Animals" shall include members of the equine family (horse, mules), bovine family (cows, bulls), poultry (chickens, turkeys), fowl (ducks, geese, game birds), swine (including potbellied pigs), rabbits, sheep, goats, bees, ratites (ostriches and emus), farm raised deer, llamas, alpacas and bison or any other animal associated with a farm, ranch or stable.
- (37) *Farming, General*, means the production of field or truck crops, or the raising of Livestock and Livestock products for commercial gain.
- (38) *Flood* means a general and temporary condition of partial or complete inundation of normal dry land areas caused by the overflow or rise of rivers, streams, or lakes.
- (39) *Floodfringe* means that portion of the Floodplain outside of the Floodway, which is covered by Flood waters during the Regional Flood; it is generally associated with standing water rather than rapidly flowing water.
- (40) *Floodplain* means the land which has been or may be hereafter covered by Flood water during the Regional Flood. The Floodplain includes the Floodway and the Floodfringe as those terms are defined in Wis. Admin. Code Ch. NR 116.
- (41) *Floodway* means the land which has been or may be hereafter covered by Flood water during the Regional Flood. The Floodplain includes the Floodway and the Floodfringe.

- (42) *Flowage* means an impoundment of a river or stream created by a downstream dam or similar manmade flow-restricting Structure.
- (43) *Footprint* means the ground surface area of an existing Structure or Building measured at the perimeter of the outside wall or supports. Attached unroofed Building elements, such as porches, decks, patios, steps and other similar Structures, are not included in such measurement. Cantilevered portions of a Structure or Building shall be considered to be part of the Footprint.
- (44) *Garbage* means discarded material resulting from the handling, processing, storage, and consumption of food.
- (45) "*Gard Gazebo*" *Permit* means a land use permit issued in accordance with Wis. Stats. § 59.692(1v).
- (46) *Gazebo/Screened Building* means an Accessory Structure, typically screened on all or most sides and used for recreational activities. A Gazebo/Screened Building shall not substitute for a Boathouse.
- (47) *Habitable Living Area* means the enclosed floor area arranged for living or sleeping. The area can include multiple levels of an existing Structure. The area does not include decks, open porches, garages or overhangs.
- (48) *Hobbyist Car* means the same as the term "Collector Car" but can have mechanical or sheet metal modifications.
- (49) *Home Occupation* means a gainful occupation conducted by a member of the Family, within such Family member's place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as produced by such Home Occupation.
- (50) *Hospital*, unless otherwise specified, shall be deemed to include sanitariums, sanitoriums, preventoriums, clinics, rest homes, nursing homes, convalescent homes, and any other place for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.
- (51) *Impervious Surface* means surfaces which prevent or impede normal water infiltration and/or cause runoff to other areas. The term "Impervious Surface" includes, but is not limited to:
 - a. All Buildings and Structures (area measured at roof gable end and eave lines);
 - b. Stairs, walkways, driveways and parking or other areas, comprised of brick, paver stone, cementitious substances, or any bituminous substance, including asphalt; and
 - c. Any subbase of plastic or any shield which prevents or impedes water penetration. Decks, stairways and walkways with gaps in their surface Structure (e.g., wooden decks with open cracks between the deck boards) allowing water to readily pass through the Structure are not considered an Impervious Surface.

Any portion of a township road traversing a Lot will not be included as part of the Impervious Surface for calculation purposes.
- (52) *Industrial Sand* or *Frac Sand* is that which refers to Mineral Extraction composed of silica, having grain size distribution required for industrial applications. More specifically, Industrial Sands consist of well-rounded and composed of mostly pure quarts.
- (53) *Internal Improvement* means modifications/alterations within a Dwelling Unit that do not result in the alteration of the Dwelling Unit Envelope. A land use permit is not required for these activities.
- (54) *Kennel* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.
- (55) *Land Disturbing Activities* means construction, grading, filling, excavating or other activities which result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased stormwater runoff volumes or velocities, or increased total area of Impervious Surfaces and/or activities which include, but are not limited to, construction on steep Slopes, Development of private

boat landings or access roads to the waterbody, Development of paths to the shoreline requiring disturbance of the land to construct, and Development of sand beaches not naturally occurring.

- (56) *Livestock* means Farm/Agricultural Animals traditionally used in the production of food, fiber or other animal products. For the purpose of this article, the term "Livestock" includes cattle, swine, poultry, sheep and goats. The term "Livestock" does not include equine, bison, farm raised deer, fish, captive game birds, ratites, camelids or mink.
- (57) *Lot* means a parcel of land occupied or capable of being occupied by one Building or one Dwelling Unit and the Accessory Buildings or uses customarily incidental to it, including such open spaces as are required by this article.
- (58) *Lot, Area of*, means the contiguous, not separated by public roadway, of a Lot between its front, rear, and side Lot Lines. Lot Area must meet the minimum Lot Area requirements of Section 10-9-473(b).
- (59) *Lot, Depth of*, means a horizontal distance between the front and rear Lot Lines, measured in the general direction of its side Lot Lines.
- (60) *Lot, Front*. On Shoreland Lots, the front shall be the area from the shoreline landward. On non-Shoreland Lots, the front shall be the area from the road or road Easement away from the road.
- (61) *Lot, Width of*, means the width measured at right angles to its depth at all points along its depth. Lot Widths shall meet the minimum Lot Width requirements of Section 10-9-473(c).
- (62) *Lot Lines* means any line dividing one Lot from another.
- (63) *Major Recreational Equipment/Vehicles* means a Travel Trailer, Pickup Coach, Motor Home, Camping Trailer, Tent or Park Model mobile trailer which is either dependent and/or self-contained.
- (64) *Mineral* means a naturally occurring element or combination of elements; metallic, nonmetallic or Mineral fuel that occur in the earth, but shall not include soil. Without limitation due to enumeration, the Minerals of interest include:
 - a. Metallic: iron ore, copper, zinc, silver, gold, nickel, cerium, chromite, columbium, magnesite, molybdenite, vanadium and zircon.
 - b. Nonmetallic: stone, sand and gravel, clay talc, asbestos, graphite and marble.
 - c. Mineral fuel: petroleum, natural gas, coal, peat and nuclear fuel source materials.
- (65) *Mineral Extraction* means the excavation or recovery of nonmetallic or Mineral fuels through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods. It shall include the extraction of topsoil when such activities are undertaken or proposed to be undertaken as a distinct land use.
- (66) *Mining, Drilling, Digging, Quarrying, Etc.*, means all or part of the process involved in the extraction and processing of nonmetallic Mineral materials and Mineral fuel. Such activities shall normally be divided into four distinct phases:
 - a. *Exploration*. On-site, geologic examination from the surface of an area by seismic core, rotary, percussion or other drilling or testing for the purpose of searching for Mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling.
 - b. *Prospecting*. Examination of an area for the purposes of determining the quality and quantity of Minerals other than by exploration, but including the obtaining of samples by physical means.
 - c. *Operation*. Mineral extraction and/or processing for commercial purposes, including such operations as aggregate or ready mix plants, mixing of asphalt, mining or drilling services, processing of topsoil, washing, refining or processing of metallic, nonmetallic, or Mineral fuel materials.
 - d. *Reclamation*. Process by which an area physically or environmentally affected by Mineral Extraction activities is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.

- (67) *Mitigation* means the requirement to restore shoreline buffer functions that have been lost or adversely affected through Development.
- (68) *Mobile Home* means any Structure manufactured or assembled prior to June 15, 1976, and originally designed to be capable of transportation by any motor vehicle upon public highways which does not require substantial on-site fabrication; which is intended for occupancy as a Year Round residence. Mobile Homes shall not be located in any zone district unless located in a Mobile Home Park.
- (69) *Mobile Home Park* means any plot or plots of ground upon which two or more units, occupied for Dwelling or sleeping purposes, are located, regardless whether or not a charge is made for such accommodations.
- (70) *Motor Home* means a portable Structure constructed as an integral part of a self-propelled vehicle designed and used for temporary living and housekeeping purposes, including school buses converted and vans.
- (71) *Multi-Dwelling Development* means a Development, regardless of form of ownership, consisting of three or more Dwelling, Condominium, Resort, hotel or motel units or other units/Structures intended for residential or long- or short-term rental uses, all of which are to be located on the same Lot.
- (72) *Navigable Water* means all natural inland lakes within the County and all streams, ponds, sloughs, flowages, and other water within the territorial limits of the County which are navigable under the laws of this State. Under Wis. Stats. § 281.31(2m)(a), notwithstanding any other provision of law or administrative rule promulgated thereunder, Shoreland ordinances required under Wis. Stats. § 59.692 and Wis. Admin. Code Ch. NR 115 do not apply to lands adjacent to farm ditches if:
 - a. Such lands are not adjacent to a natural navigable stream or river;
 - b. Those parts of such drainage ditches adjacent to such lands were not navigable before ditching; and
 - c. Such lands are maintained in nonstructural use.
- (73) *Nonconforming Structure* means a Structure whose dimensions, location or other physical characteristics do not conform to the standards of the current zoning ordinance, although the use of the Structure conforms to the requirements of the ordinance.
- (74) *Nonconforming Use* means a Building, Structure, parcel dimensions or use of land existing at the time of enactment of this article which does not conform to the regulations of the district or zone in which it is situated.
- (75) *Ordinary High-Water Mark* means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (76) *Ordinary Maintenance and Repair* includes replacement of roofing, siding, windows, doors, painting and other general maintenance activities limited to the existing structural envelope. A land use permit is not required for these activities.
- (77) *Park Model Trailer* means a recreation vehicle primarily designed as temporary living quarters for recreation, camping or Seasonal use. Park Model trailers are built on a single chassis, mounted on wheels, and have a gross trailer area not exceeding 400 square feet in the set-up mode. Park model trailers are allowed only in licensed Campgrounds with a maximum of 30 percent of the total permitted sites being Park Models.
- (78) *Pickup Coach* means a Structure designed to be mounted on a truck chassis for use as temporary living and housekeeping purposes.
- (79) *Principal Use/Principal Structure* means the primary use of a property or Structure and the Structure which houses a Principal Use of a Lot.
- (80) *Private Driveway Easement* means an authorization given by one property owner to another for the exclusive access to one parcel of land.

- (81) *Private Road Easement* means an authorization usually given by the subdivider or developer for access to newly created Lots.
- (82) *Public Sewer* means a sewer owned and controlled by a public authority.
- (83) *Refuse* means combustible and noncombustible rubbish, including, but not limited to, paper, wood, metal, glass, cloth and products thereof; litter and Street rubbish; ashes; and lumber, concrete and other debris resulting from the construction or demolition of Structures.
- (84) *Regional Flood* means a Flood determined to be representative of large Floods known to have generally occurred in the State and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- (85) *Resort* means a for-profit business holding a seller's permit and licensed by the Wisconsin Department of Health and Family Services, which provides rental to the public of Dwelling Units contained in one or more permanent Buildings used primarily for recreational use.
- (86) *Retaining Wall*. See *Structure*.
- (87) *Riprap* means rock or other large aggregate that is placed to protect streambanks, bridge abutments, outflow of drainage Structures, or other erodible sites from runoff or wave action.
- (88) *Runway* means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.
- (89) *Salvageable Material* means inoperable and/or unlicensed vehicles, machinery or equipment, scrap metal or other junk or scrap materials which are of further usefulness mainly as a raw material for reprocessing, or as imperfect stock from which replacement or spare parts can be extracted.
- (90) *Salvage Yard* means a solid waste disposal site or facility at which salvageable materials are stored or sold or at which wrecking, dismantling, or demolition of salvageable materials are conducted. Salvage yards do not include operations conducted by scrap metal, paper, fiber or plastic processors, or small storage areas for equipment such as are normally found adjacent to industrial and commercial establishments.
- (91) *Seasonal* means a Dwelling that is constructed uninsulated and it is unsewered.
- (92) *Self-Contained Recreational Equipment/Vehicles* means a recreational vehicle which can operate independent of connections to sewer, water, and electric systems. Water storage and sewage holding tanks are located within the vehicle.
- (93) *Shorelands* means lands within the following distances from the Ordinary High-Water Mark of Navigable Waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the Floodplain, whichever distance is greater.
- (94) *Shoreline Vegetation Protection Area* means a strip of land 35 feet wide inland from the Ordinary High-Water Mark of any navigable body of water, including, but not limited to, streams, rivers, ponds, flowages and lakes. The term "Shoreline Vegetation Protection Area" is used synonymously with buffer zone, buffer area and buffer strip.
- (95) *Sign* means any Structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.
- (96) *Slope* means degree of deviation of a surface from horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. Percent Slope is calculated as rise divided by run. A 2:1 Slope is a 50 percent Slope. Expressed in degrees, the Slope is the angle from the horizontal plane, with a 90-degree Slope being vertical (maximum) and a 45-degree Slope being a 1:1 Slope.

- (97) *Special Interest Vehicle* means limited production vehicles that are 19 years and newer of consecutive years that have not been altered or modified from original manufacturers' specifications, and, because of its historic interest, is being preserved by hobbyists.
- (98) *Street* includes streets, roads, avenues, or lanes.
- (99) *Structure* means any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape, and utility. Examples of Structures include, but are not limited to, concrete, flagstone and Block patios; concrete slabs; Retaining Walls; etc.
- (100) *Subdivider* means any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or Building Development, any Subdivision or part thereof as defined herein.
- (101) *Subdivision* means a division of a Lot, parcel, or tract of land by the owner thereof or such owner's agent for the purpose of sale or Building Development.
- (102) *Support/Parts Vehicle* means a motor vehicle generally in non-operable condition which is owned by the Collector to furnish parts which will enable the Collector to restore, preserve and maintain a Special Interest Vehicle or Antique Vehicle.
- (103) *Temporary Guest Quarters* means the portion of a residential Accessory Structure which is used as a temporary guest area only; no Cooking and Food Preparation Facilities; and no greater than 499 square feet of temporary guest space. Plumbing may be permitted in an Accessory Structure containing Temporary Guest Quarters. See Section 10-9-184(4)a and b.
- (104) *Tent* means a portable lodge of canvas or strong cloth stretched and supported by poles.
- (105) *Travel Trailer* means a portable vehicle less than ten feet wide by 50 feet long designed and used for temporary living and housekeeping purposes.
- (106) *Tree* means any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes, or plants which do not grow greater than a height of five feet.
- (107) *Under Construction Vehicles* means any vehicle mechanically road worthy or being restored and licensed (not esthetically pleasing) (outside cosmetic not finished).
- (108) *Unnecessary Hardship* means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this article.
- (109) *Use* means the specific purpose for which land or a Building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any Nonconforming Use.
- (110) *Use Corridor* means altered area within the Shoreline Vegetation Protection Area to permit pedestrian access to a waterbody. This term is used synonymously with view corridor.
- (111) *Variance* means an authorization granted by the Board of Adjustment to construct, alter or use a Building or Structure in a manner that deviates from the dimensional standards of this article.
- (112) *Wetlands* means those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (113) *Wetland Delineation* means the process of determining the boundary between non-Wetland areas and Wetlands. The County requires such delineation to be made by a State certified delineator.
- (114) *Wetland/Shoreland District* means the zone district created as part of the Shoreland zoning ordinance, comprised of lands that are designated as Wetlands on the Wetland maps which have been adopted and made a part of this article.

- (115) *Yard, Front*, means an open unoccupied space on the same Lot with the Building between the front line of the Building and the front line of the Lot and extending the full width of the Lot.
- (116) *Yard, Rear*, means an open unoccupied space on the same Lot with the Building between the rear line of the Building and the rear line of the Lot and extending the full width of the Lot.
- (117) *Yard, Side*, means an open unoccupied space on the same Lot with the Building situated between the Building and the side line of the Lot and extending from the Front Yard to the Rear Yard. Any Lot Line not a rear line or a front line shall be deemed a side line.
- (118) *Year Round* means a Dwelling that is constructed insulated, winterized. It may contain an inside water pressure system and it may be sewerage.
- (119) *Zoning Committee* means the County committee authorized by the County Board under Wis. Stats. § 59.69 to plan land use and act in all matters pertaining to County planning, zoning, and sanitation.

(Zoning Ord. 1971, § 2.1)

Sec. 10-9-2. Authority.

The Board of Supervisors of the County in regular session this first day of March, 1971, so amend all portions of the County Zoning Ordinance except title and repeal those conflicting portions. This ordinance is adopted pursuant to the authorization of Wis. Stats. §§ 59.69, 59.692, 59.694, 87.30, 281.31 and 703.27.

(Zoning Ord. 1971, § 1.1)

Sec. 10-9-3. Purpose.

An ordinance regulating and restricting the location, construction, use of Buildings, Structures, and the use of land in the unincorporated portions of the County and for said purposes dividing the County into districts. Adopted for the promotion and protection of the public health, morals, safety, and the general welfare.

(Zoning Ord. 1971, § 1.2)

Sec. 10-9-4. Interpretation.

The provisions of this article shall be held to the minimum requirements, adopted for the promotion and protection of the public health, morals, safety, and the general welfare. Whenever the requirements of this article are at Variance with the requirements of any other lawfully adopted regulations, ordinances, or private covenants, the most restrictive, or that imposing the higher standards shall govern.

(Zoning Ord. 1971, § 1.3)

Sec. 10-9-5. Enforcement and penalties.

Any Development, any Building or Structure constructed, moved or structurally altered, or any use established after the effective date of the ordinance from which this article is derived in violation of the provisions of this article, by any person, firm, association, or corporation, including Building contractors or their agents, shall be deemed a violation. A violation which is not corrected on the order of the Zoning Administrator shall be referred to the District Attorney or Corporation Counsel who shall expeditiously prosecute violations. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this article shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 per offense, together with the taxable cost of action. Each day which the violation exists shall constitute a separate offense.

(Zoning Ord. 1971, § 16.0)

Sec. 10-9-6. Compliance.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply when Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. § 30.2022(1) applies.

(Zoning Ord. 1971, § 1.4)

Sec. 10-9-7. Application of regulations.

The use of any land, or water; the size, shape, and placement of Lots; the use, size, height, type, and location of Structures thereon; and the provisions for open spaces shall be in compliance with the regulations set forth on the official zoning maps of the County, and in the text of this article.

(Zoning Ord. 1971, § 4.1)

Sec. 10-9-8. Establishment of districts.

For the purposes of this article, the unincorporated areas of the County are hereby divided into the following types of districts:

- (1) R-1, Residential One.
- (2) RR-1, Residential/Recreational One.
- (3) RR-2, Residential/Recreational Two.
- (4) A-1, Agricultural One.
- (5) A-2, Agricultural Two.
- (6) C-1, Commercial One.
- (7) I-1, Industrial One.
- (8) F-1, Forestry One.
- (9) W-1, Wetland/Shoreland One.
- (10) SP-1, Shoreland Protection One (overlay).
- (11) PUD, Planned Unit Development.

(Zoning Ord. 1971, § 3.1)

Sec. 10-9-9. Zoning maps and district boundaries.

- (a) The maps designated below are hereby adopted and made part of this article.

- (1) Detailed zoning maps of the County adopted March 1, 1971, effective March 26, 1971, and revised as dated on each map.
- (2) Flood Insurance Rate Maps dated September 14, 1990.
- (3) Wisconsin Wetland Inventory Maps stamped "FINAL" on November 6, 1984.

(b) The location and boundaries of these districts are shown on the Detailed zoning maps of the County, consisting of separate maps of each township, and the Wisconsin Wetland Inventory Maps. These maps, together with all explanatory matter and regulations thereof, are an integral part of this article.

(c) The official copies of the Detailed zoning maps of the County, the flood insurance rate maps, and the Wisconsin Wetland Inventory Maps, together with a copy of this article, shall be kept at the County Zoning Administrator's office and shall be available for public inspection during working hours. Any changes affecting zone district boundaries or explanatory matter shall be made in accordance with the provisions of Wis. Stats. § 59.69, and Division 2, Subdivision VI of this article.

(d) District boundaries are normally Lot Lines, section and quarter section lines, centerlines of roads, highways, railroads, and Alleys. Questions regarding exact locations of district boundaries shall be decided by the County Zoning Administrator. Decisions may be reviewed on appeal to the Board of Appeals as provided in Division 2, Subdivision V of this article.

(e) For Wetland boundaries where an apparent discrepancy exists between the Wetland/Shoreland District boundary shown on the Wisconsin Inventory Maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the DNR to determine if the Wetland/Shoreland District boundary as mapped is an error. If DNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a Wetland, the Zoning Administrator shall have the authority to

immediately grant or deny a land use or Building permit in accordance with the regulations applicable to the correct zone district. In order to correct Wetland mapping errors shown on the Wisconsin Inventory Maps, the property owner shall be responsible for initiating a Wetland/Shoreland map amendment within a reasonable period of time.

(Zoning Ord. 1971, § 3.2)

Secs. 10-9-10—10-9-28. Reserved.

DIVISION 2. ADMINISTRATION

Subdivision I. In General

Sec. 10-9-29. County Zoning Administrator.

(a) *Duties.* In administering and enforcing this article, the County Zoning Administrator and any of the Zoning Administrator's deputies shall perform the following duties:

- (1) Provide necessary forms and applications for permits.
- (2) Issue land use permits where the provisions of this article have been complied with.
- (3) Issue Conditional Use permits when authorized by the County Zoning Committee.
- (4) Survey the County, upon adoption of this article and when necessary, upon passage of amendments, identify and record information relative to Nonconforming Uses and Structures unless exempted by Wis. Stats. § 59.69(10).
- (5) Maintain files of applications, permits, and other relevant information.
- (6) Make an annual report of the Zoning Administrator's activities to the County Zoning Committee and to the County Board.
- (7) Make on-site inspections as required in administering and enforcing this article.
- (8) Be responsible for the proper notice requirements for hearing and like matters.
- (9) Investigate and report violations of this article to the County Zoning Committee and/or Corporation Counsel.

(b) *Powers.* The County Zoning Administrator and the Zoning Administrator's duly appointed deputies shall have the powers and authority, including, but not limited to, the following:

- (1) Access to any Structure or premises for the purpose of performing the Zoning Administrator's duties between 8:00 a.m. and 6:00 p.m. Issuance of a special inspection warrant may be requested upon the discretion of the Zoning Administrator.
- (2) Upon reasonable cause or question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any Building, moving, alterations, or use which is in violation of the provisions of this article.
- (3) Determine whether or not specific ordinance requirements shall be waived and a permit should be issued in situations where the applicant alleges that such applicant is handicapped or disabled and is entitled to "reasonable accommodations" under the Federal Fair Housing Act, 42 USC 3601-3631, or the Wisconsin Open Housing Law, Wis. Stats. § 106.50, or where the owner of a place of public accommodations alleges that certain zoning restrictions must be waived in order to make the public accommodations accessible to the disabled.

(Zoning Ord. 1971, §§ 9.12, 9.13)

Secs. 10-9-30—10-9-48. Reserved.

Subdivision II. Land Use Permits

Sec. 10-9-49. Generally.

- (a) Except where another section of this article specifically exempts certain types of Development from this

requirement, a permit shall be obtained from the Zoning Administrator before any new Development is initiated or the placement of, construction of, alteration of, or addition to any Structure is initiated.

(b) No land use permit shall be issued for a Structure designed or intended for human use or occupancy before a fire number, certified soil test, and sanitary application is filed in the office of the Zoning Administrator. If applicable, a separate "Bunkhouse Sign" (yellow Sign) will be required (sign to be placed directly below residence fire number and affixed to Bunkhouse or Temporary Guest Quarters Structure) if Lot contains a Bunkhouse or Temporary Guest Quarters as listed under Section 10-9-184(4).

(c) The Zoning Administrator shall not issue a permit for a Structure or a use not in conformity with the requirements of this article.

(d) The fee for filing applications for land use permits shall be established by the County Zoning Committee. A copy of the current fee schedule shall be posted in the office of the Zoning Administrator.

(e) A permit fee shall be waived for the placement of, construction of, alteration of, or addition to any Structure whereby the placement contains 100 square feet or less; the Structure to be constructed contains 100 square feet or less; or an alteration or addition results in an increase of 100 square feet or less. An application must still be filed with the Zoning Department.

(f) No land use permit shall be issued for any Structure moved or placed that does not have an approximate assessed value of surrounding Structures within 500 feet. Determination of assessed value shall be established by the town assessor.

(g) Within 12 months after the land use permit issue date, all Buildings or Structures indicated on the permit that are intended for human use or occupancy shall be completely enclosed.

Note: The following comment is not a part of the ordinance requirements, but rather reflects usual office practice. Up to a six-month extension may be granted to the expiration date of a land use permit if the property owner can demonstrate a need for the extension before the expiration date of issued permit.

(Zoning Ord. 1971, § 9.21)

Sec. 10-9-50. Application procedure.

An application for a land use permit shall be made to the Zoning Administrator upon forms furnished by the County and shall include the following:

- (1) Name and address of applicant and property owner.
- (2) Legal description of the property and type of proposed use.
- (3) A scaled map or drawings showing accurately the location, size and shape of the Lot(s) involved; existing and/or proposed Structure(s) including the location of any public or private road or Easement, or any Wetlands or watercourses and the existing and proposed use of each Structure.
- (4) Other information requested on the permit application deemed necessary by the Zoning Administrator for proper enforcement of these regulations.
- (5) In situations where the applicant is requesting that certain zoning restrictions be waived in order to provide equal housing opportunities, or access to public accommodations, for a handicapped or disabled person:
 - a. The nature of the handicap or disability.
 - b. An explanation of the need for a waiver of specified zoning restrictions.
 - c. A discussion of alternative solutions that have been considered, if any.

(Zoning Ord. 1971, § 9.22)

Sec. 10-9-51. Expiration.

A land use permit shall expire 12 months from the date of issuance if no action has begun on the project within that time. One extension of up to six months may be granted, if requested prior to the expiration date of the permit.

(Zoning Ord. 1971, § 9.23)

Sec. 10-9-52. General requirements for obtaining a land use permit.

- (a) Apply for a fire number.
- (b) If applicable, a separate "Bunkhouse Sign" (yellow Sign) will be required (sign to be placed directly below residence fire number and affixed to Bunkhouse or Temporary Guest Quarters Structure) if Lot contains a Bunkhouse or Temporary Guest Quarters as listed under Section 10-9-184(4).
- (c) Have a certified soil test done.
- (d) Have a State licensed plumber apply for a Sanitary Permit.
- (e) Contact the Zoning Office for a land use application or print one from our website.
- (f) Apply for and pay the fee for the land use permit prior to beginning construction. Citations and orders for removal may apply in those instances where construction begins without the issue of the proper permits.
- (g) Town permits may also be required. Contact the respective town clerk.
- (h) Contact the Uniform Dwelling Code inspector for inspections that are needed.
- (i) A major grading permit is needed for excavating over 10,000 square feet and a minor grading permit may be needed on Shoreland property under other circumstances (see Section 10-8-8(2)).
- (j) Check Flood Plain requirement.

(Zoning Ord. 1971, § 9.24)

Secs. 10-9-53—10-9-70. Reserved.

Subdivision III. Nonconforming Uses

Sec. 10-9-71. Continuation of Nonconforming Uses.

The lawful use of a Building, Structure, Sign, or property which existed at the time this article, or an applicable amendment to this article, took effect and which is not in conformity with the provisions to this article, including the routine maintenance of such a Building or Structure, may be continued, subject to the following conditions:

- (1) If a Nonconforming Use is discontinued for 12 consecutive months, removed from the premises, or destroyed by such causes as fire or wind, any future use of the Building, Structure, or property shall conform to this article.
- (2) The maintenance and repair, additions or alterations of Nonconforming Structures may continue provided there is no increase in the nonconformity.
- (3) Use nuisances shall not be permitted to continue as Nonconforming Uses.
- (4) If the Zoning Administrator determines that any portion of a Building addition or remodeling or reconstruction project is required to be allowed under the Federal Fair Housing Act, the Wisconsin Open Housing Law or the Americans Disabilities Act, that portion of the project costs that are necessary to provide equal housing opportunity for handicapped or disabled persons shall not be counted in determining whether or not the 50 percent limit would be exceeded.

(Zoning Ord. 1971, § 10.1)

Sec. 10-9-72. Estimated fair market value.

(a) No structural alteration or addition to any Building or Structure with a Nonconforming Use or any nonconforming Building or Structure, over the life of the Building or Structure, shall exceed 50 percent of the Building's or Structure's current estimated fair market value unless it is permanently changed to conform to the requirements of this article.

(b) If the alteration or addition of a Building or Structure which a Nonconforming Use or a nonconforming Building or Structure is prohibited because it is in excess of 50 percent of the current estimated fair market value, the property owner may still make the proposed alteration, addition, or repair if:

- (1) A Nonconforming Use is permanently changed to a conforming use;
- (2) The property owner obtains a Variance from the Board of Adjustment or the circuit court finds in the property owner's favor;
- (3) The Zoning Committee and Board of Supervisors approve an amendment in the zone district upon petition from the property owner, pursuant to Division 2, Subdivision VI of this article.
- (c) The current estimated fair market value shall be determined from property assessment records, or, if these records are insufficient/inadequate, the current estimated fair market value shall be determined by a State certified appraiser at the expense of the property owner/applicant.
- (d) If the Zoning Administrator determines that any portion of a Building addition or remodeling or reconstruction project is required to be allowed under the Federal Fair Housing Act, the Wisconsin Open Housing Law or the Americans with Disabilities Act, that portion of the project costs that are necessary to provide equal housing opportunity for handicapped or disabled persons shall not be counted in determining whether or not the 50 percent limit would be exceeded.

(Zoning Ord. 1971, § 10.2)

Sec. 10-9-73. Restoration of certain Nonconforming Structures.

- (a) *Nonconforming Structures located outside of the Shorelands.*
 - (1) Refer to Wis. Stats. § 59.69(10m), Restoration of Certain Nonconforming Structures.
 - (2) Restoration shall be in accordance with all provisions of other applicable ordinances.
- (b) *Nonconforming Structures located within the Shorelands.* See Article VIII of this chapter.

(Zoning Ord. 1971, § 10.3)

Secs. 10-9-74—10-9-91. Reserved.

Subdivision IV. Board of Appeals

Sec. 10-9-92. Created; composition.

A Board of Appeals is hereby created. Such Board shall be appointed in accordance with the provisions of Wis. Stats. § 59.694.

(Zoning Ord. 1971, § 11.1)

Sec. 10-9-93. Rules.

- (a) *Call for meetings.* The Board of Appeals shall meet at the call of the Chairperson at a fixed time and place, and at such other times as the Board of Appeals may determine.
- (b) *Open meetings.* All meetings of the Board of Appeals shall be open to the public.
- (c) *Public hearing location.* Any public hearing which the Board of Appeals is required to hold under Subsection (f) of this section shall be held in a place as convenient as may be to the location or locations to be considered at such public hearings by name, address, or other commonly known means of identification, shall be included in the notice given of such hearing.
- (d) *Notification of public hearing.* Notice of any public hearing which the Board of Appeals is required to hold under the terms of this article shall specify the date, time, and place of the hearing, and matter to come before the Board of Appeals at such hearing, and such notice shall be given as required in Sections 10-9-155 and 10-9-156.
- (e) *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 public record.
- (f) *Powers and duties.* The Board of Appeals:
 - (1) Shall adopt such additional rules as it deems necessary to carry into the effect the regulations of the

County Board.

- (2) Shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this article.
- (3) May grant a Variance from the dimensional requirements of this article pursuant to Section 10-9-112.

(Zoning Ord. 1971, § 11.2)

Secs. 10-9-94—10-9-111. Reserved.

Subdivision V. Variances and Appeals

Sec. 10-9-112. Variances.

(a) The Board of Appeals may grant, upon application, a Variance from the dimensional standards of this article where an applicant convincingly demonstrates that literal enforcement of the provisions of this article will result in Unnecessary Hardship on the applicant due to special conditions unique to the property and such Variance is not contrary to the public interest.

(b) A Variance shall not grant or increase any use of property which is prohibited in the zone district.

(c) Before passing on an application for a Variance, the Board of Appeals shall hold a public hearing pursuant to Sections 10-9-155 and 10-9-156.

(Zoning Ord. 1971, § 11.3)

Sec. 10-9-113. Appeals.

(a) *Who may make appeal.* Appeals to the Board of Appeals may be made by any person aggrieved or by an officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or other administrative officers. Such appeal shall be made within a reasonable time, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall transmit within 60 days to the Board all the papers constituting the record concerning the matter appealed.

(b) *Hearing appeals.*

- (1) The Board of Appeals shall fix a reasonable time for a hearing on the appeal. The Board shall give public notice thereof by publishing a Class 2 notice under Wis. Stats. Ch. 985, specifying the date, time, and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest.
- (2) A decision regarding the appeal shall be made as soon as practical.
- (3) The final disposition of an appeal to the Board of Appeals shall be in the form of a written decision or order signed by the Chairperson, Secretary or designee of the Board or by the Board's legal counsel. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary, or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the appeal.

(Zoning Ord. 1971, § 11.4)

Secs. 10-9-114—10-9-131. Reserved.

Subdivision VI. Amendments

Sec. 10-9-132. Procedure.

(a) The County Board may, from time to time, alter, supplement, or change boundaries of zone and use districts and the regulations contained in this article in accordance with the requirements of Wis. Stats. § 59.69(5)(e), Wis. Admin. Code Ch. NR 115, and Section 10-9-134, where applicable.

(b) Amendments to this article may be made on petition of any interested party as provided in Wis. Stats. § 59.69(5)(e).

(c) Every petition for a text or map amendment filed with the County Clerk shall be referred to the County Zoning Agency.

(Zoning Ord. 1971, § 12.1)

Sec. 10-9-133. Fee.

Any petition for amendment submitted by other than a governmental body shall be accompanied by a fee to defray the cost of advertising, investigation, and processing.

(Zoning Ord. 1971, § 12.2)

Sec. 10-9-134. Rezoning of lands in the Wetland/Shoreland One District.

(a) *Notice to the Department of Natural Resources.* For all proposed text and map amendments affecting the Wetland/Shoreland provisions, the appropriate district office of the DNR shall be provided with the following:

- (1) A copy of the petition for a text or map amendment within five days after filing of such petition with the County Clerk;
- (2) A copy of the notice of the public hearing to be held on a proposed amendment, at least ten days prior to the hearing;
- (3) A copy of the County Zoning Committee's findings and recommendations on each proposed amendment within ten days after submission of those findings and recommendations to the County Board; and
- (4) Written notice of the County Board's decision on the proposed amendments within ten days after it is issued.

(b) *Rezoning criteria.*

- (1) A Wetland, or a portion thereof, in the Wetland/Shoreland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - a. Storm water and Flood water storage capacity;
 - b. Maintenance of dry season stream flow, the discharge of groundwater to a Wetland, the recharge of groundwater from a Wetland to another area, or the flow of groundwater through a Wetland;
 - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into Navigable Waters;
 - d. Shoreline protection against soil erosion;
 - e. Fish spawning, breeding, nursery, or feeding grounds;
 - f. Wildlife habitat; or
 - g. Areas of special recreational, scenic or scientific interest, including scarce Wetland types.
- (2) If the DNR notifies the County Zoning Agency that a proposed text or map amendment to the Wetland/Shoreland provisions of this article may have a significant adverse impact upon any of the criteria listed in Subsection (b)(1) of this section, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Wis. Stats. § 59.692(6). If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until the Wis. Stats. § 59.692(6) adoption procedure is completed or otherwise terminated."

(Zoning Ord. 1971, § 12.3)

Secs. 10-9-135—10-9-153. Reserved.

Subdivision VII. Public Hearings

Sec. 10-9-154. Notice.

Adequate notice shall be given of any public hearing required by the provisions of this article, stating the time and place of such hearing, and the purpose for which it is being held.

(Zoning Ord. 1971, § 13.1)

Sec. 10-9-155. Posting and publishing.

(a) Notice of public hearings shall be given as provided in Wis. Stats. § 59.69(5) or 59.694(6). The last insertion of a Class 2 notice shall not be published less than ten days before the date of the public hearing.

(b) When the hearing involves a proposed change in the zone district classification of any property, or the granting of a Conditional Use, the town in which the affected land is located shall be notified as required in Wis. Stats. § 59.69(5)(e)2. Also a copy of the notice shall be posted in the vicinity of the public hearing and shall be mailed to the owners of all lands, within the County, within 300 feet of any part of the land included in such proposed change or Conditional Use at least ten days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any decision made on a change in zone district or Conditional Use.

(c) When the hearing involves an application for a Variance, the town in which the affected land is located shall be notified as required in Wis. Stats. § 59.69(5)(e)2. Also a copy of the notice shall be posted in the vicinity of the public hearing and shall be mailed to the owners of all lands, within the County, within 500 feet of any part of the land included in such proposed Variance at least ten days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any decision made on a Variance.

(Zoning Ord. 1971, § 13.21)

Sec. 10-9-156. Notice within Shorelands.

(a) Written notice shall be given to the appropriate district office of the Department of Natural Resources at least ten days prior to hearings on proposed Variances, Conditional Uses, appeals for map or text interpretations, and map or text amendments.

(b) Copies of decisions on Variances, Conditional Uses, appeals for map or text interpretations, and map or text amendments shall be submitted to the appropriate district office of the Department of Natural Resources within ten days after they are granted or denied.

(Zoning Ord. 1971, § 13.22)

Sec. 10-9-157. Appearances.

At a public hearing, any party may appear in person, by agent, or by attorney.

(Zoning Ord. 1971, § 13.3)

Sec. 10-9-158. Fees.

The fee for filing hearing applications for Variances, Conditional Uses, appeals for map or text interpretations, and map or text amendments shall be established by the Zoning Committee to defray the cost of advertising, investigations, and processing. A copy of the current fee schedule shall be posted in the office of the Zoning Administrator.

(Zoning Ord. 1971, § 13.4)

Secs. 10-9-159—10-9-177. Reserved.

DIVISION 3. GENERAL DISTRICT REGULATIONS

Subdivision I. In General

Sec. 10-9-178. Setback requirements on highways and roads.

- (a) *General setback requirements.*
 - (1) All State and U.S. numbered highways are hereby designated Class A highways. The setback line for Class A highways and for any other roads designated as major roads on official maps in effect in the County shall be 130 feet from the centerline of the highway or 66 feet from the right-of-way line, whichever is greater distance.
 - (2) All County Trunk highways not otherwise designated as Class A highways are hereby designated Class B highways. The setback for Class B highways and for roads designated as arterial roads on official maps in effect in the County shall be 75 feet from the centerline of such highway or 42 feet from the right-of-way line, whichever is the greater distance.
 - (3) All town roads not otherwise designated Class A or Class B highways are hereby designated Class C highways. The setback for Class C highways and for Streets other than major and arterial roads designated as such on official maps in effect in the County shall be 63 feet from the centerline of the highway or 30 feet from the right-of-way line, whichever is greater. By ordinance, the Town of Bass Lake Town Board may deem certain roads within the Northwoods Beach Subdivision to have lesser setbacks.
 - (4) A setback equal to the average setback of existing principal Buildings located within 500 feet of a proposed Building site and on the same side of the Street, shall be permitted where five of these Buildings do not conform with the appropriate setback line.
 - (5) Minor, readily removable Structures such as open fences or Signs permitted by this article may be placed within setback lines. Public utility equipment without permanent foundations are also permitted. When deemed necessary by the County Zoning Committee in connection with Development such as highway improvement programs, property owners and public utilities may be required to remove, at their own expense and without right of compensation, any Structures erected within setback lines.
 - (6) Private Driveway Easements. The setback for Principal and Accessory Structures shall be a minimum of 30 feet from the centerline of a Private Driveway Easement that is 33 feet or less in width.
 - (7) Private Road Easements. The setback for principal and Accessory Structures on existing Private Road Easements greater than 33 feet in width but less than 66 feet shall be a minimum of 48 feet from the centerline or 15 feet from the edge of the Easement, whichever is greater. Roads within a recorded Subdivision do not apply.
- (b) *Accessory Structure exemptions.* A roadway setback of less than what is required by Subsections (a)(3) and (7) of this section may be permitted by the Zoning Administrator or the Zoning Administrator's designee where Lot Depth, location or utilities, or other significant site limitations, do not allow compliance with a roadway setback requirement. A detached Accessory Structure not exceeding 600 square feet in area and less than 18 feet in height may be constructed provided construction complies with the following:
 - (1) Town board approval;
 - (2) The resulting roadway setback is not less than 22 feet from the road right-of-way where an Accessory Structure faces the roadway; and not less than 12 feet where an Accessory Structure does not face the roadway (sideload);
 - (3) Vehicles and other equipment may not be stored or parked within the road right-of-way; and
 - (4) All other standards of this article are met.

[GRAPHIC]

(Zoning Ord. 1971, § 4.21)

Sec. 10-9-179. Visual clearance at intersections.

(a) In each quadrant of every road intersection, there shall be designated a visual clearance triangle bounded by the road centerlines and a line connecting them, according to the road classification as follows:

<i>Class</i>	<i>Distance</i>
A & A	200 feet
A & B	150 feet
A & C	100 feet
B & B	125 feet
B & C	75 feet
C & C	50 feet

(b) Within this triangle, no object over 2 1/2 feet in height above these roads shall be allowed if it obstructs the view across the triangle. Posts and open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten feet and located a minimum of 30 feet apart.

(Zoning Ord. 1971, § 4.22)

Sec. 10-9-180. Access driveways.

Driveway access permits shall be obtained from the appropriate permitting authority.

(Zoning Ord. 1971, § 4.23)

Sec. 10-9-181. Excessive height permitted.

Heights of the following Structures may exceed article limits for the district in which it is to be located with the approval of the County Zoning Administrator: cooling towers, penthouse stacks, lookout towers, silos, wind mills, water tower spires, radio and television aerials, masts, antenna, and necessary mechanical appurtenances.

(Zoning Ord. 1971, § 4.24)

Sec. 10-9-182. Lot sizes.

(a) After adoption of the ordinance from which this article is derived, or an amendment thereto, no Lot Area shall be so reduced that the dimensional and yard requirements required by this article cannot be met. Lots existing and of record (i.e., documented by recording of a metes and bounds description; or a certified survey map; or a recorded platted Subdivision, but of substandard size) may be devoted to uses permitted in the district in which it is located, providing all other provisions are met. Additions to existing Structures and the construction of accessory Buildings when a Principal Structure exists on the premises may be permitted by permit provided all other requirements, regulations, and setbacks can be met.

(b) If one or more substandard Lots with continuous frontage have the same ownership as of the effective date of the ordinance from which this article is derived, the Lots involved shall be considered to be an individual parcel for the purposes of this article. All Lots which complied with this section prior to the effective date of this amendment shall be grandfathered in with regard to parcel dimensions.

(c) Lots created after adoption of the ordinance from which this article is derived and which are not served by Public Sewer systems shall meet the minimum area requirements of Article II of this chapter and Chapter 22.

(d) Parcels of land existing and of record shall meet a minimum Lot Area of 20,000 square feet with a minimum average Lot Width of 100 feet. For these Lots, the average Lot Width shall be calculated by measuring the Lot Width at right angles to its depth at all points along its depth.

(Zoning Ord. 1971, § 4.25)

Sec. 10-9-183. Creation of Lots.

- (a) Any Lot created after adoption of the ordinance from which this article is derived, or an amendment thereto, shall contain in rectangular form, and extending rearward from the Lot Front, the minimum Lot Area, Lot Width and Lot Depth requirements contained in Division 9 of this article.
- (b) Creation of Lots in which the Lot Depth cannot be met within the first 200 feet.
- (1) Lot Area shall be, at a minimum, 150 percent of the minimum requirements of Section 10-9-473(b).
- (2) A minimum 5,000 square feet buildable area must be created within the Lot and documented by certified survey map or plat.

(Zoning Ord. 1971, § 4.251)

Sec. 10-9-184. Accessory Uses and Structures.

Any permanent, roofed Structure, serving as an Accessory Use if attached to the principal Building, shall be considered part of the Principal Structure. Accessory Structures shall conform to the setback and other dimensional requirements of the zone district within which it is located. Accessory Structures are not allowed on vacant property unless the Conditional Use requirements under Subsection (1), (2), or (3) of this section can be met.

- (1) The construction of a single Accessory Structure on vacant property may be allowed under this subsection by Conditional Use with mandatory conditions required on approval for the following:
 - a. That within three years a land use permit for a principal Dwelling be applied for;
 - b. The principal Dwelling to be built within the permit timeframe on the same parcel;
 - c. That failure to build Principal Structure will result in citation and order for removal of Accessory Structure; and
 - d. Approval by Town and Zoning Committee.
- (2) The construction of a single Accessory Structure on an adjacent parcel divided by a public roadway that does not contain the Principal Structure may be allowed under this subsection by Conditional Use provided that:
 - a. The Accessory Structure cannot be constructed on that part of the parcel containing the Principal Structure due to the inability to meet minimum setbacks;
 - b. Lakefront parcels may be allowed an exemption from Subsection (2)a of this section if the town and Zoning Committee determine in their findings of fact that placement of Accessory Structure on an adjacent parcel divided by a public roadway that does not contain the Principal Structure lessens the impact of Impervious Surface runoff to the lake;
 - c. The proposed adjacent parcel is within 66 feet from the parcel containing the Principal Structure;
 - d. The proposed adjacent parcel meets the minimum square footage requirements per current zone district standards and the proposed Accessory Structure meets all other zoning ordinance requirements and setbacks;
 - e. A Conditional Use permit may be approved by the Zoning Committee in any zone district, provided that the town has approved the Conditional Use for the placement of an Accessory Structure and both parcels are legally joined together (deed restriction) so they may not be sold separately unless approval by the town and the Zoning Committee has been granted to separate the parcels. This process shall also be done by Conditional Use; and
 - f. In a platted Subdivision, the maximum size allowed is 1,200 square feet and maximum height is 18 feet.
- (3) The construction of a single Accessory Structure on parcels of land that are divided by a public roadway and defined as one contiguous tract of land by deed or survey map will also require Conditional Use approval.
- (4) Bunkhouse or Temporary Guest Quarters. A single (one per Lot/parcel) Bunkhouse or Temporary Guest

Quarters will be permitted by land use permit only in zoning districts which allow it, subject to the following conditions (for a Temporary Guest Quarters Subsections (4)a and b of this section apply; and for a Bunkhouse Subsections (4)a and c of this section apply):

- a. *General requirements.* A Bunkhouse or Temporary Guest Quarters Accessory Structure shall conform to the setback and other dimensional requirements of the zoning district within which it is located, to include all the conditions:
 1. All of the setback requirements are met, including Shoreland, road, property line and Wetland:
 - (i) Bunkhouse or Temporary Guest Quarters are not eligible for reduced road setbacks in Section 10-9-178(b).
 - (ii) Bunkhouse or Temporary Guest Quarters are not eligible for a Conditional Use permit under this section.
 2. A Bunkhouse or Temporary Guest Quarters Accessory Structure cannot be the first Building on the Lot/parcel, a Principal Dwelling must exist.
 3. A Bunkhouse or Temporary Guest Quarters Accessory Structure cannot be built on an out-lot.
 4. A Bunkhouse or Temporary Guest Quarters Accessory Structure cannot be split from original property if the result makes a nonconforming parcel.
 5. New or existing Boathouses cannot become a Bunkhouse or Temporary Guest Quarters.
 6. A Lot/parcel may only contain either a Bunkhouse or a Temporary Guest Quarters, not both. A Lot/parcel may contain additional Accessory Structures, but additional Accessory Structures may not be a Bunkhouse or contain Temporary Guest Quarters.
 7. Must apply for a "Bunkhouse Sign" if Lot contains a Bunkhouse or Temporary Guest Quarters. The separate Yellow "Bunkhouse Sign" is to be placed directly below residence fire number Sign on the property and affixed to a Bunkhouse or Temporary Guest Quarters Structure.
 8. An existing Bunkhouse or Temporary Guest Quarters Accessory Structure built after March 26, 1971, shall not be considered an "existing nonconforming" or "grandfathered" Structure. All properties shall be in compliance with the adoption of this amended ordinance within 24 months after approval of the County Board of Supervisors.
- b. *Temporary Guest Quarters.* Temporary Guest Quarters which are located within or as part of an Accessory Structure are subject to all the following conditions:
 1. Temporary Guest Quarters shall not exceed 50 percent of the gross floor area of the Accessory Structure with a maximum of 499 square feet of temporary guest area. Square footage is measured as all area within the exterior walls of the guest area and all area within the exterior walls of the entire area of the Structure. Enclosed porches will be included in these amounts; decks will not be included in these amounts. Guest areas including bathrooms, utility rooms, entryways, and closets will be included in the square footage not to exceed 499. The creation of walled off bedroom areas are prohibited. Storage area must be separate and segregated from any guest area (can have a door from the guest area to the storage area).
 2. Maximum height of a Temporary Guest Quarters Accessory Structure is limited to 35 feet from lowest grade to highest peak.
 3. Plumbing, if installed, in the Temporary Guest Quarters Accessory Structure shall conform to the State and County sanitary codes. If there is an existing Private On-Site Wastewater Treatment System (POWTS) on the Lot it must be sized to handle the number of occupants in the Temporary Guest Quarters.
 4. Cooking and Food Preparation Facilities are prohibited.

5. A Temporary Guest Quarters Accessory Structure shall require a Uniform Dwelling Code (UDC) inspection.
 6. Leasing, rental or use as a residence is strictly prohibited.
 7. A "Bunkhouse/Temporary Guest Quarters Agreement" document is recorded with the Register of Deeds outlining use restrictions prior to issuance of land use permit.
 8. Temporary Guest Quarters Accessory Structures are subject to internal inspection by the Zoning Department.
- c. *Bunkhouse*. Independent stand-alone Bunkhouse Accessory Structures (i.e. traditional Bunkhouse) are subject to all the following conditions:
1. The Bunkhouse Accessory Structure does not exceed 250 square feet of Footprint. Square footage is measured as the exterior wall area of the Structure. The creation of walled off bedroom areas are prohibited. Enclosed porches and entryways will be included in the square footage not to exceed 250; decks will not be included in these amounts. No other Accessory Structure components are allowed as part of this Structure (i.e., no garage portion, no bathroom portion, etc.).
 2. Plumbing of the Bunkhouse Accessory Structure is prohibited.
 3. Cooking and Food Preparation facilities are prohibited.
 4. A Bunkhouse shall require a Uniform Dwelling Code (UDC) inspection.
 5. The height limit of the Bunkhouse Accessory Structure shall not exceed 16 feet from lowest grade to highest peak.
 6. Leasing, rental or use as a residence is strictly prohibited.
 7. A "Bunkhouse/Temporary Guest Quarters Agreement" document is recorded with the Register of Deeds outlining use restrictions prior to issuance of land use permit.
 8. Bunkhouse Accessory Structures are subject to internal inspection by the Zoning Department.

(Zoning Ord. 1971, § 4.26)

Sec. 10-9-185. Drainage, sanitation, and water supply.

(a) No principal Building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep Slopes, shallow impermeable bedrock, or periodic flooding.

(b) No principal Building intended for human use or occupancy shall be erected, structurally altered, or relocated on a Lot, unless provisions are made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of Article II of this chapter and the appropriate requirements of the Wisconsin Administrative Code.

(c) The County Zoning Administrator shall not hereafter authorize a Building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of Article II of this chapter and a sanitary permit has been issued. Private sewage disposal systems for Dwelling Units shall meet the location requirements of Article II of this chapter and the applicable minimum standards of the Wisconsin Administrative Code.

(d) Planned unit Development shall be served by sewage facilities which meet the requirements of Article II of this chapter and the applicable minimum standards of the Wisconsin Administrative Code.

(Zoning Ord. 1971, § 4.27)

Sec. 10-9-186. Adverse effects on adjacent properties.

Construction, grading, excavating or similar activities which result in drainage, runoff, erosion or the depositing of materials on to adjacent properties shall not be allowed.

(Zoning Ord. 1971, § 4.281)

Sec. 10-9-187. Soil remediation/landspreading of contaminated soils.

(a) No person shall landspread, landfarm, or deposit on lands located in the County, any soil which is contaminated by petroleum products. This restriction does not apply to:

- (1) Soils originating from a contaminated site within the County undergoing DNR approved remediation.
- (2) The temporary stockpiling of petroleum contaminated soil prior to approved remediation or disposal. Temporary stockpiling may only be allowed at the site where the contamination occurred, must remain covered with an impermeable material, and have adequate diking/ditching around it to prevent runoff from contaminating native soil.
- (3) Landfills and asphalt hot mix plants properly licensed for the disposal or remediation of petroleum contaminated soils.

(b) Any person violating this section shall cease and remove any soil placed in violation of this article and be responsible for removing native soil which also may have been contaminated by their actions. A violator shall also be subject to a forfeiture of no less than \$1,000.00, together with the taxable costs in such action, and every day of violation shall constitute a separate offense.

(Zoning Ord. 1971, § 4.282)

Sec. 10-9-188. Setbacks from Wetland areas (non-Shoreland).

For Lots that abut on non-navigable Wetlands, all Buildings and Structures shall be set back a minimum of 40 feet from the Wetland boundary.

(Zoning Ord. 1971, § 4.29)

Sec. 10-9-189. Off-Street parking.

- (a) Each parking space required shall be at least 200 square feet in area.
- (b) Residential uses shall be provided with at least one parking space for each Dwelling Unit.
- (c) Commercial and industrial uses as listed and permitted in the zone districts shall be provided, except as noted below with one parking space for each 200 square feet of floor area. However, restaurants, taverns, and similar establishments shall be provided with at least one space for each three seats devoted to patron use; motels, tourist cabins, and similar establishments shall be provided with at least one space for each unit; drive-in eating stands offering in-car service shall be provided with at least five spaces for each person employed to serve customers, except Hospitals, rest homes, schools, and churches.
- (d) Public gathering uses shall be provided with at least one space for each five patrons to be accommodated on the premises.

(Zoning Ord. 1971, § 4.31)

Sec. 10-9-190. Off-Street loading and unloading.

Any commercial or industrial Building hereafter erected or placed on a Lot shall be provided with sufficient off-Street loading and unloading space so that no public Streets or Alleys need be blocked by such activities. In the Industrial District, such Buildings shall be provided with a minimum of 400 square feet of off-Street loading and unloading space.

(Zoning Ord. 1971, § 4.32)

Sec. 10-9-191. Chickens in non-agricultural zone districts.

(a) Towns shall select from the following options, that option that best satisfies a town's position on the raising of chickens in non-agricultural zone districts. Each town shall notify the Zoning Administrator in writing of that town's decision by February 15, 2010. Towns not providing written notification will be considered to have selected Option One as their option. Towns may change the selected option by submitting a resolution to the Zoning Administrator. However, the option that is in effect on January 1 of any year shall apply throughout that year.

- (1) Option One – Raising chickens is prohibited.
- (2) Option Two – Raising chickens is allowed.
- (b) The following requirements are applicable to the raising of chickens, hens only, in all non-agricultural zone districts:

- (1) A permit is not required to raise chickens.
- (2) No property owner shall:
 - a. Keep a rooster.
 - b. Keep more than six hens per 20,000 square feet of parcel area, but not to exceed 25 chickens maximum regardless of parcel size.
 - c. Keep any fowl (i.e., ducks, geese, guinea hens, turkeys, etc.) other than chickens.
 - d. Keep chickens inside of a Dwelling.
- (3) Enclosure.
 - a. Chickens shall have access to a secure, fully enclosed, well ventilated yet wind/weather proof, roofed Structure at all times.
 - b. Chickens shall be completely enclosed at all times (i.e., chicken coop, fenced area to include overhead netting, etc.) and shall not be allowed to roam free.
 - c. The enclosure shall meet the minimum setbacks required of a Dwelling. The dimensional requirements of Division 9 of this article shall apply.
 - d. Residue or waste related to the raising of chicken shall be disposed of so as not to create a health hazard (i.e., composted, applied as fertilizer, buried, transported off of the property, etc.).

Note: The following table is provided for information only. A town may change its option at any time by town resolution.

Towns' Selected Chicken Option

<i>Town</i>	<i>Option Selected</i>	<i>Date of Town Board Decision</i>
Bass Lake	Option Two	January 11, 2010
Couderay	Option Two	January 13, 2010
Draper	Option Two	April 9, 2018
Edgewater	Option Two	February 9, 2010
Hayward	Option Two	November 26, 2018
Hunter	Option Two	November 20, 2018
Lenroot	Option Two	January 11, 2010
Meadowbrook	Option Two	December 29, 2009
Meteor	Option Two	January 11, 2010
Ojibwa	Option Two	November 9, 2009
Radisson	Option Two	February 8, 2010
Round Lake	Option Two	August 9, 2012
Sand Lake	Option Two	January 12, 2010
Spider Lake	None	December 30, 2009

Weirgor	Option Two	February 9, 2010
Winter	Option Two	October 10, 2012

(Zoning Ord. 1971, § 4.5)

Sec. 10-9-192. Horses in non-agricultural zone districts (RR-1, RR-2 and F-1 zone districts).

(a) Horses shall be permitted only on Lots where a conditional use permit has been granted or on agricultural zoned lands with town approval. In acting on any Conditional Use permit for horses, the Zoning Committee may impose such conditions as are necessary to secure the objectives of this article, including, but not limited to, the alteration, demolition, or reconstruction of existing Structures within the time limits established by the Zoning Committee, giving consideration to the purposes of the article.

(b) In addition to the general requirements of this article and any conditions imposed in approving the Conditional Use permit, each site shall conform to the following:

- (1) Minimum Lot size: Five acres.
- (2) Number of horses permitted: The maximum number shall be set by the Conditional Use permit and shall depend on the specific site characteristics and conditions of the permit. The characteristics to be considered shall include, but are not limited to, access to roads and equestrian trails; road conditions; streams and waterways; watersheds; vegetation; surrounding properties; Slope; and visual impacts.
- (3) Stalls and corrals: New construction or remodeled stalls shall be a minimum 12 feet by 12 feet in size, and existing stalls shall be a minimum ten feet by ten feet in size. All stables shall have a room turnouts. Turnouts shall have water for horses. Each horse shall have shelter available.
- (4) Boarding: Up to 50 percent of the permitted horses may be boarded horses.
- (5) Setbacks: For any new stable, at the time of construction, the stable shall be located not less than 20 feet from the nearest property line, recognizing that the Zoning Committee may require a greater setback in issuing a Conditional Use permit for the use based on existing site conditions and surrounding site conditions. Turnout and riding rings, fences shall be a minimum distance of 50 feet from neighboring property line. Other setback requirements shall be as defined in this article.
- (6) Residence: There shall be a full time residence owner.
- (7) Stallions: Fencing shall be six feet in height. Signs shall be posted on stall doors, turnout gates, and fences adjacent to trails indicating a stallion is kept therein. The owner shall disclose on the stable permit that a stallion is on premises.

(Zoning Ord. 1971, § 4.6)

Secs. 10-9-193—10-9-210. Reserved.

Subdivision II. Airport Safety Regulations

Sec. 10-9-211. Definitions.

For the purpose of these regulations, certain words or terms used herein are amended into Section 10-9-1.

(Zoning Ord. 1971, § 4.41)

Sec. 10-9-212. Airport zones.

All zones established by this section are shown on the map dated March 18, 2014, entitled, "Height Limitation Zoning Map of the Hayward Municipal Airport." This map, together with all explanatory matter and regulations thereof, are an integral part of this article. The official copy of the Height Limitation Zoning Map of the Hayward Municipal Airport, together with a copy of this article, shall be kept at the County Zoning Administrator's office and shall be available for public inspection during office hours.

(Zoning Ord. 1971, § 4.42)

Sec. 10-9-213. Height limitation.

Except as otherwise provided in this article, no Structure shall be constructed, altered, located, or permitted to remain after such construction, alteration, or location, to a height in excess of the height limit indicated on the height limitation map.

(Zoning Ord. 1971, § 4.43)

Sec. 10-9-214. Use restrictions.

(a) *Activities.* No use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the Airport and aircraft, or make it difficult for pilots to distinguish Airport lights and others, or result in glare in the eyes of pilots using the Airport, or impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

(b) *Exemptions.* The restrictions contained in this section shall not apply to objects which are less than 35 feet in height above ground level at the object site.

(Zoning Ord. 1971, § 4.44)

Sec. 10-9-215. Nonconforming Use.

Pursuant to Division 2, Subdivision III of this article.

(Zoning Ord. 1971, § 4.45)

Sec. 10-9-216. Administration.

Pursuant to Division 2 of this article.

(Zoning Ord. 1971, § 4.46)

Sec. 10-9-217. Permits.

Pursuant to Division 2, Subdivision II of this article.

(Zoning Ord. 1971, § 4.47)

Sec. 10-9-218. Hazard marking and lighting.

If the Board of Appeals grants a Variance, the owner of the Structure or Tree in question shall permit the owner of the Airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an Airport Hazard.

(Zoning Ord. 1971, § 4.48)

Sec. 10-9-219. Board of appeals.

(a) Pursuant to Division 2, Subdivision IV of this article.

(b) *Variances.* Upon appeal in special cases, the Board of Appeals may, after investigation and public hearing, grant such Variance from the terms of this article as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this article would result in Unnecessary Hardship, and such relief will do substantial justice and be in accord with the spirit of this article, and does not create a hazard to the safe, normal operation of aircraft.

(c) *Fee.* Submitted Variance applications shall be accompanied by a fee to defray the cost of advertising, investigation, and processing. A copy of the current fee schedule shall be posted in the office of the Zoning Administrator.

(d) Violations pursuant to Section 10-9-5.

(Zoning Ord. 1971, §§ 4.49, 4.410)

Secs. 10-9-220—10-9-238. Reserved.

DIVISION 4. SIGNS

Sec. 10-9-239. General provisions.

(a) *Permit required.* Except as otherwise specifically authorized, no Sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the County until a permit has been issued by the County Zoning Administrator. No permit shall be issued for a Sign not in conformity with the size, type, number, location, and use regulations affecting each zone district. Approval must be obtained by the Wisconsin Department of Transportation for any Sign that is to be located on a State highway.

(b) *Exceptions.* A permit shall not be required for the following classes of Signs:

- (1) *Class A Signs.* Official traffic control Signs and informational or directional notice erected by federal, State, or local units of government.
- (2) *Class B Signs.* On-premises real estate Signs, residential identification, warning, and similar Signs not greater than four square feet in area.
- (c) *Prohibited characteristics of Signs.*
 - (1) No Sign shall resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic Signs, signals or devices, except required Signs on multiple use trails.
 - (2) No Sign shall be so located as to interfere with the visibility or effectiveness of any official traffic Sign or signal, or with driver vision at any access point or intersection.
 - (3) No Sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape and no Sign shall be attached to a standpipe or fire escape.
 - (4) No Sign shall contain any rotating or moving parts, or be illuminated by flashing lights.
 - (5) No Sign shall exceed the maximum height limitation of the district in which it is located.
 - (6) No Sign shall be located on a Lot so to reduce the required dimensional setback and Side Yard requirements of the district in which it is located.

(Zoning Ord. 1971, § 5.1)

Sec. 10-9-240. Classification of Signs requiring a permit.

- (a) *Class C Signs.* On-premises Signs which advertise a business activity or service performed on the property.
- (1) *Type 1.* Signs advertising a permitted Home Occupation or professional office. Such Signs shall not exceed six square feet in area, and no more than one such Sign for each highway upon which the property faces shall be permitted.
 - (2) *Type 2.* Signs or bulletin boards for public, charitable, or religious institutions. Such Signs shall not exceed 12 square feet in area, and no more than one such Sign for each highway upon which the property faces shall be permitted. Such Signs may be placed at the right-of-way line of the highway.
 - (3) *Type 3.* Signs advertising a business activity or a service available in a commercial or industrial area. Such Signs shall not exceed 80 square feet in area when non-lighted, and, if illuminated, shall not exceed 40 square feet in area. Not more than one such Sign for each story may project more than six feet beyond a Building when attached thereto or be higher than four feet above the top of the roof line. Freestanding Signs shall not exceed 20 feet in height above the ground.
 - (4) *Type 4.* Signs advertising the sale of farm products that are produced on the premises. Such Signs shall not exceed 32 square feet in area, and no more than three non-lighted Signs advertising produce may be erected within 100 feet of the stand.

- (5) *Type 5.* Signs advertising a Resort or recreational business activity or product available. Such Signs shall not exceed 20 square feet in area and no more than one such Sign for each highway upon which the property faces shall be permitted. Freestanding Signs shall not exceed 20 feet in height from the ground.
- (b) *Class D Signs.* Signs or billboards which advertise a general brand of product, an area of interest, a business activity, or a service available which is not in direct relation to the use of the premises on which it is located. Such Signs shall not exceed 300 square feet in area. Freestanding Signs shall be erected outside a line parallel to and 50 feet from the right-of-way line of the highway and shall not exceed 20 feet in height above the ground or be located within 300 feet of an existing residence. Such Signs shall only be visible from a U.S. or State trunk highway. Signs shall be located a minimum of 300 feet apart along the highway.
- (c) *Class E Signs.* Off-premises directory Signs in the specific interest of the traveling public which advertise a business activity, an area of interest, or a service available.
- (1) *Type 1.* Recreational directory Signs indicating the direction to a cottage, Resort, residence, or similar use. Such Signs shall not exceed four square feet in area. When a common posting is provided, all such Signs shall be attached thereto. Recreational directory Signs may be placed at the right-of-way line of the highway provided they are not within 300 feet of an existing residence. Information on such Signs may be of reflective material. Such Signs shall not exceed 20 feet in height above the ground and shall be located a minimum of 300 feet apart along the highway.
- (2) *Type 2.* Signs advertising a business or activity conducted, area of interest, or service available. Such Signs shall not exceed 12 square feet in area, and no more than two such Signs relating to any one use shall be permitted in the approaching direction along any one highway. A larger number of Signs and a greater distance from the premises may be permitted by the Zoning Committee by a Conditional Use permit finding it necessary for directing the traveling public. Signs shall not be within 300 feet of an existing residence; shall not exceed 20 feet in height above the ground; and shall be located a minimum of 300 feet apart along the highway.

(Zoning Ord. 1971, § 5.2)

Sec. 10-9-241. Class and type of Signs permitted in various zone districts.

	<i>Class and Type of Sign</i>	<i>Zone District</i>
(a)	Class A Signs	All
(b)	Class B Signs	All
(c)	Class C Signs	
	Type 1	R-1; RR-1; RR-2; I-1; A-1; A-2
	Type 2	All
	Type 3	C-1; I-1
	Type 4	A-1; A-2; F-1; W-1
	Type 5	RR-1; RR-2; C-1; I-1; A-1; A-2; F-1
(d)	Class D Signs	C-1; I-1
(e)	Class E Signs	
	Type 1	RR-1; RR-2; C-1; I-1; A-1; A-2; F-1; W-1
	Type 2	RR-1; RR-2; C-1; I-1; A-1; A-2; F-1; W-1

(Zoning Ord. 1971, § 5.3)

Sec. 10-9-242. Nonconformance.

Signs lawfully existing before the date of enactment of the ordinance from which this article is derived may

be continued although the use, size, or location does not conform with the provisions of this article. However, permits shall be obtained for all Signs erected before such date, and such Signs shall be deemed a Nonconforming Use or Structure; and the provisions of Division 2, Subdivision III of this article shall apply.

(Zoning Ord. 1971, § 5.4)

Secs. 10-9-243—10-9-260. Reserved.

DIVISION 5. SPECIAL USES

Subdivision I. In General

Sec. 10-9-261. Special use applications.

(a) *General.* Land uses listed as permitted by a special use application in the A-1 and F-1 zone districts are allowed only after review, consideration, and approval of the town board and the Zoning Administrator. This category recognizes that land uses vary in their degree of impact on both community and resources. Special uses are considered less critical than Conditional Uses, but of such importance that they shall be subject to review by the town board and the Zoning Administrator.

(b) *Application.* Application for a special use shall be made to the Zoning Administration and will then be forward to the town board for their review and approval. Upon approval by the town board, the application shall be submitted to the Zoning Administrator. In addition to the information required under Division 2, Subdivision II of this article, the Zoning Administrator may require the applicant to submit other pertinent data and information necessary to properly evaluate the request, including a construction material list.

(c) *Review.* Special use applications will not require a public hearing subject to Division 2, Subdivision VII of this article. However, if during its review, the Zoning Administrator in their discretion finds a proposed special use to be of significant concern, it may be upgraded to Conditional Use status and subject to those review processes and public hearing.

(d) *Conditions.* The Zoning Administrator and/or the town board may attach any special provisions or condition to a special use application deemed necessary to further the goals and objectives of this article. The Zoning Administrator and/or the town board shall be guided by those factors listed in Division 7 of this article.

(e) *Approval and permits.* Upon review and approval of a special use application by the Zoning Administrator, the property owner shall obtain a land use permit for such use in accordance with the requirements of Division 2, Subdivision II of this article.

(Zoning Ord. 1971, §§ 6.91--6.95)

Sec. 10-9-262. Garbage and Refuse disposal sites.

No Garbage or Refuse disposal sites shall be permitted in the County except in conformance with the rules and regulations of Wis. Admin. Code Chs. NR 180 and 151.

(Zoning Ord. 1971, § 6.4)

Sec. 10-9-263. Mobile Home Parks.

Except as otherwise specifically authorized, no Mobile Home intended for occupancy shall be located within the County except in a Mobile Home Park; the plan of which has been approved by the County Zoning Committee and the appropriate State agency. Such parks shall meet the following requirements:

- (1) Minimum size: ten acres.
- (2) Maximum number of Mobile Home sites: six per acre.
- (3) Minimum width of Mobile Home site: 40 feet.
- (4) Maximum height of Mobile Home: 25 feet.
- (5) Minimum distance between Mobile Homes: 20 feet.
- (6) Minimum distance between Mobile Home and service road: ten feet.

- (7) Each Mobile Home site shall be connected to a public or common water supply system and a public or common sewage disposal system.
- (8) All drives, parking areas, and walkways shall be hard surfaced. There shall be one parking space for each Mobile Home and additional parking spaces for automotive vehicles within the park, totaling not less than 1 1/4 parking spaces for each Mobile Home space.
- (9) No Mobile Home sales office or other business or commercial use shall be located on the Mobile Home Park site. However, laundries, washrooms, recreation rooms, maintenance equipment, storage, and one office are permitted.
- (10) Minimum Side Yard setbacks: 40 feet at all front, side and rear Lot Lines of the Mobile Home Park.
- (11) Each Mobile Home shall be placed on a four-inch crushed rock base and of size to accommodate the use. The stand should provide for practical placement on and removal from the Lot of the Mobile Home and retention of the home on the Lot in a stable condition and in satisfactory relationship to its surroundings. The size of the Development will be acceptable if it is suitable for the general market to be served by the individual proposal and fits the dimensions of Mobile Homes anticipated. The location of each stand shall be at such elevation, distance, and access way that placement and removal of the Mobile Home is practical. Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipation loads during all seasons should be used.
- (12) All Mobile Home Parks shall be screened in accordance with Division 6 of this article.
- (13) All Mobile Homes shall meet the construction standards of the Mobile Home Manufacturing Association.
- (14) Mobile Home Parks shall comply with the sanitation regulations of Article II of this chapter and the appropriate requirements of the Wisconsin Administrative Code.

(Zoning Ord. 1971, § 6.5)

Sec. 10-9-264. Trailer camps and Campgrounds.

Camping Cabins and Park Model trailers must be located in a federal, State, County, town, or in a privately owned Campground; the plan of which has been approved by the County Zoning Committee and appropriate State agency. Such camps shall meet the following requirements:

- (1) Minimum Lot or parcel size: five acres.
- (2) Maximum number of sites: ten per gross acre.
- (3) Each site shall be plainly marked and surfaced.
- (4) All drives and parking areas other than those at individual sites shall be surfaced, at least gravel surfaced.
- (5) Central toilet, shower, and washing facilities shall be provided in sufficient quantity, as determined by the Wisconsin Department of Health Services requirements.
- (6) Water supply and the manner of sewage disposal shall comply with the regulations of Article II of this chapter and the appropriate requirements of the Wisconsin Administrative Code.
- (7) No site shall be less than 50 feet from the front, side, or rear Lot Lines of the camp.
- (8) Marshland and shoreline areas shall not be altered.
- (9) The screening provisions of Division 6 of this article shall be met.
- (10) a. *Camping Cabins.* The construction, placement, installation or use of a Camping Cabin shall be by land use permit issued only to licensed Campgrounds. Camping Cabins shall not exceed 300 square feet in area; shall not exceed 12 feet in height; and the connection to or installation of gas, water, or sewer shall be prohibited. Camping Cabins shall not have a second story or loft.
- b. *Park Model trailers.* No land use permit is required. The placement of Park Model trailers are allowed in licensed Campgrounds only. The chassis must remain on wheels and be no more than 400 square feet in size in the set-up mode. The construction of a foundation underneath shall be

prohibited.

- c. *Purpose.* Campgrounds and recreational vehicle parks are not intended to be used for the permanent or long-term residency of site occupants. Construction activities that result in permanency or give the impression of permanency shall be strictly regulated.

(11) Construction of additions, decks, patios and similar Structures.

- a. The construction or placement of any Structure shall meet all minimum requirements specified in this article.
- b. Nonconforming campsites are "grandfathered" for the placement only of camping equipment. Structures, other than a small platform not exceeding four feet by four feet that is absolutely essential at a doorway for safe ingress and egress, are not allowed.
- c. The construction of walled Structures, including screened enclosures, on individual sites that impart the impression that they are attached to camping equipment is prohibited.
- d. Replacement roofs.
 - 1. Roofs supported solely by the camping equipment are allowed provided that:
 - (i) A land use permit is issued in accordance with Division 2, Subdivision II of this article.
 - (ii) The roof eave line shall not extend more than 12 inches beyond the perimeter of the walls of the camping equipment.
 - 2. Roofs supported by other means (i.e., poles, Posts, etc.) are prohibited.
- e. Open detached Structures (i.e., decks, patios, etc.) may be constructed on an individual campsite provided that:
 - 1. A land use permit is issued in accordance with Division 2, Subdivision II of this article.
 - 2. All minimum setback requirements are met.
 - 3. If covered, the cover must be fabric and removed when the Campground is closed.
 - 4. The width shall not extend more than six feet from the camping equipment's solid wall, not a "slide out" wall.
 - 5. The length shall not extend beyond the enclosed body of the camping equipment.
- f. Existing walled Structures are allowed Ordinary Maintenance and Repair, but shall not be replaced.

(Zoning Ord. 1971, § 6.6)

Sec. 10-9-265. Kennel for small Domestic Animals.

A Kennel for small Domestic Animals shall meet the following minimum requirements:

- (1) Lot size: five acres.
- (2) Lot width: 200 feet.
- (3) Side yard setback: 50 feet.
- (4) Back yard setback: 50 feet.
- (5) Front yard setback: See Section 10-9-178.
- (6) Sanitary facilities are provided for under Chapter 10, Article II.
- (7) Perimeter fencing: minimum height of five feet with minimum depth underground of 12 inches; minimum fence gauge of 11.
- (8) Living quarters on same premises as Kennel: occupancy restricted to property owner-operator.
- (9) Subject to the provisions of Wis. Stats. Ch. 174.

(Zoning Ord. 1971, § 6.8)

Sec. 10-9-266. Special events (one to three days).

Special events do not include auctions or Family gatherings such as weddings, birthday parties, etc.

- (1) Approval must be granted by the County Zoning Committee and the respective town board for any special event held in the County that will exceed 100 people. Applicants must contact the respective town clerk and the Zoning and Conservation Office to be placed on the town board and County Zoning Committee agendas at least 30 days prior to the event date. Written approval from the town board must be obtained.
- (2) A special events application, plot plan of event site and a plan of operations containing the following information shall be submitted to the town board and the County Zoning Committee for approval:
 - a. Type of event being held.
 - b. Time period the event will take place.
 - c. Location of sanitary facilities.
 - d. Location of water.
 - e. Location of entries and exits.
 - f. Parking area.
 - g. Garbage dumpsters.
 - h. Straight line distance from the event area to the nearest private residence.
 - i. What roads will be affected? Will there be traffic control?
 - j. Will there be security/law enforcement throughout the event?
 - k. Will there be ambulance/medical staff on premises?
 - l. Will food/beverages be sold on the premises?
 - m. Will there be overnight camping? If so, the provisions of Subdivision V of this division may apply.
- (3) Events utilizing County owned lands/property, with the permission of the County Board of Supervisors or any committee authorized to act on behalf of the County Board of Supervisors, must provide proof of insurance of the event.
- (4) Proof of insurance is required.
- (5) Events held within the City of Hayward and incorporated areas are exempt from all requirements of this section.
- (6) Approval must be granted by the County Zoning Committee for any special events held in the County that will exceed 500 people. A letter of approval from the town board must be obtained. Applicants must contact the respective town clerk and the Zoning Office to be placed on the town board and County Zoning Committee agendas at least 30 days prior to the event date.

(Zoning Ord. 1971, § 6.96)

Sec. 10-9-267. Motels.

Motels shall be constructed or located on a Lot or area that meets the following dimensional requirements. It shall be the base minimum parcel size and Lot Width of the zone district in which it will be located plus 5,000 square feet of area for every unit over one; plus any additional area required by Wisconsin Administrative Code. For example, a proposed ten unit motel in the non-Shorelands of an RR-1 zone district would require 20,000 square feet with a minimum Lot Width of 100 feet plus 45,000 square feet (9 x 5,000 square feet). This would equal 65,000 square feet or 1.49 acres. The motel shall meet all minimum setback requirements.

(Zoning Ord. 1971, § 6.10)

Secs. 10-9-268—10-9-285. Reserved.

Subdivision II. Mineral Extractions

Sec. 10-9-286. Purpose.

The purpose of this subdivision is to protect Mineral Extraction operations against problems caused by intrusion of incompatible land uses, to allow for protection of deposits of Minerals and to ensure that all metallic, nonmetallic, and Mineral fuels operations are conducted in such a manner as to be economically sound, with a minimum of environmental degradation. These provisions are intended to apply without limitation due to enumeration, to all phases of any Mineral recovery effort (exploration, prospecting, operation, and reclamation) of the type of metallic ores, nonmetallic resources, and Mineral fuels cited as such in the definitions section of this article. Mineral extractions and mining shall also be subject to applicable Wisconsin Administrative Codes and the Wisconsin Statutes.

(Zoning Ord. 1971, § 6.21)

Sec. 10-9-287. Conditional Uses.

All four phases of mining operations and activities shall be allowed only in those zone districts in which such mining activities are a Conditional Use, and shall be consistent with the general provisions of Division 7 of this article and the rules and standards enumerated in this section below.

- (1) Applicants for a Conditional Use permit under this section shall specify whether they are seeking a temporary or regular Conditional Use permit. A temporary Conditional Use permit shall be used only during the exploration and/or prospecting phases of a mining or drilling operation and shall not be effective for more than one year from the date of issuance; unless renewed upon re-application for periods of one year.
- (2) A regular Conditional Use permit shall be required for the operation and reclamation phases of Mineral Extractions and mining. Exploration and/or prospecting phases may be included in the Conditional Use application. The regular Conditional Use permit shall be granted for a period not to exceed five years, but may be renewed or revised upon re-application for periods of five years.
- (3) Applicants seeking temporary Conditional Use permits for exploratory mining or drilling and/or prospecting phases may be required to supply the Zoning Committee with information on the operational and reclamation phases that relate to the exploratory and/or prospecting phases.
- (4) Fees for a temporary Conditional Use permit and a regular Conditional Use permit for mining shall be established by the Zoning Committee. The fee schedule shall be posted in the office of the Zoning Administrator.

(Zoning Ord. 1971, § 6.22)

Sec. 10-9-288. Rules and standards for nonmetallic mining.

The following rules and standards shall apply to any nonmetallic Mineral Extraction operations judged by the Zoning Administrator to meet the definitional tests. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic Minerals, such as sod, agricultural crops, ornamental or garden plants, forest products, or nursery stock.

- (1) Hot mix plants, asphalt mixing plants and rock crushers shall conform to State, federal, or local pollution standards. The location and operation of asphalt mixing plants, rock crushers and hot mix plants shall be requested by Conditional Use application.
- (2) Setback requirements for asphalt mixing plants, hot mix plants and rock crushers. Asphalt mixing plants, hot mix plants and rock crushers operating in nonmetallic mines active as of August 16, 2001, shall be located not less than 1,000 feet from any residence, hotel, motel or Resort.
- (3) Nonmetallic Mineral Extraction operations existing as of August 16, 2001. The requirements of Subsection (2) of this section shall not apply in those situations where:
 - a. The permit holder of the mine owns the residence.

- b. Residences not owned by the permit holder were constructed after August 16, 2001.
 - c. Residences not owned by the permit holder were constructed with a land use permit issued after August 16, 2001.
 - d. The property owner of the property on which the residence is located provides a written/notarized agreement to the Zoning Office stating that the property owner has waived the setback requirements.
- (4) Nonmetallic Mineral Extractions approved after August 16, 2001. The requirements of Subsection (2) of this section shall not apply in those situations where residences, hotels, motels and Resorts are constructed with a land use permit issued after the approval of the operation of a new nonmetallic Mining Extraction operation by the County Zoning Committee at a public hearing.
 - (5) When extractions are discontinued, all machinery and equipment which exists incidental to the operation shall be removed. The excavation shall be drained, if necessary and if it is possible to do so by removing obstructions to natural drainage so that water will not collect therein; all banks or cuts not in rock shall be sloped at an angle not steeper than 1 1/2 foot horizontal to one foot vertical, except that banks or cuts located within 200 feet of a road right-of-way shall be sloped no steeper than 3:1; pit or quarry bottoms shall be left in a generally level condition; excess boulders, rocks, stones, or other unusable materials shall be buried; and scrap machinery and similar debris shall be removed. These reclamation activities shall be completed within three months of the date of discontinuance.
 - (6) Nonconforming nonmetallic operations. Pre-existing nonmetallic Mineral Extractions are those operations involving the excavation, removal and/or processing of nonmetallic Minerals which operations were in active use during any part of a five-year period prior to the effective date of the ordinance from which this section is derived and which is not in conformity with the provisions of this article. The continuation of such nonconforming nonmetallic operations shall be subject to Division 2, Subdivision III of this article; and no expansion or enlargement of the existing operation, over the life of the operation, shall exceed 50 percent of its current area unless it is permanently changed to conform to the requirements of this article.

(Zoning Ord. 1971, § 6.23)

Sec. 10-9-289. Rules and standards for nonmetallic mining and Mineral fuel mining activities.

(a) Applications for Conditional Use permits to conduct nonmetallic Mineral Extraction or processing activities and Conditional Use permits to conduct Mineral fuel extractions or processing activities shall be accompanied by the following information:

- (1) Ownership and management data: information on location of the proposed site of the operations, ownership of the land, leasehold, license and other property interests, and accurate information on the identity of all individuals, partnerships, associations or corporations which will be involved in control of the proposed operation. The purpose of this requirement is to allow the Zoning Committee to determine accountability for all conditions that it decides to impose upon the activities and the information shall be sufficiently detailed and complete to accomplish this purpose.
- (2) Operations plan data: full and complete information on the precise nature of Mineral Extractions or processing activity that is proposed to be undertaken.
- (3) Reclamation plan data: full and complete information on the nature of reclamation which the applicant proposes to undertake.

(b) Standards for decisions by the Zoning Committee in Conditional Use applications for Mineral Extraction or processing activities.

- (1) In order to grant a Conditional Use permit the Zoning Committee must find:
 - a. The Mineral Extraction and/or processing is an allowable Conditional Use in the zone district, and an appropriate land use at the site in question, based upon consideration of such factors as:
 - 1. Existence of Mineral deposits;

2. Proximity of the site to transportation facilities and to market areas; and
3. Ability of the operation, as described in the proposed operations plan, to avoid harm to the public health, safety, and welfare and to the legitimate interests of nearby properties.
- b. That an operations plan, which the Zoning Committee shall direct be imposed as a condition of approving the Conditional Use permit, will protect affected public and private rights against undue interference; and
- c. That a reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in a condition which is reasonably safe, attractive, and if possible, conducive to productive new uses for the site.
- (2) The Zoning Committee shall attach such conditions to each approved application as are necessary to ensure that the operation will satisfy the standards set forth above. These conditions may be conveyed as deed restrictions.
- (3) The Conditional Use permit shall be in effect for a period specified by the Zoning Committee not to exceed five years and may be renewed or revised upon re-application for periods of five years. All permitted operations shall be inspected at least once every year by the Zoning Committee or its agents and shall be inspected at the time a request for renewal is before the Zoning Committee to determine if all conditions of the operation are being complied with.
 - a. If such inspections yield information showing that all conditions have been met, the applicant shall be entitled to renewal of the permit unless such renewal would be contrary to State law.
 - b. Permits may be amended upon application to allow extensions or alterations in operations under new ownerships or managements.
- (4) A termination of mining or drilling activities on a site which is the subject of an approved Conditional Use permit for a period of one year or more shall distill the permit holder to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:
 - a. Such a discontinuance was specified as part of the original operations plan; or
 - b. The operator has submitted and had Zoning Committee approval of an amendment to the original permit placing the operation in inactive status with accompanying conditions as to interim or partial reclamation.
- (5) The Zoning Committee shall require reasonable assurance that the conditions it imposes will be satisfied. Such assurance shall be achieved through some combination of:
 - a. Performance bonds or substitute guarantees in the form of pledged collateral;
 - b. Establishment of escrow accounts into which deposits shall be made to assure financial resources for investments in reclamation work;
 - c. Clear identification of the relationship between landowners, lessees, licenses, and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.
- (c) Nonmetallic mining whose proposed active size is expected to exceed 25 acres in area or 25 feet in depth or are proposed as an Industrial Sand mine may be required, at the discretion of the Zoning and Conservation Department, to follow this section as well as the balance of Section 10-9-288 and this section; included are:
 - (1) Must file a digital and hard copy of reclamation plan a minimum of 60 days before the first public hearing for the Conditional Use permit.
 - a. Reclamation plans must follow the Large Pit Reclamation Plan guidelines as provided by the Department.
 - b. A review fee must accompany the reclamation plan.
 - c. Plans must include a Road Use Agreement under Wis. Stats. § 349.16 with all municipalities whose

public roads are used for ingress, egress, or other functions of the mine.

- (2) A stormwater management plan may be required at the discretion of the Zoning and Conservation Department based on the recommendations of the reclamation plan reviewer.
- (3) Wetland Mitigation may be required through the Wisconsin Department of Natural Resources.
- (d) Impacts of particular concern to the Zoning Committee in evaluating plans and proposals, and in enumerating conditions, prior to the granting of Conditional Use permits for Mineral Extractions activities. The Zoning Committee shall use its Conditional Use powers in such a way as to minimize, on-location and off-site, the potential for Mineral Extractions activities to:

- (1) *Exploration activities.*
 - a. Affect springs and water wells.
 - b. Remove vegetation.
 - c. Create litter.
 - d. Encourage off-road vehicle use.
 - e. Compact and disturb soils.
- (2) *Drilling operations.*
 - a. Remove vegetation.
 - b. Create noise.
 - c. Destroy archaeological sites.
 - d. Displace wildlife.
 - e. Potential mud pit problems.
 - f. Potential erosion problems.
 - g. Potential off-road vehicle use on access roads.
 - h. Create aesthetics problems.
 - i. Affect surface or groundwater quality.
- (3) *Production activities.*
 - a. Remove vegetation.
 - b. Create noise and odor problems.
 - c. Displace wildlife.
 - d. Create aesthetics problem.
 - e. Destroy archaeological sites.
 - f. Potential safety problems.
 - g. Affect surface or groundwater quality.
- (4) *Transportation and pipeline facilities.*
 - a. Remove vegetation from right-of-way.
 - b. Cause silt and sediment in stream.
 - c. Cause bank erosion.
 - d. Mix topsoil with substrate.
 - e. Change wildlife habitat.
 - f. Displace wildlife.

- g. Create aesthetics problems.
- h. Potential safety problems.
- i. Change drainage patterns.
- j. Encourage off-road vehicle use and trespass problems.

(Zoning Ord. 1971, § 6.24)

Sec. 10-9-290. Metallic mining.

See Article VII of this chapter.

(Zoning Ord. 1971, § 6.25)

Secs. 10-9-291—10-9-308. Reserved.

Subdivision III. Salvage Yards

Sec. 10-9-309. General.

No Salvage Yard shall be permitted in the County except in conformance with the standards, rules, regulations, and requirements herein specified. A Salvage Yard shall not be operated until it has been authorized by Conditional Use by the County Zoning Committee and a Conditional Use permit obtained.

(Zoning Ord. 1971, § 6.31)

Sec. 10-9-310. Locational criteria.

No person shall establish, operate, maintain or permit the use of property for salvage within the following areas:

- (1) Within 1,000 feet of any navigable lake, pond, or flowage.
- (2) Within 300 feet of a navigable river or stream.
- (3) Within a Floodplain.
- (4) Within a Wetland or critical habitat area.
- (5) Within any area from which the Zoning Administrator, after investigation, finds there is a reasonable probability that oil, gas, antifreeze, or a liquid material leaching therefrom may have a detrimental effect on any surface water or groundwater or the environment.

(Zoning Ord. 1971, § 6.32)

Sec. 10-9-311. Plan of operation.

No person or firm shall establish a new Salvage Yard or expand an existing Salvage Yard until a plan of operation has been submitted to and approved by the Zoning Committee in writing. The plan of operation shall include, at a minimum, the following:

- (1) A map and aerial photograph of the area showing land use and a zone district map showing zone districts within one-half mile of the Salvage Yard boundaries. The maps and aerial photograph shall be of sufficient scale to show all Salvage Yard boundaries, all homes, industrial Buildings, roads, watercourses and other applicable details. All such details, plus the topography and North direction, shall be identified and indicated on the maps and aerial photographs.
- (2) A plot plan of the site showing direction, dimension, elevation, surface drainage, access roads, fencing, means of limiting access such as gates to yard, method of screening and proposed layout of operation covering location of salvage material processing area, nonsalvageable material storage area and liquid material handling and storage area.
- (3) A report indicating the following:
 - a. The type and expected quantity and source of material to be brought to the yard.
 - b. The type of equipment to be provided at the yard for processing purposes.

- c. The means for on-site storage of non-salvageable items and the means for disposal.
- d. Types and means for fencing and screening of the Salvage Yard property.
- e. Procedures for emergency fire control.
- f. Persons responsible for actual operation and maintenance of the yard.
- g. Operation procedures which detail how compliance will be achieved with Section 10-9-312.

(Zoning Ord. 1971, § 6.33)

Sec. 10-9-312. Operational requirements.

No person shall operate or maintain a Salvage Yard except in conformance with the approved plan of operation and the following practices:

- (1) Garbage or similar putrescible material and Refuse shall not be present at a Salvage Yard.
- (2) No Salvage Yard shall be operated at a solid waste land disposal unless both operations are completely separated or fenced.
- (3) No open burning of solid waste shall be conducted.
- (4) The yard shall be surrounded by a solid fence to screen it from the surrounding area.
- (5) A Sign shall be posted at the entrance indicating the owner's name and the hours the yard will be open. Letters shall be a minimum of two inches high with one-half inch minimum width and in a color distinct from its background.
- (6) The operation shall be conducted in an orderly and aesthetic manner.

(Zoning Ord. 1971, § 6.34)

Sec. 10-9-313. Existing Salvage Yards.

(a) All existing Salvage Yards that do not meet the required screening must be screened with a solid fence effective with the adoption of the ordinance from which this subdivision is derived.

(b) All existing Salvage Yards that do not comply with the licensed area specified in the original DNR license will be required to remove all salvaged vehicles and materials to the original licensed area, effective with the adoption of this subdivision.

(Zoning Ord. 1971, § 6.35)

Secs. 10-9-314—10-9-331. Reserved.

Subdivision IV. Antique and Hobby Vehicles

Sec. 10-9-332. Antique, Special Interest Vehicles and parts cars.

(a) A Collector may engage in collecting and refurbishing Antique, Special Interest Vehicles and parts cars without a permit provided that Support Vehicles, Special Interest Vehicles needing restoration and Under Construction Vehicles will fall under the guidelines of Wis. Stats. § 341.266(4) where they have to be out of sight when not in use by aesthetically pleasing fences, Buildings, and or natural barriers. Further activities must be conducted in accordance with Subsections (b)(1) through (4) of this section.

(b) (1) Cars, which are Support Vehicles and Under Construction Vehicles, will not be seen from frontage roads and adjoining property lines when properly stored.

- (2) Any large acreage areas exceeding 300 feet from a roadway may not need to fall under fencing and storage guidelines provided there are natural barriers hiding the vehicles.
- (3) Any person that does not follow these guidelines and are notified of violation by County Zoning will be subject to removal of vehicles from property after 45 days of noncompliance at the owner's expense.
- (4) Any time a vehicle that is under construction is not returned to its storage areas within a 72-hour period is subject to a daily fine to be determined by the County.

(c) Cars unlicensed or inoperable (19 years or newer) that do not fall into the Collector Car and Hobbist Car guidelines are subject to restrictions imposed by County or town of jurisdiction.

(d) Any person that is in the business of buying and restoring Collector Cars will follow zoning laws for commercial and Conditional Use permits.

(Zoning Ord. 1971, § 6.361)

Sec. 10-9-333. Privately owned motor vehicles.

(a) Motor vehicles may be located on privately owned property provided that inoperable or unlicensed motor vehicles or motor vehicle bodies are not visible at any time of the year from off of the property. Non-visibility methods would include, but not be limited to, existing characteristics of the property that prevent off property visibility (i.e., vegetation, Trees, topography, etc.), existing enclosed storage Buildings, screening fencing that meet the requirements of Section 10-9-379 or new enclosed storage Buildings, screening or fencing created per Section 10-9-379.

(b) All privately owned properties shall comply with this section within three months of the adoption date (December 15, 2005) of this amendment.

(Zoning Ord. 1971, § 6.362)

Sec. 10-9-334. Exemptions.

(a) Federal, State, County, town, and municipal owned facilities are exempt from the provisions of this subdivision.

(b) Auto service repair garages and auto body shops are exempt from the provisions of this subdivision for up to 30 days on vehicles which are placed or stored for repair purposes.

(Zoning Ord. 1971, § 6.37)

Secs. 10-9-335—10-9-352. Reserved.

Subdivision V. Major Recreational Equipment/Vehicles

Sec. 10-9-353. Placement of Major Recreational Equipment/Vehicles – camping – town options.

(a) For ease of interpretation and reading, the term "camping equipment" shall be used in lieu of "Major Recreational Equipment/Vehicles." The term "camping" shall refer to the placement and/or use of camping equipment. The intent of camping is not to create a permanent residence but is to be temporary in nature.

(b) Towns shall select from the following options, the option that best satisfies a town's position on camping. Each town shall notify the Zoning Administrator in writing of that town's decision by May 1, 2004. Towns not providing written notification will be considered to have selected Option One as the camping option. The following criteria shall apply to all camping options:

- (1) Tent camping in Dwelling yards is permitted.
- (2) Walled/screened/roofed additions shall not be constructed onto camping equipment. Commercially procured camping Accessory Structures intended for temporary use (i.e., pole framed screen porches and screen rooms, awnings attached to vehicles and trailers, etc.) are permitted.
- (3) Accessory Structures (i.e., decks, gazebos, Boathouses, storage Buildings, etc.) are not permitted on vacant properties used for camping. Privies/outhouses are allowed with the issue of the appropriate sanitary permit.
- (4) The placement of camping equipment shall meet the minimum setbacks that would be required of a Dwelling.
- (5) Campsites shall be subject to inspection by County and town board officials/staff.
- (6) Driveway permits may be required per town, County, or State ordinance.
- (7) Camping by organized groups (i.e., Boy/Girl Scouts, 4-H Clubs, etc.) is permitted.

- (8) Towns may request a change of camping option by submitting a town resolution to the County Zoning Committee.
- (9) Towns may assess fees and issue permits at their discretion.
- (10) Towns may allow individual exceptions to the option selected on a case-by-case basis.
- (11) Complaints shall be initially addressed by town officials. If a resolution cannot be obtained by the town, the matter shall be brought to the attention of the Zoning and Conservation Department for enforcement.
- (12) Existing camping shall not be "grandfathered." All properties shall be in compliance with the town's selected option within 12 months after the adoption of this amendment by the County Board of Supervisors.
- (13) An emergency 911/property address sign shall be obtained.

(Zoning Ord. 1971, § 6.7)

Sec. 10-9-354. Option one - most restrictive – camping not permitted.

(a) Camping equipment may be parked or stored on the owner's Lot provided that the Lot contains a Dwelling. Camping equipment shall not be used for camping, living or housekeeping purposes or as an Accessory Structure. The property owner shall make every attempt to ensure that the presence of the property owner's camping equipment is as unobtrusive as possible (i.e., by parking the vehicles/equipment in a carport, in a Building, behind a Building away from Streets, away from Lot Lines, beyond the view of neighboring property owners, etc.). The option selected is the choice of the property owner and is not subject to enforcement action.

(b) Camping equipment not located on a Lot containing a residence must be located in a federal, State, County, town, or a privately owned Campground, the plan of which has been approved by the County Zoning Committee and the appropriate State agency, or in a commercial storage area.

(c) Camping equipment may be used for camping on any Lot for which a land use permit has been issued for the construction of a Dwelling. The use of the camping equipment must be in accordance with the appropriate town option should the Dwelling not be habitable within 18 months of the issue date of the permit.

(Zoning Ord. 1971, § 6.71)

Sec. 10-9-355. Option two - camping permitted on off water Lots but not on waterfront Lots.

- (1) Improved Lots – Lots containing a Dwelling. See Section 10-9-354(a).
- (2) Vacant Lots – Lots that do not contain a Dwelling and do not have frontage on navigable public waters. Camping is permitted. See Section 10-9-354(b).
- (3) Vacant Lots – Lots that do not contain a Dwelling and do have frontage on navigable public waters. Camping is not permitted.
- (4) Sanitation/septic system requirements shall be enforced.
- (5) A property address (fire number) Sign is required.

(Zoning Ord. 1971, § 6.72)

Sec. 10-9-356. Option three - camping permitted on both "lake" and off "lake" Lots.

- (a) Improved Lots – Lots containing a dwelling.
 - (1) A property owner may store not more than two camping vehicles/trailers on such owner's property.
 - (2) The owner(s) of any improved Lot in the County may have overnight guests stay in either the owner's or the guest's camping equipment for up to 14 days per calendar year. One guest camping vehicle/trailer will be allowed on any improved parcel for a total of 14 days per calendar year.
 - (3) For special events, such as Family reunions and holiday weekends, up to five Major Recreational Equipment/Vehicles will be allowed on any improved parcel for a period of up to seven days per calendar year.

(b) Vacant Lots – Lots that do not contain a Dwelling and may or may not have frontage on navigable public waters. Camping is permitted. The following restrictions shall apply:

- (1) Only one campsite per Lot shall be allowed.
- (2) Camping equipment shall be parked as unobtrusively as possible and screened from roads and neighboring properties by vegetation.
- (3) Wheels shall not be removed from vehicles/trailers.
- (4) Vehicles/trailers shall have current license plates displayed.
- (5) Camping equipment shall be removed from the property by December 1 of each year and may not be returned until March 1 of the following year.
- (6) Two guest units will be allowed at the campsite for a period not to exceed 14 days per calendar year.
- (7) A property address (fire number) Sign is required.
- (8) Sanitation/septic system requirements shall be enforced.

(Zoning Ord. 1971, § 6.73)

Sec. 10-9-357. Option four -- least restrictive – all camping permitted.

Camping equipment may be used for unrestricted camping and may be parked or stored on the owner's Lot. Sanitation/septic system requirements shall be enforced.

(Zoning Ord. 1971, § 6.74)

Sec. 10-9-358. Towns' selected camping option.

The following table is provided for information only. A town may change its camping option at any time by town resolution.

Town's Selected Camping Option

<i>Town</i>	<i>Option Selected</i>	<i>Date of Town Board Decision</i>
Bass Lake	Option Three	8-9-2004
Couderay	Option Four	3-10-2004
Draper	Option Three	3-8-2004
Edgewater	Option Three	3-9-2004
Hayward	Option Three	3-9-2004
Hunter	Option Three	3-10-2004
Lenroot	Option Three	3-8-2004
Meadowbrook	Option Three	2-24-2004
Meteor	Option Four	3-8-2004
Ojibwa	Option Three	3-8-2004
Radisson	Option Four	3-8-2004
Round Lake	Option Three	10-12-2006
Sand Lake	Option Three	3-9-2004
Weirgor	Option Four	3-9-2004
Winter	Option Three	6-18-2004

(Zoning Ord. 1971, § 6.74)

Secs. 10-9-359—10-9-375. Reserved.**DIVISION 6. SCREENING AND FENCING****Sec. 10-9-376. General provisions.**

Screening and/or fencing as required by this article shall be subject to the provisions of this division.

(Zoning Ord. 1971, § 7.1)

Sec. 10-9-377. Approval required.

Any use or Conditional Use listed in this article requiring screening or fencing shall be permitted only when authorized by the County Zoning Committee and subject to its approval of a screening or fencing plan for that particular use.

(Zoning Ord. 1971, § 7.11)

Sec. 10-9-378. Objective.

Planting or other suitable screening, including fences or freestanding walls, shall be required when deemed necessary for the screening or enclosure purposes by the County Zoning Committee; such as around outdoor storage yards, industrial property lines, Salvage Yards, Refuse disposal sites, quarries, mines, Mobile Home Parks, and trailer camps and Campgrounds. Such provisions shall be required to the extent needed to provide for:

- (1) Screening of objectionable views.
- (2) Adequate shade.
- (3) Enclosure of storage materials.
- (4) Public health and safety.
- (5) A suitable setting for the particular use and other facilities.

(Zoning Ord. 1971, § 7.12)

Sec. 10-9-379. Extent.

(a) *Screen planting.* Adequate to screen objectionable views effectively within a reasonable time; in some cases temporary screening devices may be required until suitable screen planting can be achieved.

(b) *Other planting.* For Mobile Home Parks and Campgrounds, other planting should be adequate in size, quantity, and character to other improvements, to provide adequate privacy and pleasant outlook for living units, to minimum reflected glare, and to afford summer shade.

(c) *Existing planting.* Acceptable as required planting to the extent that it is equivalent, suitable, and preserved in good condition.

(d) *Fences and walls.* Appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, water, and use.

(e) *Maintenance.* All screenings, fences, and walls required by this article shall be maintained so as not to provide an objectionable view by themselves.

(Zoning Ord. 1971, § 7.13)

Secs. 10-9-380—10-9-397. Reserved.**DIVISION 7. CONDITIONAL USES***Subdivision I. In General***Sec. 10-9-398. General provisions.**

One of the purposes of this article is to divide the unincorporated portions of the County into districts within which the use of land and Buildings and the bulk and location of Buildings in relation to the land are mutually compatible and substantially uniform. There are certain uses that may be entirely appropriate and not necessarily

incompatible with the basic uses permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems the use of its particular location presents from a zoning standpoint; including the impact of those uses upon neighboring land or public facilities and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, Development, and operation. Such uses are hereby classified as Conditional Uses and are subject to the provisions herein.

(Zoning Ord. 1971, § 8.1)

Sec. 10-9-399. Approval required.

(a) Any Conditional Use listed in this article shall be permitted only when authorized by the County Zoning Committee and subject to its approval. Upon such approval, issuance of a Conditional Use permit will be granted.

(b) The approval of the Conditional Use shall expire 12 months from the date of the approval if the Conditional Use permit has not been obtained.

(Zoning Ord. 1971, § 8.11)

Sec. 10-9-400. Basis of approval.

The County Zoning Committee shall consider the effect of such grant on the health, general welfare, safety, and economic prosperity of the County and of the immediate area in which such use would be located; including such considerations as the effect on established character and quality of the area, its physical attractiveness, existing topography, drainage features, erosion potential, vegetative cover, the prevention and control of water pollution, the location with respect to Floodplains and Floodways, the movement of traffic, and the relationship to existing or proposed roads, the demand for related services, the possible hazardous, harmful, noxious, offensive, or nuisance effect resulting from noise, dust, smoke, odor, and other factors.

(Zoning Ord. 1971, § 8.12)

Secs. 10-9-401—10-9-418. Reserved.

Subdivision II. Procedures

Sec. 10-9-419. Application.

Applications for a Conditional Use shall be made to the County Zoning Administrator who shall refer the application within 60 days to the County Zoning Committee. In addition to the information required under Division 2, Subdivision II of this article for a land use permit, the County Zoning Committee may require the applicant to submit other pertinent data and information necessary to properly evaluate the request.

(Zoning Ord. 1971, § 8.21)

Sec. 10-9-420. Fees.

The fee for filing of applications for Conditional Use shall be established by the County Zoning Committee. A copy of the current fee schedule shall be posted in the office of the Zoning Administrator.

(Zoning Ord. 1971, § 8.22)

Sec. 10-9-421. Public hearing.

The Zoning Committee shall schedule a public hearing on the application within 60 days after it is filed, and shall give notice as required in Sections 10-9-155 and 10-9-156.

(Zoning Ord. 1971, § 8.23)

Sec. 10-9-422. Recording.

When a Conditional Use has been granted, an appropriate record shall be made of the land use and Structures permitted and such use shall be applicable solely to the Structures, use, and property, and in some cases to the property owner, subject to the recording of a deed restriction.

(Zoning Ord. 1971, § 8.24)

Sec. 10-9-423. Termination.

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 Zoning Committee.

(Zoning Ord. 1971, § 8.25)

Sec. 10-9-424. Permits.

When a Conditional Use has been approved by the Zoning Committee, the property owner shall obtain a permit for such use, in accordance with the requirements of Division 2, Subdivision II of this article.

(Zoning Ord. 1971, § 8.26)

Secs. 10-9-425—10-9-442. Reserved.

DIVISION 8. PERMITTED AND CONDITIONAL USES FOR SPECIFIC ZONING DISTRICTS

Sec. 10-9-443. Generally.

The permitted uses and Conditional Uses stated for each zone district are intended to be representative in nature, not all inclusive. Uses similar to those listed as permitted uses may be permitted by the Zoning Administrator, uses similar to those listed as Conditional Uses may be permitted by the Zoning Committee.

(Zoning Ord. 1971, § 17.0)

Sec. 10-9-444. R-1, Residential One District.

This section applies to the R-1, Residential One District. This district provides for one-Family and two-Family Year Round residential Development protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such Development around existing residential areas where soil conditions are suitable for such Development and in those areas which can be economically and readily served by utilities and municipal facilities.

(1) Permitted uses.

- a. One-Family and two-Family Year Round Dwellings.
- b. Private garages, carports, and Boathouses.
- c. Essential Services and utilities intended to serve the principal permitted use.
- d. Signs subject to the provisions of Division 4 of this article.
- e. Horticulture and gardening.
- f. Customary Accessory Uses provided such uses are clearly incidental to the Principal Use and that no such use generates traffic or noise that would create a public or private nuisance.
- g. Licensed In-home day care/child care (no more than eight children).

(2) Uses authorized by Conditional Use.

- a. Multi-Family (three or more) Dwelling Units.
- b. Rooming or boarding houses.
- c. Mobile Home Parks subject to the provisions of Section 10-9-263.
- d. Public and semi-public uses, including, but not limited to, the following: public and private schools, churches, public parks and recreation areas, Hospitals, rest homes and homes for the aged, fire and police station, and historic sites.
- e. Telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing, and other necessary appurtenant equipment and Structures.
- f. Home Occupations or professional offices provided no such use occupies more than 25 percent of the total floor area of the Dwelling, not more than one nonresident person is employed on the

premises, and such use will not include an operational activity that would create a nuisance or be otherwise incompatible with the surround residential area.

- g. No use shall involve sewage disposal plants, Garbage incinerators and maintenance, repair or storage Buildings.
- h. Accessory Structures on vacant property according to Section 10-9-184(1) or an Accessory Structure on property lying across the town or County road from the Principal Structure. See Section 10-9-184(2).

(Zoning Ord. 1971, § 17.1)

Sec. 10-9-445. RR-1, Residential/Recreational One District.

This section applies to the RR-1, Residential/Recreational One District. This district is intended to provide for residential Development and essential recreation oriented services in areas of high recreational value where soil conditions and other physical features will support such Development without depleting or destroying natural resources.

(1) *Permitted uses.*

- a. One-Family and two-Family Dwellings.
- b. Private garages, carports, and Boathouses.
- c. Horticulture and gardening.
- d. Essential Services and utilities intended to serve the principal permitted use.
- e. Signs subject to the provisions of Division 4 of this article.
- f. Customary Accessory Uses provided such uses are clearly incidental to the principal permitted use.
- g. Licensed in-home day care/child care (no more than eight children).

(2) *Uses authorized by Conditional Use.*

- a. Mobile Home Parks subject to the provisions of Section 10-9-263.
- b. Telephone, telegraph and power transmission towers, poles, and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and Structures.
- c. Recreational service oriented uses such as restaurants, cocktail lounges, marinas, sport shops, bait sales, and other recreational services which, in the opinion of the County Zoning Committee, are of the same general character or clearly incidental to a permitted use or use authorized by conditional permit.
- d. Hair salon and barber shop.
- e. Private or wholesale carpentry or woodworking shop; limited to property owner.
- f. Greenhouse and florist.
- g. Professional offices and studios.
- h. Bed and breakfast establishments.
- i. Taxidermy.
- j. Real estate office.
- k. Childcare center, play school.
- l. Shrub, Tree nursery.
- m. Lake access.
- n. Lake access for island Development.
- o. Multi-Dwelling Development (i.e., new Condominium, hotel, motel or Resort, or other

Development which is the same general scale and character). (Does not include the conversion of existing properties to a Condominium ownership, existing Resorts, motels, hotels or any other existing multi-Dwelling Development unless more rental/Dwelling Units are being proposed by plat or other means that would be in addition to the existing rental/Dwelling Units.)

- p. Public and private parks, playgrounds and water sports areas.
- q. Churches.
- r. Accessory Structures on vacant property according to Section 10-9-184(1) or an Accessory Structure on property lying across the town or County road from the Principal Structure. See Section 10-9-184(2).
- s. Funeral homes.
- t. Horses.

(Zoning Ord. 1971, § 17.2)

Sec. 10-9-446. RR-2, Residential/Recreational Two District.

This section applies to the RR-2, Residential/Recreational Two District. This district is intended to provide for residential Development and essential recreation oriented services in areas of high recreational value where soil conditions and other physical features will support such Development without depleting or destroying natural resources.

(1) *Permitted uses.*

- a. One-Family and two-Family Dwellings.
- b. Private garages, carports, and Boathouses.
- c. Horticulture and gardening.
- d. Essential Services and utilities intended to serve the principal permitted use.
- e. Signs subject to the provisions of Division 4 of this article.
- f. Customary Accessory Uses provided such uses are clearly incidental to the principal permitted use.
- g. Will allow a cabin Resort to build additional cabin(s) provided Lot Area requirements are met.
- h. Licensed in-home day care/child care (no more than eight children).

(2) *Uses authorized by Conditional Use.*

- a. Mobile Home Parks and Campgrounds subject to the provisions of Sections 10-9-263 and 10-9-264.
- b. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and Structures.
- c. Recreational service oriented uses such as restaurants, cocktail lounges, marinas, sport shops, bait sales, and other recreational services which, in the opinion of the County Zoning Committee, are of the same general character or clearly incidental to a permitted use or use authorized by conditional permit.
- d. Kennel for small Domestic Animals subject to the provisions of Section 10-9-265.
- e. Hair salon and barber shop.
- f. Private or wholesale carpentry or woodworking shop; limited to property owner.
- g. Greenhouse and florist.
- h. Professional offices and studios.
- i. Bed and breakfast establishments.

- j. Taxidermy.
- k. Real estate offices.
- l. Childcare center, play school.
- m. Shrub, Tree nursery.
- n. Lake access.
- o. Lake access for island Development.
- p. Multi-Dwelling Development or other similar Development, including a Condominium, hotel, motel or Resort, or other Development which, in the opinion of the County Zoning Committee, are of the same general scale and character. Does not include conversions of existing properties to a different form of ownership (i.e., to Condominium ownership) unless Dwelling Units are being proposed by plat or other means that would be in addition to the existing rental/Dwelling Units. Does not include existing Multi-Dwelling Developments unless creating additional Dwelling Units.
- q. Public and private parks, playgrounds and water sports areas.
- r. Churches.
- s. Accessory Structures on vacant property according to Section 10-9-184(1) or an Accessory Structure on property lying across the town or County road from the Principal Structure. See Section 10-9-184(2).
- t. Funeral homes.
- u. Horses.

(Zoning Ord. 1971, § 17.3)

Sec. 10-9-447. A-1, Agricultural One District.

This section applies to the A-1, Agricultural One District. This district is intended to provide for the continuation of General Farming and related activities in those areas best suited for such Development, and to provide for orderly Development of residential, commercial and industrial Development.

(1) *Permitted uses.*

- a. Year Round Dwellings occupied by owners and/or persons engaged in farming activities on the premises. Town board and Zoning Administrator approval is required for owners and/or persons not engaged in farming activities on the premises.
- b. Buildings, Structures or improvements that are an integral part of or incidental to an agricultural use as defined in Wis. Stats. § 91.01(2):
 - 1. Crop or forage production.
 - 2. Keeping Livestock.
 - 3. Beekeeping.
 - 4. Nursery or Christmas Tree production.
 - 5. Floriculture.
 - 6. Aquaculture.
 - 7. Fur farming.
 - 8. Forest management.
- c. Agricultural processing industries and warehouses, except slaughterhouses, rendering, fertilizer plants and commercial smokehouses.
- d. An activity or business operation that is an integral part or incidental to an agricultural use.
- e. Vacation farms and other farm oriented recreational uses such as riding stables, winter sports

activities, and game farms.

- f. Roadside stands for the sale of products grown on the premises if sufficient off-Street parking space for customers is provided.
- g. Essential Services and utilities intended to serve a permitted Principal Use on the premises.
- h. Signs subject to the provisions of Division 4 of this article.
- i. Soil and water conservation programs.
- j. Drainage where such activity will not be in conflict with the stated purposes of this zone district.
- k. Licensed in-home day care/child care (no more than eight children and no more than four employees and does not impair or limit the current or future agricultural use of the farm or of the other farmland).
- l. Customary Accessory Uses provided such uses are clearly incidental to a principal permitted use.
- m. Enrolling land in a federal agricultural commodity payment program of a federal or State agricultural land conservation payment program.

(2) *Uses authorized by Conditional Use.*

- a. The location, operation, and maintenance of municipal sanitary landfills, solid waste disposal sites, sewage disposal plants and privately owned domestic sewage treatment works; and necessary appurtenant equipment/Structures subject to the provisions of the Wisconsin Administrative Code.
- b. Slaughterhouses, rendering, fertilizer plants, and commercial smokehouses.
- c. Public and semi-public uses, including, but not limited to, the following: public and private schools, churches, public parks and recreation areas, rest homes, senior citizen complexes, group homes, Hospitals, homes for the aged, fire and police stations, and historic sites.
- d. Transportation, communications, pipeline, electronic transmission, utility or drainage use provided that the following apply:
 - 1. The uses are consistent with and compatible with agricultural uses, Accessory Uses or agricultural related use.
 - 2. The use and location are reasonable and appropriate, considering alternative locations, or are specifically approved under State or federal law.
 - 3. The use is reasonably designed to minimize conversion land at and around the site from agricultural use or open space.
 - 4. The use does not substantially impair or limit the current or future agricultural uses or surrounding parcels of land that are Zone Districts A-1 or A-2.
 - 5. The construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- e. Kennel for small Domestic Animals subject to the provisions of Section 10-9-265.
- f. Nonmetallic Mineral and Mineral fuel exploration; nonmetallic Mineral and Mineral fuel prospecting; nonmetallic Mineral and Mineral fuel operation; and nonmetallic Mineral and Mineral fuel reclamation, subject to Division 5, Subdivision II of this article.
- g. Agricultural equipment/implement sales and service and facilities providing agricultural supplies, storage, and processing of agricultural wastes.
- h. Private or wholesale carpentry or woodworking shop; limited to property owner.
- i. Portable sawmill.
- j. Professional offices and studios.
- k. Taxidermy.

- l. Real estate office.
- m. Mini storage unit warehouse.
- n. Bed and breakfast establishments.
- o. Event barns.
- p. New and used car sales establishments.
- q. Wholesaling establishments.
- r. Transportation terminals.
- s. Amusement parks.
- t. Golf courses.
- u. Cemeteries, mausoleums and columbariums.
- v. Commercial bulk fuel storage facilities.
- w. Sod and topsoil removal for resale, subject to Wis. Admin. Code § NR 415.04. (May also require County grading permit or WIDNR stormwater management plan.)
- x. Accessory Structure on vacant property lying across the town or County road from the Principal Structure. See Section 10-9-184(2).
- y. Like or similar uses in the opinion of the County Zoning Committee, subject to the procedures for obtaining a Conditional Use permit.

- (3) *Conflict with Wisconsin Statute.* If any permitted uses or uses authorized by Conditional Use permit conflict with Wis. Stats. Ch. 91, such statute will prevail.

(Zoning Ord. 1971, § 17.4)

Sec. 10-9-448. A-2, Agricultural Two District.

This section applies to the A-2, Agricultural Two District. This district is intended to provide for light and hobby farming and related activities; and to provide for orderly Development of residential, agricultural, and commercial activities in those areas best suited for Development.

- (1) *Permitted uses.*
- a. Year Round Dwellings occupied by owners and/or persons engaged in farming activities on the premises. Town board and Zoning Administrator approval is required for owners and/or persons not engaged in farming activities on the premises.
 - b. Buildings, Structures or improvements that are an integral part of or incidental to an agricultural use as defined in Wis. Stats. § 91.01(2):
 - 1. Crop or forage production.
 - 2. Keeping Livestock (not to exceed 15 animal units (1,000 pound – 1 au) per 40 acres prorated).
 - 3. Beekeeping.
 - 4. Nursery or Christmas Tree production.
 - 5. Floriculture.
 - 6. Aquaculture.
 - 7. Fur farming.
 - 8. Forest management.
 - c. An activity or business operation that is an integral part or incidental to an agricultural use.
 - d. Vacation farms and other farm oriented recreational uses such as riding stables, winter sports activities, and game farms.

- e. Roadside stands for the sale of products grown on the premises if sufficient off-Street parking space for customers is provided.
- f. Essential Services and utilities intended to serve a permitted Principal Use on the premises.
- g. Signs subject to the provisions of Division 4 of this article.
- h. Soil and water conservation programs.
- i. Drainage where such activity will not be in conflict with the stated purposes of this zone district.
- j. Licensed in-home day care/child care (no more than eight children and no more than four employees and does not impair or limit the current or future agricultural use of the farm or of the other farmland).
- k. Customary Accessory Uses provided such uses are clearly incidental to a principal permitted use.
- l. Enrolling land in a federal agricultural commodity payment program of a federal or State agricultural land conservation payment program.

(2) *Uses authorized by Conditional Use.*

- a. The location, operation and maintenance of municipal sanitary landfills, solid waste disposal sites, sewage disposal plants and privately owned domestic sewage treatment works; and necessary appurtenant equipment/Structures subject to the provisions of the Wisconsin Administrative Code.
- b. Agricultural processing industries, warehouses and commercial smokehouses, except slaughterhouses, rendering, and fertilizer plants.
- c. Public and semi-public uses, including, but not limited to, the following: public and private schools, churches, public parks and recreation areas, rest homes, senior citizen complexes, group homes, Hospitals, homes for the aged, fire and police stations, and historic sites.
- d. Transportation, communications, pipeline, electronic transmission, utility or drainage use provided that the following apply:
 - 1. The uses are consistent with and compatible with agricultural uses, Accessory Uses or agricultural related use.
 - 2. The use and location are reasonable and appropriate, considering alternative locations, or are specifically approved under State or federal law.
 - 3. The use is reasonably designed to minimize conversion land at and around the site from agricultural use or open space.
 - 4. The use does not substantially impair or limit the current or future agricultural uses or surrounding parcels of land that are Zone Districts A-1 or A-2.
 - 5. The construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- e. Kennel for small Domestic Animals, veterinarian clinic, grooming, and boarding subject to Section 10-9-265.
- f. Nonmetallic Mineral and Mineral fuel exploration; nonmetallic Mineral and Mineral fuel prospecting; nonmetallic Mineral and Mineral fuel operation; and nonmetallic Mineral and Mineral fuel reclamation, subject to Division 5, Subdivision II of this article.
- g. Agricultural equipment/implement sales and service and facilities providing agricultural supplies, storage, and processing of agricultural wastes.
- h. Private or wholesale carpentry or woodworking shop; limited to property owner.
- i. Portable sawmill.
- j. Professional offices and studios.
- k. Taxidermy.

- l. Real estate office.
 - m. Mini storage warehouses.
 - n. Bed and breakfast establishments.
 - o. Event barns.
 - p. New and used car sales establishments.
 - q. Wholesaling establishments.
 - r. Beauty salon.
 - s. Craft and collectibles establishments.
 - t. Golf courses and miniature golf.
 - u. Cemeteries, mausoleums and columbariums.
 - v. Commercial bulk fuel storage facilities.
 - w. Sod and topsoil removal for resale, subject to Wis. Admin. Code § NR 415.04. (May also require County Grading Permit or WI DNR stormwater management plan.)
 - x. Medical and dental offices.
 - y. Accessory Structure on property lying across the town or County road from the Principal Structure. See Section 10-9-184(2).
 - z. Like or similar uses in the opinion of the County Zoning Committee, subject to the procedures for obtaining a Conditional Use permit.
- (3) *Conflict with Wisconsin Statute.* If any permitted uses or uses authorized by Conditional Use permit conflict with Wis. Stats. Ch. 91, such statute will prevail.

(Zoning Ord. 1971, § 17.5)

Sec. 10-9-449. C-1, Commercial One District.

This section applies to the C-1, Commercial One District. This district is intended to provide for the orderly and attractive grouping, at appropriate locations, of retail stores, shops, offices, and similar commercial establishments.

- (1) *Permitted uses.* Facilities such as, but not limited to, the following:
- a. Retail stores and shops offering convenience goods and services.
 - b. Business and professional offices and studios.
 - c. Banks, and savings and loan offices.
 - d. Public and semi-public Buildings and institutions.
 - e. Commercial entertainment facilities.
 - f. Laundromats.
 - g. Restaurants.
 - h. Taverns.
 - i. Medical and dental offices.
 - j. Auto service stations and maintenance facilities.
 - k. Public and private marinas.
 - l. Recreation service oriented facilities as stated in the RR-1 district.
 - m. Motels.
 - n. Rooming and boarding houses.

- o. Mini-warehouse storage.
 - p. Living quarters on same premises of the business, provided that occupancy is restricted to the property owner, or business operator, and such owner's or operator's immediate Family.
- (2) *Uses authorized by Conditional Use.*
- a. Public and semi-public Conditional Uses as stated in the R-1 District.
 - b. New and used car sales establishments.
 - c. Transportation terminals.
 - d. Wholesaling establishments.
 - e. Farm implement sales firms.
 - f. Outdoor theaters.
 - g. Miniature golf, go-karts, and amusement parks.
 - h. Drive-in establishments offering in-car service to customers.
 - i. Automotive race track including stock cars, snowmobiles, and motorcycles.
 - j. Nonmetallic Mineral and Mineral fuel exploration; nonmetallic Mineral and Mineral fuel prospecting; nonmetallic Mineral and Mineral fuel operation; and nonmetallic Mineral and Mineral fuel reclamation, subject to Division 5, Subdivision II of this article.
 - k. Commercial bulk fuel storage facilities.
 - l. Funeral homes.

(Zoning Ord. 1971, § 17.6)

Sec. 10-9-450. I-1, Industrial One District.

This section applies to the I-1, Industrial One District. This district is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance, or industries requiring outdoor storage for raw materials and/or finished products may be required to provide a screen or fence in accordance with the provisions of Division 6 of this article.

- (1) *Permitted uses.*
- a. Metal and wood assembly, fabrication, and manufacturing.
 - b. Electronics assembly, fabrication and manufacturing.
 - c. Clothing manufacturing.
 - d. Warehousing, storage and distribution facilities connected with permitted uses.
 - e. Welding shops.
 - f. Auto body shops, including auto repair.
 - g. Municipal use.
 - h. Emergency service facility.
 - i. Public utility and/or Structures.
 - j. Crematoriums.
 - k. Accessory Uses clearly incidental to a permitted use.
- (2) *Uses authorized by Conditional Use.*
- a. Salvage Yards, subject to the provisions of Division 5, Subdivision III of this article.
 - b. Nonmetallic Mineral and Mineral fuel exploration; nonmetallic Mineral and Mineral fuel

prospecting; nonmetallic Mineral and Mineral fuel operation; and nonmetallic Mineral and Mineral fuel reclamation, subject to Division 5, Subdivision II of this article.

- c. The location, operation, and maintenance of municipal sanitary landfills, solid waste disposal sites, sewage disposal plants and privately owned domestic sewage treatment works; and necessary appurtenant equipment/Structures subject to the provisions of the Wisconsin Administrative Code.
- d. Commercial bulk storage of gasoline, propane, chemicals, and other materials of an explosive nature.
- e. Storage and/or disposal of toxic and hazardous materials.
- f. Chemical manufacturing.
- g. Foundries.
- h. Food processing.
- i. Fertilizer processing.
- j. Tool and die manufacturing.
- k. Redi-mix concrete and gravel production.

Any other industrial use not listed in the above sections or any industrial use which is determined to be objectionable by the Zoning Committee on the basis of its potential of detrimental or harmful effects to the surrounding area or public, may be permitted only upon the issuance of a Conditional Use whereby the Zoning Committee may set performance standards, pollution standards, aesthetic controls, and dimensional and site requirements in order to ensure the public health, safety and general welfare of the County.

- (3) *Other permitted and conditional used.* Metallic mineral exploration, prospecting and bulk sampling shall be permitted in the I-1, Industrial One District as set forth in Section 10-9-290. Metallic mining shall be permitted in the I-1, Industrial One District upon issuance of a Conditional Use permit/mining permit or a Local Agreement/mining permit, pursuant the terms set forth in Section 10-9-290.

(Zoning Ord. 1971, § 17.7)

Sec. 10-9-451. F-1, Forestry One District.

This section applies to the F-1, Forestry One District. This district provides for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage forest management programs and also to recognize the value of the forest as a recreational resource by permitting as a Conditional Use certain recreational activities which, when adequately developed, are not incompatible to the forest.

- (1) *Permitted uses.*
 - a. Production of forest crops, including Tree plantations.
 - b. Harvesting of wild crops such as marsh hay, ferns, moss, berries, Tree fruits, and Tree seeds.
 - c. Multiple use trails, and wildlife refuges.
 - d. Signs subject to the provisions of Division 4 of this article.
 - e. Drainage where such activity will not be in conflict with the stated purposes of this district.
 - f. Year Round or Seasonal Dwellings permitted by a special use application subject to Section 10-9-261 or a Conditional Use per Section 10-9-473(e) and/or (f).
 - g. Licensed in-home day care/child care (no more than eight children).
- (2) *Uses authorized by Conditional Use.*
 - a. Public and private parks, playgrounds, and water sports areas.
 - b. Dams, plants for the production of electric power and flowage areas.
 - c. Trailer camps and Campgrounds subject to the provisions of Section 10-9-264.

- d. Forest connected industries such as sawmills, debarking operations, chipping facilities, and similar operations.
- e. Recreation and youth camps.
- f. Riding stables.
- g. Shooting ranges.
- h. Nonmetallic Mineral and Mineral fuel exploration; nonmetallic Mineral and Mineral fuel prospecting; nonmetallic Mineral and Mineral fuel operation; and nonmetallic Mineral and Mineral fuel reclamation, subject to Division 5, Subdivision II of this article.
- i. Year Round residence for caretakers of recreation areas.
- j. Telephone, telegraph, power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing, and other necessary appurtenant equipment and Structures, radio and television stations, transmission towers, fire towers, microwave radio relay towers, and pipelines.
- k. The location, operation, and maintenance of municipal sanitary landfills, solid waste disposal sites, sewage disposal plants and privately owned domestic sewage treatment works; and necessary appurtenant equipment/Structures subject to the provisions of the Wisconsin Administrative Code.
- l. Sod and topsoil removal for resale, Subject to Wis. Admin. Code § NR 415.04.
- m. Commercial bulk fuel storage facilities.
- n. Accessory Structures on vacant property according to Section 10-9-184(1) or an Accessory Structure on property lying across the town or County road from the Principal Structure. See Section 10-9-184(2).

(Zoning Ord. 1971, § 17.8)

Sec. 10-9-452. W-1, Wetland/Shoreland One District.

(a) *Designation.* This section applies to the W-1, Wetland/Shoreland One District. This district shall include all Wetlands within the jurisdiction of this article which are Wetlands of five acres or more, excluding point systems, and which are shown on the Wisconsin Wetland Inventory Maps that are adopted and made part of this article. The regulatory provisions of this district do not require town approval and are not subject to town disapproval within the Shoreland area described in Section 10-9-213. A portion of a Wetland which is less than five acres in size, and which is located in the unincorporated area within the County, shall be included in the Wetland/Shoreland One District where the Wetland as a whole is five acres or larger, but extends across municipal or County boundaries so that a Wetland is not regulated in its entirety by the County.

(b) *Purpose.* This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control Building and Development in Wetlands whenever possible. When Development is permitted in a Wetland, the Development should occur in a manner that minimizes adverse impact upon the Wetlands.

(c) *Permitted uses.* The following uses shall be allowed, subject to general Shoreland zoning regulations contained in this article, the provisions of Wis. Stats. Chs. 30 and 31, and the provisions of other applicable local, State, and federal laws:

- (1) Activities and uses which do not require the issuance of a permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under Subsection (c)(2) or (3) of this section.
 - a. Hiking, fishing, trapping, hunting, swimming, and boating.
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, Tree fruits, and Tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
 - c. The pasturing of Livestock.

- d. The cultivation of agricultural crops.
 - e. The practice of silviculture, including the planting, thinning, and harvesting of timber.
 - f. The construction or maintenance of duck blinds.
- (2) Uses which do not require the issuance of a permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below.
- a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural if not corrected.
 - b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
 - c. The maintenance and repair of existing agricultural Drainage Systems where permissible by Wis. Stats. § 30.20, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the Drainage System provided that the filling is permissible by Wis. Stats. Ch. 30, and that dredged spoil is placed on existing spoil banks where possible.
 - d. The construction or maintenance of fences for the pasturing of Livestock, including limited excavating and filling necessary for such construction or maintenance.
 - e. The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction or maintenance.
 - f. The maintenance, repair, replacement, or reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- (3) Uses which require the issuance of a permit under Division 2, Subdivision II of this article and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below.
- a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation provided that:
 - 1. The road cannot, as a practical matter, be located outside the Wetland;
 - 2. The road is designed and constructed to minimize adverse impact upon the natural functions of the Wetland enumerated in Section 10-9-134(b);
 - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
 - 4. Road construction activities are carried out in the immediate area of the roadbed only.
 - b. The construction or maintenance of nonresidential Buildings provided that:
 - 1. The Building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other Wetland or aquatic animals;
 - 2. The Building cannot, as a practical matter, be located outside the Wetland;
 - 3. Such Building is not designed for human habitation and does not exceed 500 square feet in floor area; and
 - 4. Only limited filling or excavating necessary to provide structural support for the Building is authorized.
 - c. The maintenance and repair of existing private roads, driveways and bridges providing:
 - 1. The applicant must provide documentation that the road, driveway, or bridge existed prior to June 20, 1985;

2. The cross section of the roadbed may not be enlarged beyond what can be documented under Subsection (c)(3)c.1 of this section;
3. The road shall not be realigned;
4. Maintenance activities are carried out in the immediate area of the roadbed only; and
5. Construction work must be done to minimize adverse impact on the natural functions of Wetlands as enumerated in Section 10-9-134(b).

(d) *Uses authorized by Conditional Use.* The following uses shall be allowed, subject to the issuance of a Conditional Use permit under Division 7 of this article, and may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:

- (1) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 - a. Any private Development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stats. Ch. 29, where applicable;
 - b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Subsection (c)(3)a.1 through 4 of this section; and
 - c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance Wetland values.
- (2) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines, provided that:
 - a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the Wetland.
 - b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the Wetland enumerated in Section 10-9-134(b).

(e) *Prohibited uses.* Any use not listed in Subsections (c)(1) through (3) and (d)(1) and (2) of this section is prohibited, unless the Wetland or portion of the Wetland has been rezoned by amendment of this article in accordance with Section 10-9-134 and Wis. Stats. § 59.97(5)(e).

(Zoning Ord. 1971, § 17.9)

Sec. 10-9-453. SP-1, Shoreland Protection One District (overlay district).

This section applies to the SP-1, Shoreland Protection One District (overlay district). This district provides for the protection of waters and Shoreland, and for safe and orderly Shoreland Development in the County. The intent is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control Building sites, placement of Structures and uses; and to preserve shorecover and the natural beauty. This district includes all lands in the unincorporated areas of the County within the following distances from the normal high-water elevation of Navigable Water: 1,000 feet from a lake, pond, or flowage, and 300 feet from a river, stream, or to the landward side of a Floodplain, whichever distance is greater.

- (1) *Permitted uses.*
 - a. Any use permitted in the underlying districts, subject to the Shoreland provisions of this article.
 - b. Any Accessory Use permitted in the underlying districts, subject to the Shoreland provisions of this article.
- (2) *Uses authorized by Conditional Use.*

- a. Any Conditional Use authorized in the underlying districts, subject to the Shoreland provisions of this article.

(Zoning Ord. 1971, § 17.10)

Sec. 10-9-454. PUD, Planned Unit Development District.

The PUD district is intended to provide for large-scale residential and/or commercial uses only. This district shall have no definite boundaries until such as approved by the County Board on the recommendation of the Zoning Committee in accordance with the procedures prescribed for zoning amendments by Wis. Stats. § 59.69. Plans for the proposed Development shall be submitted in duplicate, and shall show the location, size, and proposed use of all Structures and land included in the areas involved. The plans may provide for a combination of single-Family and multi-Family Development as well as related commercial uses, provided the plans include that:

- (1) A single area of at least five acres is involved.
- (2) Each residential Building and Lot in the district will conform to the R-1 District requirements and each commercial Building and Lot will conform to the C-1 district requirements by Conditional Use permit only.
- (3) Adequate Streets and sidewalks as determined to serve the needs of the area involved will be provided.
- (4) Adequate access to public Streets and proper internal circulation will be provided.
- (5) Adequate sewer and water facilities will be provided.
- (6) The Development will constitute a reasonable extension of the living areas in the County and will be compatible with surrounding land uses.

(Zoning Ord. 1971, § 17.11)

Secs. 10-9-455—10-9-472. Reserved.

DIVISION 9. DISTRICT DIMENSIONAL REQUIREMENTS

Sec. 10-9-473. Dimensional requirements.

		<i>R-1</i>	<i>RR-1</i>	<i>RR-2</i>	<i>A-1</i>	<i>A-2</i>	<i>C-1</i>	<i>I-1</i>	<i>F-1</i>
(a)	Building Height Limit*	35	35	35	35	35	35	60	35
(b)	Required Lot Area (sq/ft)								
	With Public Sewer	10,000**	10,000	10,000	5 acres	5 acres	10,000	1 acre	5 acres
	Without Public Sewer	20,000**	20,000	20,000	5 acres	5 acres	20,000	1 acre	5 acres
(c)	Minimum Lot Width								
	With Public Sewer	75	75	75	300	300	75	200	300
	Without Public Sewer	100***	100***	100***	300	300	100	200	300
(d)(1)	Yard Required								
	Front	30	30	30	50	50	10	50	30
	Rear	40	40	40	50	50	20	50	40
	Side								
	Principal Building	10	10	10	20	20	10	20	10
		30	30	30	50	50	10	50	30

	Accessory Building	5	5	5	10	10/50	5	10	5
(d)(2)	Yard Required (see NOTE (1) below)								
	Side-Principal Building	10							
(e)	Floor Area, Residence (sq/ft) (see NOTE (2) below)								
	1 Bedroom	500	500	500	500	500	500	500	500
	2 Bedrooms	600	600	600	600	600	600	600	600
	3 Bedrooms	700	700	700	700	700	700	700	700
(f)	Minimum Residence Width (see NOTE (2) below)	20'	20'	20'	14'	14'	14'	----	20'
(g)	Minimum Lot Depth (Added July 20, 1995)								
	With Public Sewer	---	---	---			---		
	Without Public Sewer	200	200	200			200		

*Subject to Division 3, Subdivision II of this article.

**Minimum for one-Family, add 5,000 square feet for each additional unit over one, plus any additional area required by applicable Wisconsin Administrative Code A-2 Dimensional Requirements.

***On shoreline Lots, the minimum Lot Width shall be 100 feet and a minimum of 100 feet of frontage at the Ordinary High-Water Mark.

NOTE (1): Reduced side Lot Line setbacks for principal Buildings are applicable only if all of the following requirements are met: (1) Only in the Village of Stone Lake Original Plat, Village of Stone Lake First Addition and Village of Stone Lake Outlots all located in S19, T 39N, R 9W; (2) By ordinance adopted by the Town of Sand Lake Board; and (3) On public sewered and public water supplied Lots only.

NOTE (2): Requirements may be reduced with the approval of a Variance per Section 10-9-112.
(Zoning Ord. 1971, § 18.0)

Chapter 11

RESERVED

PROOFS

Chapter 12

FLOODS**ARTICLE I. IN GENERAL****ARTICLE II. FLOODPLAIN ZONING****DIVISION 1. IN GENERAL****Sec. 12-2-1. Definitions.**

Unless specifically defined, words and phrases in this article shall have their common law meaning and shall be applied in accordance with their common usage.

- (1) *A Zones* means those areas shown on the Official Floodplain Zoning Map which would be inundated by the Regional Flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of Flood Profiles, depending on the availability of data for a given area.
- (2) *Accessory Structure or Use* means a facility, Structure, Building or use which is accessory or incidental to the principal use of a property, Structure or Building.
- (3) *Base Flood* means the Flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- (4) *Basement* means any enclosed area of a building having its floor sub-grade (i.e., below ground level) on all sides.
- (5) *Building*. See *Structure*.
- (6) *Bulkhead Line* means a geographic line along a reach of navigable water that has been adopted by a Municipal ordinance and approved by the Department pursuant to Wis. Stats. § 30.11, and which allows limited filling between this Bulkhead Line and the original Ordinary High-Water Mark, except where such filling is prohibited by the Floodway provisions of this article.
- (7) *Campground* means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more Camping Units, or which is advertised or represented as a camping area.
- (8) *Camping Unit* means any portable device, no more than 400 square feet in area, used as a temporary shelter, including, but not limited to, a camping trailer, motor home, bus, van, pick-up truck, tent or other Mobile Recreational Vehicle.
- (9) *Certificate of Compliance* means a certification that the construction and the use of land or a Building, the elevation of fill or the lowest floor of a Structure is in compliance with all of the provisions of this article.
- (10) *Channel* means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (11) *Crawlway* or *Crawl Space* means an enclosed area below the first usable floor of a Building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- (12) *Deck* means an unenclosed exterior Structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- (13) *Department* means the Wisconsin Department of Natural Resources.
- (14) *Development* means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of Buildings, Structures or Accessory Structures; the construction of additions or alterations to Buildings, Structures or Accessory Structures; the repair of any damaged Structure or the improvement or renovation of any Structure, regardless of percentage of damage or improvement; the placement of Buildings or Structures; Subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of

materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

- (15) *Dryland Access* means a vehicular access route which is above the Regional Flood elevation and which connects land located in the Floodplain to land outside the Floodplain, such as a road with its surface above Regional Flood elevation and wide enough for wheeled rescue and relief vehicles.
- (16) *Encroachment* means any fill, Structure, equipment, Building, use or Development in the Floodway.
- (17) *Existing Manufactured Home Park or Subdivision* means a parcel of land, divided into two or more Manufactured Home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of the ordinance from which this article is derived. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- (18) *Expansion to Existing Mobile/Manufactured Home Park* means the preparation of additional sites by the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading or the pouring of concrete pads.
- (19) *Federal Emergency Management Agency (FEMA)* means the federal agency that administers the National Flood Insurance Program.
- (20) *Flood or Flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - a. The overflow or rise of inland waters;
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (21) *Flood Frequency* means the probability of a Flood occurrence which is determined from statistical analyses. The frequency of a particular Flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.
- (22) *Floodfringe* means that portion of the Floodplain outside of the Floodway which is covered by Flood waters during the Regional Flood and associated with standing water rather than flowing water.
- (23) *Flood Hazard Boundary Map* means a map designating approximate Flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain Floodway lines or Regional Flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- (24) *Flood Insurance Rate Map (FIRM)* means a map of a community on which the Federal Insurance Administration has delineated both special Flood hazard areas (the Floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (25) *Flood Insurance Study* means a technical engineering examination, evaluation, and determination of the local Flood hazard areas. The Flood Insurance Study provides maps designating those areas affected by the Regional Flood and provides both Flood insurance rate zones and Base Flood elevations and may provide Floodway lines. The Flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps that accompany the Flood Insurance Study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

- (26) *Floodplain* means land which has been or may be covered by Flood water during the Regional Flood. The Floodplain includes the Floodway and the Floodfringe, and may include other designated Floodplain areas for regulatory purposes.
- (27) *Floodplain Island* means a natural geologic land formation within the Floodplain that is surrounded, but not covered, by Flood water during the Regional Flood.
- (28) *Floodplain Management* means policy and procedures to ensure wise use of Floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of Floodplain regulations.
- (29) *Flood Profile* means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a Flood event to locations of land surface elevations along a stream or river.
- (30) *Floodproofing* means any combination of structural provisions, changes or adjustments to properties and Structures, water and sanitary facilities and contents of Buildings subject to Flooding, for the purpose of reducing or eliminating Flood damage.
- (31) *Flood Protection Elevation* means an elevation of two feet of Freeboard above the Water Surface Profile elevation designated for the Regional Flood. (Also see *Freeboard*.)
- (32) *Flood Storage* means those Floodplain areas where storage of Flood waters has been taken into account during analysis in reducing the Regional Flood discharge.
- (33) *Floodway* means the Channel of a river or stream and those portions of the Floodplain adjoining the Channel required to carry the Regional Flood discharge.
- (34) *Freeboard* means a safety factor expressed in terms of a specified number of feet above a calculated Flood level. Freeboard compensates for any factors that cause Flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and Floodways, the effects of Watershed urbanization, loss of Flood Storage areas due to Development and aggregation of the river or stream bed.
- (35) *Habitable Structure* means any Structure or portion thereof used or designed for human habitation.
- (36) *Hearing Notice* means publication or posting meeting the requirements of Wis. Stats. Ch. 985. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (37) *High Flood Damage Potential* means damage that could result from Flooding that includes any danger to life or health or any significant economic loss to a Structure or Building and its contents.
- (38) *Historic Structure* means any Structure that is either:
 - a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.
- (39) *Increase in Regional Flood Height* means a calculated upward rise in the Regional Flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which

is directly attributable to Development in the Floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

- (40) *Land Use* means any nonstructural use made of unimproved or improved real estate. (Also see *Development*.)
- (41) *Manufactured Home* means a Structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "Manufactured Home" includes a mobile home but does not include a Mobile Recreational Vehicle.
- (42) *Mobile Recreational Vehicle* means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured Homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of a Mobile Recreational Vehicles.
- (43) *Municipality* or *Municipal* means the county, city or village governmental units enacting, administering and enforcing this article.
- (44) *NAVD* or *North American Vertical Datum* means elevations referenced to mean sea level datum, 1988 adjustment.
- (45) *NGVD* or *National Geodetic Vertical Datum* means elevations referenced to mean sea level datum, 1929 adjustment.
- (46) *New Construction*, for Floodplain Management purposes, means Structures for which the Start of Construction commenced on or after the effective date of Floodplain zoning regulations adopted by this community and includes any subsequent improvements to such Structures. For the purpose of determining Flood insurance rates, the term "New Construction" includes any Structures for which the Start of Construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such Structures.
- (47) *Nonconforming Structure* means an existing lawful Structure or Building which is not in conformity with the dimensional or structural requirements of this article for the area of the Floodplain which it occupies. (For example, an existing residential Structure in the Floodfringe District is a conforming use. However, if the lowest floor is lower than the Flood Protection Elevation, the Structure is nonconforming.)
- (48) *Nonconforming Use* means an existing lawful use or accessory use of a Structure or Building which is not in conformity with the provisions of this article for the area of the Floodplain which it occupies. (Such as a residence in the Floodway.)
- (49) *Obstruction to Flow* means any Development which blocks the conveyance of Flood waters such that this Development alone or together with any future Development will cause an Increase in Regional Flood Height.
- (50) *Official Floodplain Zoning Map* means that map, adopted and made part of this article, as described in Section 12-2-6(b), which has been approved by the Department and FEMA.
- (51) *Open Space Use* means those uses having a relatively low Flood damage potential and not involving Structures.
- (52) *Ordinary High-Water Mark* means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (53) *Private Sewage System* means a sewage treatment and disposal system serving one Structure with a septic tank and soil absorption field located on the same parcel as the Structure. The term "Private Sewage System" also means an alternative sewage system approved by the Department of Commerce, including

a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one Structure or a system located on a different parcel than the Structure.

- (54) *Public Utilities* means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (55) *Reasonably Safe from Flooding* means Base Flood waters will not inundate the land or damage Structures to be removed from the special Flood hazard area and that any subsurface waters related to the Base Flood will not damage existing or proposed Buildings.
- (56) *Regional Flood* means a Flood determined to be representative of large Floods known to have occurred in the State. A Regional Flood is a Flood with a one percent chance of being equaled or exceeded in any given year, and, if depicted on the FIRM, the RFE is equivalent to the BFE.
- (57) *Start of Construction* means the date the Building permit was issued, provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a Basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory Buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For an alteration, the actual Start of Construction means the first alteration of any wall, ceiling, floor or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.
- (58) *Structure* means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled Buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (59) *Subdivision* has the meaning given in Wis. Stats. § 236.02(12).
- (60) *Substantial Damage* means damage of any origin sustained by a Structure, whereby the cost of restoring the Structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the Structure before the damage occurred.
- (61) *Unnecessary Hardship* is where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the article.
- (62) *Variance* means an authorization by the County Board of Appeals for the construction or maintenance of a Building or Structure in a manner which is inconsistent with dimensional standards (not uses) contained in this article.
- (63) *Violation* means the failure of a Structure or other Development to be fully compliant with this article. A Structure or other Development without required permits, lowest floor elevation documentation, Floodproofing certificates or required Floodway Encroachment calculations is presumed to be in Violation until such time as that documentation is provided.
- (64) *Watershed* means the entire region contributing runoff or surface water to a watercourse or body of water.
- (65) *Water Surface Profile* means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain Flood flow. A Water Surface Profile of the Regional Flood is used in regulating Floodplain areas.
- (66) *Well* means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Ord. of 1-16-2020, § 10.0)

Sec. 12-2-2. Title.

This article shall be known as the "Floodplain Zoning Ordinance for Sawyer County, Wisconsin."

(Ord. of 1-16-2020, § 1.4)

Sec. 12-2-3. Statutory authorization.

This article is adopted pursuant to the authorization in Wis. Stats. §§ 59.69, 59.692, and 59.694 for counties; and the requirements in Wis. Stats. § 87.30.

(Ord. of 1-16-2020, § 1.1)

Sec. 12-2-4. Finding of fact.

Uncontrolled Development and use of the Floodplains and rivers of this Municipality would impair the public health, safety, convenience, general welfare and tax base.

(Ord. of 1-16-2020, § 1.2)

Sec. 12-2-5. Statement of purpose.

This article is intended to regulate Floodplain Development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for Flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the Floodplain;
- (6) Minimize the occurrence of future Flood blight areas in the Floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in Flood heights that could increase Flood damage and result in conflicts between property owners; and
- (9) Discourage Development in a Floodplain if there is any practicable alternative to locate the activity, use or Structure outside of the Floodplain.

(Ord. of 1-16-2020, § 1.3)

Sec. 12-2-6. General provisions.

(a) *Areas to be regulated.* This article regulates all areas that would be covered by the Regional Flood or Base Flood.

Note: Base Flood elevations are derived from the Flood Profiles in the Flood Insurance Study. Regional Flood elevations may be derived from other studies. Areas covered by the Base Flood are identified as A Zones on the Flood Insurance Rate Map.

(b) *Official maps and revisions.*

- (1) The boundaries of all Floodplain districts are designated as Floodplains or A Zones on the maps listed below and the revisions in the Sawyer County Floodplain Appendix. Any change to the Base Flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to Regional Flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the County Zoning Administrator. If more than one map or revision is referenced, the most restrictive information shall apply.
- (2) Official maps.
 - a. Flood Insurance Rate Map (FIRM), panel numbers 550591 0025 - 0375, dated September 14, 1990; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated September 14,

1990.

- b. Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed Development.

1. Moose Lake Dam Failure Analysis, prepared by Aryre Associates on May 31, 2019; WDNR Field File Number 57.03. The Dam Failure map dated April 16, 2019 and titled "Hydraulic Shadow (Sheet 1 and 2)," Dam Failure profiles dated April 12, 2019 and titled "Plan: 2014 100 Yr 48 Hr Dam Fails," and floodway data table dated April 16, 2019 and titled "Hydraulic Shadow Floodway Data." Approved by Department of Natural Resources: June 5, 2019 should be used. Located in ZA's Office.

Sawyer County Zoning Committee Public Hearing: December 20, 2019

Adopted by Sawyer County Board of Supervisors: January 16, 2020

2. Upper Brunet Dam Failure Analysis, prepared by Carthel Engineering Company, Inc., dated May 2001; WDNR Field File Number 57.32. The Dam Failure map dated May 13, 2001 and titled "Regional Floodplain Map Below Upper Brunet Dam Assuming Dam Failure," Dam Failure profiles dated May 2001 and titled "Profile of Crests and Times for Upper Brunet Dam," and floodway data table dated May, 2001 and titled "Regional Flood Profiles Downstream of Upper Brunet Dam." Approved by Department of Natural Resources: January 30, 2002 should be used. Located in the ZA's Office.

Sawyer County Zoning Committee Public Hearing: December 20, 2019

Adopted by Sawyer County Board of Supervisors: January 16, 2020

3. Totagatic Dam Failure Analysis and Hazard Assessment, prepared by SEH dated September 2010; WDNR Field File Number 57.28. The Dam Failure map dated September 1, 2010 and titled "Figure 4 Dam Failure Flood Shadow," Dam Failure profiles dated September 1, 2010 and titled "Appendix E-Flood Profile," and floodway data table dated September 1, 2010 and included on Dam Failure map titled "Figure 4 Dam Failure Flood Shadow." Approved by Department of Natural Resources: November 9, 2010 should be used. Located in the ZA's Office.

Sawyer County Zoning Committee Public Hearing: December 20, 2019

Adopted by Sawyer County Board of Supervisors: January 16, 2020

- c. Floodplain Study Appendix: All DNR- and FEMA-approved Floodplain maps, Flood Profiles, Floodway data tables, regional or Base Flood elevations and other information are located in Division 9 of this article. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.

(c) *Establishment of districts.* The Regional Floodplain areas are divided into three districts as follows:

- (1) The Floodway District (FW) is the Channel of a river or stream and those portions of the Floodplain adjoining the Channel required to carry the Regional Flood waters.
- (2) The Floodfringe District (FF) is that portion of the Floodplain between the Regional Flood limits and the Floodway.
- (3) The General Floodplain District (GFP) is those areas that have been or may be covered by Flood water during the Regional Flood.

(d) *Locating Floodplain boundaries.* Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection (d)(1) or (2) of this section. If a significant difference exists, the map shall be amended according to Division 8 of this article. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a Land Use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-Development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the

district boundary line shall be settled according to Section 12-2-136(3) and the criteria in Subsections (d)(1) and (2) of this section.

- (1) If Flood Profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or Base Flood elevations shall govern if there are any discrepancies.
- (2) Where Flood Profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the Flood Profiles are based on established Base Flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Section 12-2-158(6).

(e) *Removal of lands from Floodplain.* Compliance with the provisions of this article shall not be grounds for removing land from the Floodplain unless it is filled at least two feet above the regional or Base Flood elevation, the fill is contiguous to land outside the Floodplain, and the map is amended pursuant to Division 8 of this article.

Note: This procedure does not remove the requirements for the mandatory purchase of Flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(f) *Compliance.* Any Development or use within the areas regulated by this article shall be in compliance with the terms of this article, and other applicable local, State, and federal regulations.

(g) *Municipalities and State agencies regulated.* Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stats. § 30.2022 applies.

(h) *Abrogation and greater restrictions.*

- (1) This article supersedes all the provisions of any Municipal zoning ordinance enacted under Wis. Stats. § 59.69, 59.692 or 59.694 for counties; Wis. Stats. § 62.23 for cities; Wis. Stats. § 61.35 for villages; or Wis. Stats. § 87.30, which relate to Floodplains. If another ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this article imposes greater restrictions, the provisions of this article shall prevail.

(i) *Interpretation.* In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article, required by Wis. Admin. Code Ch. NR 116 is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of the ordinance from which this article is derived or in effect on the date of the most recent text amendment to this article.

(j) *Warning and disclaimer of liability.* The Flood protection standards in this article are based on engineering experience and scientific research. Larger Floods may occur or the Flood height may be increased by manmade or natural causes. This article does not imply or guarantee that non-Floodplain areas or permitted Floodplain uses will be free from Flooding and Flood damages. Nor does this article create liability on the part of, or a cause of action against, the Municipality or any officer or employee thereof for any Flood damage that may result from reliance on this article.

(k) *General Development standards.* The community shall review all permit applications to determine whether proposed Building sites will be Reasonably Safe from Flooding. If a proposed Building site is in a floodprone area, all New Construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to Flood damage; be constructed by methods and practices that minimize Flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding. Subdivisions shall be reviewed for compliance

with the above standards. All Subdivision proposals (including Manufactured Home parks) shall include Regional Flood elevation and Floodway data for any Development that meets the Subdivision definition of this article.

(l) *LOMAs not invalidated.* This article does not invalidate those Letters of Map Amendment (LOMA) that were previously approved and issued during the effective period of any previous County floodplain ordinance.

Note: LOMAs may be superseded as FIRMs are updated and as BFEs are established or changed.

(Ord. of 1-16-2020, § 1.5)

Secs. 12-2-7—12-2-24. Reserved.

DIVISION 2. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

Sec. 12-2-25. Hydraulic and hydrologic analyses.

(a) Except as allowed in Subsection (c) of this section, no Floodplain Development shall:

- (1) Obstruct flow, defined as Development which blocks the conveyance of Flood waters by itself or with other Development, increasing Regional Flood height; or
- (2) Increase Regional Flood height due to Floodplain storage area lost, which equals or exceeds 0.01 foot.

(b) The Zoning Administrator shall deny permits if it is determined the proposed Development will obstruct flow or increase Regional Flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of Subsection (c) of this section are met.

(c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this article, the Official Floodplain Zoning Maps, Floodway lines and Water Surface Profiles, in accordance with Division 8 of this article.

Note: This section refers to obstructions or increases in Base Flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

(Ord. of 1-16-2020, § 2.1)

Sec. 12-2-26. Watercourse alterations.

(a) No Land Use permit to alter or relocate a watercourse in a mapped Floodplain shall be issued until the local official has notified in writing all adjacent Municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary State and federal permits. The Flood carrying capacity of any altered or relocated watercourse shall be maintained.

(b) As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and Floodplain Management regulations as required.

(Ord. of 1-16-2020, § 2.2)

Sec. 12-2-27. Wis. Stats. Chs. 30, 31 Development.

Development which requires a permit from the Department, under Wis. Stats. Chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the Floodway lines, Water Surface Profiles, BFEs established in the FIS, or other data from the officially adopted FIRM, or other Floodplain zoning maps or this article are made according to Division 8 of this article.

(Ord. of 1-16-2020, § 2.4)

Sec. 12-2-28. Public or private Campgrounds applicability.

(a) This section is applicable to newly created Campgrounds and existing Campgrounds that are approved for expansion. County permits for the creation of new Campgrounds or for the expansion of existing Campgrounds shall not be issued until:

- (1) The requirements of this section are determined to not be applicable; or
- (2) If the requirements are applicable, that all requirements of this section have been met.
- (b) Public or private Campgrounds shall have a low Flood damage potential and shall meet the following provisions:

- (1) The Campground is approved by the Department of Health and Family Services.
- (2) A Land Use permit for the Campground is issued by the Zoning Administrator.
- (3) The character of the river system and the elevation of the Campground is such that a 72-hour warning of an impending Flood can be given to all Campground occupants.
- (4) There is an adequate Flood warning procedure for the Campground that offers the minimum notice required under this section to all persons in the Campground. This procedure shall include a written agreement between the Campground owner, the Municipal emergency government coordinator and the chief law enforcement official which specifies the Flood elevation at which evacuation shall occur, personnel responsible for monitoring Flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection (b)(4) of this section, to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health and Family Services and all other applicable regulations.
- (6) Only Camping Units are allowed.
- (7) The Camping Units may not occupy any site in the Campground for more than 180 consecutive days, at which time the Camping Unit must be removed from the Floodplain for a minimum of 24 hours.
- (8) All Camping Units that remain on site for more than 30 days shall be issued a limited authorization by the Campground operator, a written copy of which is kept on file at the Campground. Such authorization shall allow placement of a Camping Unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (9) The Municipality shall monitor the limited authorizations issued by the Campground operator to ensure compliance with the terms of this section.
- (10) All Camping Units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Division 3 or 4 of this article for the Floodplain district in which the Structure is located.
- (11) The Campground shall have signs clearly posted at all entrances warning of the Flood hazard and the procedures for evacuation when a Flood warning is issued.
- (12) All service facilities, including, but not limited to, refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and Wells, shall be properly anchored and placed at or Floodproofed to the Flood Protection Elevation.

(Ord. of 1-16-2020, § 2.4)

Secs. 12-2-29—12-2-46. Reserved.

DIVISION 3. FLOODWAY DISTRICT (FW)

Sec. 12-2-47. Applicability.

This division applies to all Floodway areas on the Floodplain zoning maps and those identified pursuant to Section 12-2-93.

(Ord. of 1-16-2020, § 3.1)

Sec. 12-2-48. Permitted uses.

The following Open Space Uses are allowed in the Floodway District and the Floodway areas of the General Floodplain District, if they are not prohibited by any other ordinance; they meet the standards in Sections 12-2-49 and 12-2-50; and all permits or certificates have been issued according to Section 12-2-134:

- (1) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Section 12-2-49(d).
- (4) Uses or Structures accessory to Open Space Uses, or classified as Historic Structures that comply with Sections 12-2-49 and 12-2-50.
- (5) Extraction of sand, gravel or other materials that comply with Section 12-2-49(d).
- (6) Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stats. Chs. 30 and 31.
- (7) Public Utilities, streets and bridges that comply with Section 12-2-49(c).

(Ord. of 1-16-2020, § 3.2)

Sec. 12-2-49. Standards for Developments in Floodway areas.

- (a) *General.*
 - (1) Any Development in Floodway areas shall comply with Division 2 of this article and have a low Flood damage potential.
 - (2) Applicants shall provide the following data to determine the effects of the proposal according to Section 12-2-25:
 - a. A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed Development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on Regional Flood height.
 - (3) The Zoning Administrator shall deny the permit application if the project will increase Flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection (a)(2) of this section.
- (b) *Structures.* Structures accessory to permanent Open Space Uses or functionally dependent on a waterfront location may be allowed by permit if the Structures comply with the following criteria:
 - (1) The Structure is not designed for human habitation and does not have a High Flood Damage Potential;
 - (2) It must be anchored to resist flotation, collapse, and lateral movement;
 - (3) Mechanical and utility equipment must be elevated or Floodproofed to or above the Flood Protection Elevation; and
 - (4) It must not obstruct flow of Flood waters or cause any increase in Flood levels during the occurrence of the Regional Flood.
- (c) *Public Utilities, streets and bridges.* Public Utilities, streets and bridges may be allowed by permit, if:
 - (1) Adequate Floodproofing measures are provided to the Flood Protection Elevation; and
 - (2) Construction meets the Development standards of Section 12-2-25.

- (d) *Fills or deposition of materials.* Fills or deposition of materials may be allowed by permit, if:
- (1) The requirements of Section 12-2-25 are met;
 - (2) No material is deposited in the navigable Channel unless a permit is issued by the Department pursuant to Wis. Stats. Ch. 30, and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 USC 1344 has been issued, if applicable, and the other requirements of this section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous material.

(Ord. of 1-16-2020, § 3.3)

Sec. 12-2-50. Prohibited uses.

All uses not listed as permitted uses in Section 12-2-48 are prohibited, including the following uses:

- (1) Habitable Structures, Structures with High Flood Damage Potential, or those not associated with permanent Open Space Uses;
- (2) Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to Flooding and systems associated with recreational areas and Department-approved Campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code Chs. SPF 383 and ATP 79;
- (5) Any public or private Wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code Chs. NR 811, NR 812 and SPS 383;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code § NR 110.15(3)(b);
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed Development located outside the Floodway which complies with the regulations for the Floodplain area occupied.

(Ord. of 1-16-2020, § 3.4)

Secs. 12-2-51—12-2-68. Reserved.

DIVISION 4. FLOODFRINGE DISTRICT (FF)

Sec. 12-2-69. Applicability.

This division applies to all Floodfringe areas shown on the Floodplain zoning maps and those identified pursuant to Section 12-2-93.

(Ord. of 1-16-2020, § 4.1)

Sec. 12-2-70. Permitted uses.

(a) Any Structure, Land Use, or Development is allowed in the Floodfringe District if the standards in Section 12-2-71 are met, the use is not prohibited by this article or any other ordinance or regulation and all permits or certificates specified in Section 12-2-134 have been issued.

(b) Those uses permitted in Section 12-2-48 are also permitted in the Floodfringe District.

(Ord. of 1-16-2020, § 4.2)

Sec. 12-2-71. Standards for Development in Floodfringe areas.

Section 12-2-25 shall apply in addition to the following requirements according to the use requested:

- (1) *Residential uses.* Any Habitable Structure, including a Manufactured Home, which is to be erected, constructed, reconstructed, altered, or moved into the Floodfringe area, shall meet or exceed the following standards:
 - a. The elevation of the lowest floor, excluding the Basement or Crawlway, shall be at or above the Flood Protection Elevation on fill. The fill shall be one foot or more above the Regional Flood elevation extending at least 15 feet beyond the limits of the Structure. The Department may authorize other Floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical.
 - b. The Basement or Crawlway floor may be placed at the Regional Flood elevation if it is Floodproofed to the Flood Protection Elevation. No Basement or Crawlway floor is allowed below the Regional Flood elevation.
 - c. Contiguous Dryland Access shall be provided from a Structure to land outside of the Floodplain, except as provided in Subsection (1)d of this section.
 - d. In Developments where existing street or sewer line elevations make compliance with Subsection (1)c of this section impractical, the Municipality may permit new Development and substantial improvements where access roads are at or below the Regional Flood elevation, if:
 1. The Municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the Structure(s) by wheeled vehicles during a Regional Flood event; or
 2. The Municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (2) *Accessory Structures or Uses.*
 - a. Except as provided in Subsection (2)b of this section, an Accessory Structure which is not connected to a principal Structure may be constructed with its lowest floor at or above the Regional Flood elevation.
 - b. An Accessory Structure which is not connected to the principal Structure and which is less than 600 square feet in size and valued at less than \$10,000.00 may be constructed with its lowest floor no more than two feet below the Regional Flood elevation if it is subject to Flood velocities of no more than two feet per second and it meets all of the provisions of Section 12-2-49(b)(1) through (4) and Subsection (5) of this section.
- (3) *Commercial uses.* Any commercial Structure which is erected, altered or moved into the Floodfringe area shall meet the requirements of Subsection (1) of this section. Subject to the requirements of Subsection (5) of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (4) *Manufacturing and industrial uses.* Any manufacturing or industrial Structure which is erected, altered or moved into the Floodfringe area shall be protected to the Flood Protection Elevation using fill, levees, Floodwalls, or other Floodproofing measures in Section 12-2-138. Subject to the requirements of this subsection, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (5) *Storage of materials.* Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the Flood Protection Elevation or be Floodproofed in compliance with Section 12-2-138. Adequate measures shall be taken to ensure that such materials will not enter the waterbody during Flooding.
- (6) *Public Utilities, streets and bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive Floodplain Development plans; and:

- a. When failure of Public Utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are Floodproofed in compliance with Section 12-2-138 to the Flood Protection Elevation;
 - b. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand Flood forces to the Regional Flood elevation.
- (7) *Sewage systems.* All on-site sewage disposal systems shall be Floodproofed, pursuant to Section 12-2-138, to the Flood Protection Elevation and shall meet the provisions of all local ordinances and Wis. Admin. Code Ch. SPS 383.
- (8) *Wells.* All Wells shall be Floodproofed, pursuant to Section 12-2-138, to the Flood Protection Elevation and shall meet the provisions of Wis. Admin. Code Chs. NR 811 and 812.
- (9) *Solid waste disposal sites.* Disposal of solid or hazardous waste is prohibited in Floodfringe areas.
- (10) *Deposition of materials.* Any deposited material must meet all the provisions of this article.
- (11) *Manufactured Homes.*
- a. Owners or operators of all Manufactured Home parks and Subdivisions shall provide adequate surface drainage to minimize Flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - b. In Existing Manufactured Home Parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. Have the lowest floor elevated to the Flood Protection Elevation; and
 - 2. Be anchored so they do not float, collapse or move laterally during a Flood.
 - c. Outside of Existing Manufactured Home Parks, including new Manufactured Home parks and all single units outside of existing parks, all new, replacement and substantially improved Manufactured Homes shall meet the residential Development standards for the Floodfringe in Subsection (1) of this section.
- (12) *Mobile Recreational Vehicles.* All Mobile Recreational Vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Subsection (11)b and c of this section. A Mobile Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(Ord. of 1-16-2020, § 4.3)

Secs. 12-2-72—12-2-89. Reserved.

DIVISION 5. GENERAL FLOODPLAIN DISTRICT (GFP)

Sec. 12-2-90. Applicability.

The provisions of this division shall apply to all Floodplains for which Flood Profiles are not available or where Flood Profiles are available but Floodways have not been delineated. Floodway and Floodfringe Districts shall be delineated when adequate data is available.

(Ord. of 1-16-2020, § 5.1)

Sec. 12-2-91. Permitted uses.

- (a) Pursuant to Section 12-2-93, it shall be determined whether the proposed use is located within a Floodway or Floodfringe area.
- (b) Those uses permitted in Floodway (Section 12-2-48) and Floodfringe (Section 12-2-70) areas are allowed within the General Floodplain District, according to the standards of Section 12-2-92, provided that all permits or certificates required under Section 12-2-134 have been issued.

(Ord. of 1-16-2020, § 5.2)

Sec. 12-2-92. Standards for Development in the General Floodplain District.

Division 3 of this article applies to Floodway areas and Division 4 of this article applies to Floodfringe areas. The rest of this article applies to either district.

(Ord. of 1-16-2020, § 5.3)

Sec. 12-2-93. Determining Floodway and Floodfringe limits.

Upon receiving an application for Development within the General Floodplain District, the Zoning Administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed Development with respect to the General Floodplain District limits, stream Channel, and existing Floodplain Developments, along with a legal description of the property, fill limits and elevations, Building floor elevations and Floodproofing measures.
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon Flood height and Flood flows, Regional Flood elevation and to determine Floodway boundaries:
 - a. A typical valley cross section showing the stream Channel, the Floodplain adjoining each side of the channel, the cross sectional area to be occupied by the proposed Development, and all historic high water information;
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent Structure, fill or storage elevations; size, location and layout of all proposed and existing Structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;
 - c. Profile showing the slope of the bottom of the Channel or flow line of the stream;
 - d. Specifications for Building construction and materials, Floodproofing, filling, dredging, Channel improvement, storage, water supply and sanitary facilities.
- (3) Transmit one copy of the information described in Subsections (1) and (2) of this section to the Department regional office along with a written request for technical assistance to establish Regional Flood elevations and, where applicable, Floodway data. Where the provisions of Section 12-2-134(b)(3) apply, the applicant shall provide all required information and computations to delineate Floodway boundaries and the effects of the project on Flood elevations.

(Ord. of 1-16-2020, § 5.4)

Secs. 12-2-94—12-2-111. Reserved.

DIVISION 6. NONCONFORMING USES

Sec. 12-2-112. General.

(a) *Applicability.* If these standards conform with Wis. Stats. § 59.69(10), for counties, or Wis. Stats. § 62.23(7)(h), for cities and villages, they shall apply to all modifications or additions to any Nonconforming Use or Structure and to the use of any Structure or premises which was lawful before the passage of this article or any amendment thereto.

(b) *Continuation of existing lawful use.* The existing lawful use of a Structure or its accessory use which is not in conformity with the provisions of this article may continue subject to the following conditions:

- (1) a. No modifications or additions to a Nonconforming Use or Structure shall be permitted unless they comply with this article. The terms "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, Structure or Accessory Structure or Use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors,

windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to Public Utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged Structure.

- b. The construction of a Deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal Structure is not an extension, modification or addition. The roof of the Structure may extend over a portion of the Deck in order to provide safe ingress and egress to the principal Structure.
- (2) If a Nonconforming Use or the use of a Nonconforming Structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any Structure or Building thereon, shall conform to the applicable requirements of this article.
 - (3) The Municipality, when dealing with issues related to Nonconforming Uses and Structures located with a Floodplain, shall keep a record of those uses and Structures which lists all Nonconforming Uses and Nonconforming Structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the Structure's total current value those modifications represent.
 - (4) No modification or addition to any Nonconforming Structure or any Structure with a Nonconforming Use, which over the life of the Structure would exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire Structure is permanently changed to a conforming Structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 12-2-71(1). The costs of elevating a nonconforming Building or a Building with a Nonconforming Use to the Flood Protection Elevation are excluded from the 50 percent provisions of this subsection.
 - (5)
 - a. Except as provided in Subsection (b)(5)b of this section, if any Nonconforming Structure or any Structure with a Nonconforming Use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the Structure meet the current article requirements. A Structure is considered substantially damaged if the total cost to restore the Structure to its pre-damaged condition exceeds 50 percent of the Structure's present equalized assessed value.
 - b. For nonconforming Buildings that are damaged or destroyed by a non-Flood disaster, the repair or reconstruction of any such nonconforming Building may be permitted in order to restore it after the non-Flood disaster, provided that the nonconforming Building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR part 60), or the regulations promulgated thereunder.
 - (6) A nonconforming Historic Structure may be altered if the alteration will not preclude the Structure's continued designation as a Historic Structure, the alteration will comply with Section 12-2-49(a), Flood-resistant materials are used, and construction practices and Floodproofing methods that comply with Section 12-2-138 are used.

(Ord. of 1-16-2020, § 6.1)

Sec. 12-2-113. Floodway areas.

- (a) No modification or addition shall be allowed to any Nonconforming Structure or any Structure with a Nonconforming Use in a Floodway area, unless such modification or addition:
 - (1) Has been granted a permit or Variance which meets all article requirements;
 - (2) Meets the requirements of Section 12-2-112;
 - (3) Will not increase the obstruction to Flood flows or Regional Flood height;
 - (4) Any addition to the existing Structure shall be Floodproofed, pursuant to Section 12-2-138, by means other than the use of fill, to the Flood Protection Elevation;
 - (5) If any part of the foundation below the Flood Protection Elevation is enclosed, the following standards shall apply:

- a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of Flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
- b. The parts of the foundation located below the Flood Protection Elevation must be constructed of Flood-resistant materials;
- c. Mechanical and utility equipment must be elevated or Floodproofed to or above the Flood Protection Elevation; and
- d. The use must be limited to parking or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a Floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a Floodway area shall meet the applicable requirements of all Municipal ordinances and Wis. Admin. Code Ch. SPS 383.

(c) No new Well or modification to an existing Well used to obtain potable water shall be allowed in a Floodway area. Any replacement, repair or maintenance of an existing Well in a Floodway area shall meet the applicable requirements of all Municipal ordinances and Wis. Admin. Code Chs. NR 811 and 812.

(Ord. of 1-16-2020, § 6.2)

Sec. 12-2-114. Floodfringe areas.

(a) No modification or addition shall be allowed to any Nonconforming Structure or any Structure with a Nonconforming Use unless such modification or addition has been granted a permit or Variance by the Municipality, and the modification or addition shall be placed on fill or Floodproofed to the Flood Protection Elevation in compliance with the standards for that particular use in Section 12-2-71, except where Subsection (b) of this section is applicable.

(b) Where compliance with the provisions of Subsection (a) of this section would result in Unnecessary Hardship and only where the Structure will not be used for human habitation or be associated with a High Flood Damage Potential, the County Board of Appeals, using the procedures established in Section 12-2-136, may grant a Variance from those provisions of Subsection (a) of this section for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the Flood Protection Elevation may be permitted if:

- (1) No floor is allowed below the Regional Flood elevation for residential or commercial Structures;
- (2) Human lives are not endangered;
- (3) Public facilities, such as water or sewer, will not be installed;
- (4) Flood depths will not exceed two feet;
- (5) Flood velocities will not exceed two feet per second; and
- (6) The Structure will not be used for storage of materials as described in Section 12-2-71(5).

(c) If neither the provisions of Subsection (a) or (b) of this section can be met, one addition to an existing room in a nonconforming Building or a Building with a Nonconforming Use may be allowed in the Floodfringe, if the addition:

- (1) Meets all other regulations and will be granted by permit or Variance;
- (2) Does not exceed 60 square feet in area; and
- (3) In combination with other previous modifications or additions to the Building, does not exceed 50 percent of the present equalized assessed value of the Building.
- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private

sewage disposal system shall meet all the applicable provisions of all local ordinances and Wis. Admin. Code Ch. SPS 383.

(e) All new Wells, or addition to, replacement, repair or maintenance of a Well shall meet the applicable provisions of this article and Wis. Admin. Code Chs. NR 811 and 812.

(Ord. of 1-16-2020, § 6.3)

Secs. 12-2-115—12-2-132. Reserved.

DIVISION 7. ADMINISTRATION

Sec. 12-2-133. Generally.

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stats. § 59.69, 59.692 or 62.23(7), these officials shall also administer this article.

(Ord. of 1-16-2020, § 7.0)

Sec. 12-2-134. Zoning administrator.

(a) *Duties and powers.* The Zoning Administrator is authorized to administer this article and shall have the following duties and powers:

- (1) Advise applicants of the article provisions, assist in preparing permit applications and appeals, and ensure that the Regional Flood elevation for the proposed Development is shown on all permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this article, and issue certificates of compliance where appropriate.
- (3) Inspect all damaged Floodplain Structures and perform a Substantial Damage assessment to determine if Substantial Damage to the Structures has occurred.
- (4) Keep records of all official actions, such as:
 - a. All permits issued, inspections made, and work approved.
 - b. Documentation of certified lowest floor and Regional Flood elevations for Floodplain Development.
 - c. Records of Water Surface Profiles, Floodplain zoning maps and ordinances, Nonconforming Uses and Structures including changes, appeals, Variances and amendments.
 - d. All Substantial Damage assessment reports for Floodplain Structures.
- (5) Submit copies of the following items to the Department regional office:
 - a. Within ten days of the decision, a copy of any decisions on Variances, appeals for map or text interpretations, and map or text amendments.
 - b. Copies of any case-by-case analyses, and any other information required by the Department, including an annual summary of the number and types of Floodplain zoning actions taken.
 - c. Copies of Substantial Damage assessments performed and all related correspondence concerning the assessments.

Note: Information on conducting Substantial Damage assessments is available on the DNR website – <http://dnr.wi.gov/org/water/wm/dsfm/Flood/title.htm>
- (6) Investigate, prepare reports, and report Violations of this article to the County Zoning Committee and Corporation Counsel for prosecution. Copies of the reports shall also be sent to the Department regional office.
- (7) Submit copies of text and map amendments and biennial reports to the FEMA regional office.

(b) *Land Use permit.* A Land Use permit shall be obtained before any new Development or any structural repair or change in the use of a Building or Structure, including sewer and water facilities, may be initiated.

Application to the Zoning Administrator shall include:

- (1) *General information.*
 - a. Name and address of the applicant, property owner and contractor;
 - b. Legal description, proposed use, and whether it is New Construction or a modification.
- (2) *Site Development plan.* A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - a. Location, dimensions, area and elevation of the lot;
 - b. Location of the Ordinary High-Water Mark of any abutting navigable waterways;
 - c. Location of any Structures with distances measured from the lot lines and street centerlines;
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - e. Location and elevation of existing or future access roads;
 - f. Location of Floodplain and Floodway limits as determined from the Official Floodplain Zoning Maps;
 - g. The elevation of the lowest floor of proposed Buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - h. Data sufficient to determine the Regional Flood elevation in NGVD or NAVD at the location of the Development and to determine whether or not the requirements of Division 3 or 4 of this article are met; and
 - i. Data to determine if the proposed Development will cause an Obstruction to Flow or an Increase in Regional Flood Height or discharge according to Section 12-2-25. This may include any of the information noted in Section 12-2-49(a).
- (3) *Data requirements to analyze Developments.*
 - a. The applicant shall provide all survey data and computations required to show the effects of the project on Flood heights, velocities and Floodplain storage, for all Subdivision proposals, as the term "Subdivision" is defined in Wis. Stats. Ch. 236, and other proposed Developments exceeding five acres in area or where the estimated cost exceeds \$125,000.00. The applicant shall provide:
 1. An analysis of the effect of the Development on the Regional Flood Profile, velocity of flow and Floodplain storage capacity;
 2. A map showing location and details of vehicular access to lands outside the Floodplain; and
 3. A surface drainage plan showing how Flood damage will be minimized.
 - b. The estimated cost of the proposal shall include all structural Development, landscaping, access and road Development, utilities, and other pertinent items, but need not include land costs.
- (4) *Expiration.* All permits issued under the authority of this article shall expire 12 months after issuance.
- (c) *Certificate of Compliance.* No land shall be occupied or used, and no Building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a Certificate of Compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
 - (1) The Certificate of Compliance shall show that the Building or premises or part thereof, and the proposed use, conform to the provisions of this article;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the Certificate of Compliance shall be issued within ten days after written notification that the permitted work is completed;

- (4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and Floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that Floodproofing measures meet the requirements of Section 12-2-138.

(d) *Other permits.* The applicant must secure all necessary permits from federal, State, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 USC 1344.

(Ord. of 1-16-2020, § 7.1)

Sec. 12-2-135. County Zoning Committee.

- (a) The County Zoning Committee shall:
- (1) Oversee the functions of the office of the Zoning Administrator; and
 - (2) Review and advise the governing body on all proposed amendments to this article, maps and text.
- (b) The County Zoning Committee shall not:
- (1) Grant Variances to the terms of the article in place of action by the County Board of Appeals; or
 - (2) Amend the text or zoning maps in place of official action by the governing body.

(Ord. of 1-16-2020, § 7.2)

Sec. 12-2-136. County Board of Appeals.

The County Board of Appeals is hereby authorized to act for the purposes of this article. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the Secretary of the Board.

- (1) *Powers and duties.* The County Board of Appeals shall:
- a. *Appeals.* Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this article.
 - b. *Boundary disputes.* Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map.
 - c. *Variances.* Hear and decide, upon appeal, Variances from the article standards.
- (2) *Appeals to the Board.*
- a. *Filing of appeal.* Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the Municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
 - b. *Notice and hearing for appeals including Variances.*
 1. *Notice.* The Board shall:
 - (i) Fix a reasonable time for the hearing;
 - (ii) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - (iii) Ensure that notice shall be mailed to the parties in interest and the Department regional office at least ten days in advance of the hearing.
 2. *Hearing.* Any party may appear in person or by agent. The Board shall:
 - (i) Resolve boundary disputes according to Section 12-2-136(3).

- (ii) Decide Variance applications according to Section 12-2-136(4).
 - (iii) Decide appeals of permit denials according to Section 12-2-137.
- c. *Decision.* The final decision regarding the appeal or Variance application shall:
 - 1. Be made within a reasonable time;
 - 2. Be sent to the Department regional office within ten days of the decision;
 - 3. Be a written determination signed by the Chairperson or Secretary of the Board;
 - 4. State the specific facts which are the basis for the Board's decision;
 - 5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the Variance application;
 - 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a Variance, clearly stated in the recorded minutes of the Board proceedings.
- (3) *Boundary disputes.* The following procedure shall be used by the Board in hearing disputes concerning Floodplain district boundaries:
 - a. If a Floodplain district boundary is established by approximate or detailed Floodplain studies, the Flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
 - c. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Division 8 of this article.
- (4) *Variance.*
 - a. The Board may, upon appeal, grant a Variance from the standards of this article if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the article provisions will cause Unnecessary Hardship;
 - 2. The hardship is due to adoption of the Floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The Variance is not contrary to the public interest; and
 - 4. The Variance is consistent with the purpose of this article in Section 12-2-5.
 - b. In addition to the criteria in Subsection (4)a of this section, to qualify for a Variance under FEMA regulations, the following criteria must be met:
 - 1. The Variance may not cause any increase in the Regional Flood elevation;
 - 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing Structures constructed below the RFE;
 - 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the article.
 - c. A Variance shall not:
 - 1. Grant, extend or increase any use prohibited in the zoning district.
 - 2. Be granted for a hardship based solely on an economic gain or loss.

3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area.
 5. Allow actions without the amendments to this article or map(s) required in Section 12-2-158.
 6. Allow any alteration of an Historic Structure, including its use, which would preclude its continued designation as an Historic Structure.
- d. When a Floodplain Variance is granted the Board shall notify the applicant in writing that it may increase Flood insurance premiums and risks to life and property. A copy shall be maintained with the Variance record.

(Ord. of 1-16-2020, § 7.3)

Sec. 12-2-137. To review appeals of permit denials.

- (a) The Board shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in Section 12-2-134(b).
 - (2) Floodway/Floodfringe determination data in Section 12-2-93.
 - (3) Data listed in Section 12-2-49(a)(2) where the applicant has not submitted this information to the Zoning Administrator.
 - (4) Other data submitted with the application, or submitted to the Board with the appeal.
- (b) For appeals of all denied permits the Board shall:
 - (1) Follow the procedures of Section 12-2-136;
 - (2) Consider County Zoning Committee recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in Regional Flood elevation the Board shall:
 - (1) Uphold the denial where the Board agrees with the data showing an increase in Flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the Flood Profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(Ord. of 1-16-2020, § 7.4)

Sec. 12-2-138. Floodproofing.

- (a) No permit or Variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the Floodproofing measures will protect the Structure or Development to the Flood Protection Elevation.
- (b) Floodproofing measures shall be designed to:
 - (1) Withstand Flood pressures, depths, velocities, uplift and impact forces and other Regional Flood factors;
 - (2) Protect Structures to the Flood Protection Elevation;
 - (3) Anchor Structures to foundations to resist flotation and lateral movement; and
 - (4) Ensure that structural walls and floors are watertight to the Flood Protection Elevation, and the interior remains completely dry during Flooding without human intervention.
- (c) Floodproofing measures could include:
 - (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure.
 - (2) Adding mass or weight to prevent flotation.
 - (3) Placing essential utilities above the Flood Protection Elevation.

- (4) Installing surface or subsurface drainage systems to relieve foundation wall and Basement floor pressures.
- (5) Constructing water supply Wells and waste treatment systems to prevent the entry of Flood waters.
- (6) Putting cutoff valves on sewer lines or eliminating gravity flow Basement drains.

(Ord. of 1-16-2020, § 7.5)

Sec. 12-2-139. Public information.

- (a) Marks shall be placed on Structures to show the depth of inundation during the Regional Flood.
- (b) All maps, engineering data and regulations shall be available and widely distributed.
- (c) All real estate transfers should show what Floodplain zoning district any real property is in.

(Ord. of 1-16-2020, § 7.6)

Secs. 12-2-140—12-2-157. Reserved.

DIVISION 8. AMENDMENTS

Sec. 12-2-158. General.

The governing body may change or supplement the Floodplain zoning district boundaries and this article in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the Official Floodplain Zoning Map, including the Floodway line or boundary of any Floodplain area.
- (2) Correction of discrepancies between the Water Surface Profiles and Floodplain zoning maps.
- (3) Any fill in the Floodplain which raises the elevation of the filled area to a height at or above the Flood Protection Elevation and is contiguous to land lying outside the Floodplain.
- (4) Any fill or Floodplain Encroachment that obstructs flow, increasing Regional Flood height 0.01 foot or more.
- (5) Any upgrade to a floodplain zoning ordinance text required by Wis. Admin. Code § NR 116.05 or otherwise required by law, or for changes by the Municipality.
- (6) All Channel relocations and changes to the maps to alter Floodway lines or to remove an area from the Floodway or the Floodfringe that is based on a Base Flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

(Ord. of 1-16-2020, § 8.1)

Sec. 12-2-159. Procedures.

Ordinance amendments may be made upon petition of any interested party according to the provisions of Wis. Stats. § 59.69. Such petitions shall include all necessary data required by Sections 12-2-93 and 12-2-134(b).

- (1) The proposed amendment shall be referred to the County Zoning Committee for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stats. § 59.69.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow, increasing Regional Flood height 0.01 foot or more, shall obtain Flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- (4) For amendments in areas with no Water Surface Profiles, the County Zoning Committee shall consider

data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information. (See Section 12-2-6(d).)

(Ord. of 1-16-2020, § 8.2)

Sec. 12-2-160. Enforcement and penalties.

Any Violation of the provisions of this article by any person shall be unlawful and shall be referred to the Municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Municipality a penalty of not less than \$100.00 nor more than \$1,000.00, together with a taxable cost of such action. Each day of continued Violation shall constitute a separate offense. Every Violation of this article is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Municipality, the State, or any citizen thereof pursuant to Wis. Stats. § 87.30.

(Ord. of 1-16-2020, § 9.0)

Secs. 12-2-161—12-2-178. Reserved.

DIVISION 9. APPENDIX

Sec. 12-2-179. Sawyer County Floodplain Study Appendix.

(Reference Section 1.5(2)(c))

1. Ghost Lake Dam Breach Hydraulic Shadow Map, Dam Break Flood Profiles and Failure Analysis Floodway Table. Prepared by Ayres Associates and dated December 1994.

Location: Deputy's office

Approved by: Department of Natural Resources

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 1)

2. Day Lake Hydraulic Shadow for 100 Year Flood with Dam Failure Map, profile and Floodway Data Table. Prepared by U.S.D.A. Forest Service and dated December 20, 1996.

Location: Rear of RFE file drawer

Approved by: Department of Natural Resources

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 2)

3. Price Dam Hydraulic Shadow Map with Dam Failure Map, Flood Profiles and Failure Analysis Floodway Table. Prepared by Level One, Inc., Consulting engineers. Dated July 1998.

Location: Deputy's office

Approved by: Department of Natural Resources

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 3)

4. The Regional flood Elevation for Blueberry Lake and the tributary of Pipestone Creek dated September 28, 1999.

Location: Panel 0225B

Approved by: Department of Natural Resources – October 5, 1999

Blueberry Lake RFE: 1317.38' NGVD-29

Tributary of Pipestone Creek RFE: 1317.24' NGVD-29

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 4)

5. The Regional Flood Elevation for Lake Winter dated October 8, 1999 prepared by Northern Wisconsin-

Based Engineers, Inc.

Location: Panel 0250B

Approved by: Department of Natural Resources – October 13, 1999

Lake Winter RFE: 1320.65' MSL

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 5)

6. The Regional Flood Elevation for the Chippewa Flowage.

Location: Panel 0125B

Approved by: Department of Natural Resources - March 2, 2000

Chippewa Flowage RFE: 1313.7' NGVD-29

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 6)

7. The Regional Flood Elevation for Lost Land Lake and Teal Lake dated April 28, 2000 prepared by Cooper Engineering Co., Inc.

Location: Panel 0050B

Approved by: Department of Natural Resources - May 22, 2000

Lost Land Lake and Teal Lake RFE: 1387.93' NGVD-29

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 7)

8. The Regional Flood Elevation for Chippewa Pines (East Fork of the Chippewa River) prepared by Cooper Engineering Company, Inc.

Location: Panel 0150B

Approved by: Department of Natural Resources - June 19, 2000

East Fork of the Chippewa River RFE: See attached table

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 8)

9. The Regional Flood Elevation for the Chippewa River (Taylor Investment Corp. – S 25, T 37N, R 7W) prepared by Carthel Engineering, LLC.

Location: Panel 0305B

Approved by: Department of Natural Resources – February 11, 2002

Chippewa River RFE: See attached table

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 9)

10. The Regional Flood Elevation for the Chippewa River (Mike Conner property – S 10, T 37N, R 7W) prepared by Cooper Engineering.

Location: Panel 0305B

Approved by: Department of Natural Resources – August 22, 2002

Chippewa River RFE: 1187.57' – 1176.64' NAVD-88

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 10)

11. The Regional Flood Elevation for the Chippewa River (Kirby Howell property – S 2, T 38N, R 6W) prepared by Carthel Engineering, LLC.

Location: Panel 0225B

Approved by: Department of Natural Resources – December 11, 2003

Chippewa River RFE: 12534.98' – 1255.26' NAVD 88

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 11)

12. The Regional Flood Elevations for Little Sissabagama Lake, Mud lake and Sissabagama Lake prepared by Carthel Engineering LLC.

Location: Panel 0200B

Approved by: Department of Natural Resources – July 26, 2004

Little Sissabagama Lake RFE: 1336.12' NGVD-29

Mud Lake RFE: 1322.41' NGVD-29

Sissabagama Lake RFE: 1321.37' NGVD-29

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 12)

13. The Regional Flood Elevation for the Chippewa River (Richard Brown property – S 2, T 38N, R 6W) prepared by Carthel Engineering, LLC.

Location: Panel 0225B

Approved by: Department of Natural Resources – July 29, 2004

Chippewa River RFE: 1254.83' – 1256.15' NAVD 88

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 13)

14. The Regional Flood Elevations for the Couderay River (S 17, T 38N, R 7W) prepared by Carthel Engineering, LLC.

Location: Panel 0215B

Approved by: Department of Natural Resources – September 2, 2004

Couderay River RFE: 1236.14' – 1239.40' NAVD-88

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 14)

15. The Regional Flood Elevation for Crazy Horse Lake and Creek (S4, T 38N, R 6W) prepared by Northern Environmental Technologies, Inc.

Location: Panel 0225B

Approved by: Department of Natural Resources – January 4, 2007

Crazy Horse Lake RFE: 1267.8' NAVD-88

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 15)

16. (NOTE: Superseded by 17. below.) The Regional Flood Elevations for Round Lake, Little Round Lake, Osprey Lake, Sand Lake, Upper Holly Lake, Whitefish Lake, Grindstone Lake, Little Grindstone Lake, Lac Courte Oreilles, Little Lac Courte Oreilles and Billy Boy Flowage dated May 7, 2007. Prepared by Short Elliott Hendrickson, Inc.

Approved by: Department of Natural Resources – May 7, 2007. See DNR letter of retraction dated May 11, 2007 for Whitefish Lake, Grindstone Lake, Little Grindstone Lake, Lac Courte Oreilles, Little Lac Courte Oreilles and Billy Boy Flowage

Location: Panel 0100B

Round Lake RFE: 1346.98 NAVD-88

Little Round Lake RFE: 1346.97 NAVD-88

Osprey Lake RFE: 1346.53 NAVD-88

Location: Panel 0200B

Sand Lake RFE: 1303.76 NAVD-88

Upper Holly Lake RFE: 1302.92 NAVD-88

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 16)

17. The Regional Flood Elevations for Round Lake, Little Round Lake, Osprey Lake, Sand Lake, Upper Holly Lake, Whitefish Lake, Grindstone Lake, Little Grindstone Lake, Lac Courte Oreilles, Little Lac Courte Oreilles and Billy Boy Flowage dated March 12, 2009. Prepared by Short Elliott Hendrickson, Inc.

Approved by Department of Natural Resources – March 12, 2009

Zoning Committee Public Hearing: May 1, 2009

Location: Panel 0100B

Grindstone Lake RFE: 1289.51 NGVD-29

Lac Courte Oreilles RFE: 1289.27 NGVD-29

Little Grindstone Lake: 1289.35 NGVD-29

Little Round Lake RFE: 1346.97 NAVD-88

Round Lake RFE: 1346.98 NAVD-88

Location: Panel 0125B

Osprey Lake RFE: 1346.50 NAVD-88

Location: Panel 0200B

Billy Boy Flowage RFE: 1289.27 NGVD-29

Little Lac Courte Oreilles RFE: 1289.27 NGVD-29

Sand Lake RFE: 1303.76 NAVD-88

Upper Holly Lake RFE: 1302.91 NAVD-88

Whitefish Lake RFE: 1290.61 NGVD-29

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 17)

18. Billy Boy Dam Hydraulic Shadow Map with Dam Failure, Dam Failure Analysis and Hazard Assessment. Prepared by Short Elliott Hendrickson Inc. (SEH) dated December 2006

Approved by: Department of Natural Resources: March 12, 2009

Sawyer Co. Zoning Committee Public Hearing: July 20, 2012

Adopted by Sawyer County Board of Supervisors: August 16, 2012

(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 18)

19. Tiger Cat Dam Hydraulic Shadow Map with Dam Failure, dam failure analysis, hydrologic and hydraulic analyses, floodway data and regional flood elevation, prepared by Vierbicher Associates Inc. dated August 10, 2010.

Approved by Department of Natural Resources: October 27, 2010

Sawyer Co. Zoning Committee Public Hearing: June 19, 2015

Adopted by Sawyer County Board of Supervisors: July 15, 2015
(Ord. of 6-xx-2009; Ord. of 8-16-2012; Ord. of 12-20-2012; Ord. of 7-15-2015; Ord. of 1-16-2020; Ord. of 1-16-2020, app. § 19)

PROOFS

RESERVED

PROOFS

Chapter 14
HEALTH AND SANITATION
ARTICLE I. IN GENERAL

ARTICLE II. PUBLIC HUMAN HEALTH HAZARDS

Sec. 14-2-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Days* means calendar days.
- (2) *Dwelling* means a building designed or used exclusively as the living quarters for one or more families, including manufactured homes which meet the dimensional requirements as originally designed.
- (3) *Fireworks* means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use as defined in Wis. Stats. § 167.10.
- (4) *Groundwater* means all water found beneath the surface of the County located in sand, gravel, and lime rock or sandstone geological formations or any combinations of these formations.
- (5) *Health Officer* qualifications defined in Wis. Stats. § 251.06, enforces state public health statutes and rules at the local level.
- (6) *Health Officer Designee* subordinate personnel appointed by the Health Officer to investigate and supervise the sanitary conditions within the jurisdiction of the Health Department.
- (7) *Human Health Hazard* means a substance, activity or condition that is known to cause acute or chronic illness or death if exposed to the substance, activity or condition is not abated.
- (8) *Incorporated Municipalities* means any city within the County.
- (9) *Pollution* means the contamination or rendering unclean or impure of the air, land or waters of the County making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, birds, animals, or plant life.
- (10) *State* means the State of Wisconsin.
- (11) *Toxic and Hazardous Waste Materials* means any chemical and/or biological material that has the potential to create a public health hazard.
- (12) *Unfit for Human Habitation, Occupancy, or Use* refers to a dwelling which because of condition or situation is dilapidated or out of repair or otherwise contains Human Health Hazard(s) which render it dangerous, unsafe, or unsanitary to engage in activities, including, but not limited to, cooking, eating, sleeping, and/or includes lacking potable water or a properly functioning septic system, or an adequate and functioning heating system until necessary repairs have been made.

(Ord. of 12-21-2017, § 1.02)

Sec. 14-2-2. Authority.

This article is adopted pursuant to the authority granted by Wis. Stats. Chs. 251 and 254 and shall be administered by the County Department of Health and Human Services.

(Ord. of 12-21-2017, ch. 1, intro. ¶1)

Sec. 14-2-3. Purpose and intent.

The purpose of this article shall be to protect the public's health, safety, and welfare, due to a person's actions constituting a violation of the conditions of this article. The intent is also to protect the environment for the people of the County and to:

- (1) Prevent communicable disease.

- (2) Prevent the continuance of Human Health Hazards.
- (3) Ensure that County and State air quality standards are complied with.
- (4) Ensure that insects and animals do not create a Human Health Hazard.
- (5) Ensure that surface water and groundwater meet County and State standards and regulations.
- (6) Ensure that solid waste is handled, stored and disposed of according to County and State standards and regulations.
- (7) Ensure that citizens are protected from hazardous, unhealthy or unsafe substances.
- (8) Provide for the administration and enforcement of this article and to provide penalties for its violation.

(Ord. of 12-21-2017, ch. 1, intro. ¶2)

Sec. 14-2-4. Public Human Health Hazards prohibited.

No person shall erect, construe, cause, continue or maintain, or permit any Human Health Hazard within the County. Any person who shall cause, create or maintain a Human Health Hazard or who shall, in any way, aide or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this article, and shall be liable for all costs and expenses attendant upon the removal and correction of such hazard to the penalty provided in Section 14-2-7.

(Ord. of 12-21-2017, § 1.01)

Sec. 14-2-5. Public Human Health Hazards designated.

(a) It shall be the responsibility of the property owner to maintain such owner's property in a hazard free manner and also to be responsible for the abatement and/or correction of any Human Health Hazard that has been determined to exist on their property.

(b) The following acts, omissions, places, conditions and things are specifically declared to be public health hazards; but such enumeration shall not be construed to exclude other public health hazards coming within the definition of Section 14-2-1:

- (1) *Adulterated food.* All decayed or adulterated food or drink sold or offered for sale to the public.
- (2) *Unburied carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner after death.
- (3) *Household pet waste.* Accumulations of the bodily waste from all household domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard.
- (4) *Breeding places for vermin, etc.* Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed.
- (5) *Groundwater Pollution.* Addition of any chemical and/or biological substance that would cause Groundwater to be unpalatable or unfit for human consumption. These substances include, but are not limited to, the chemical and/or biological substance listed in Wis. Admin. Code Ch. NR 140.
- (6) *Water Pollution.* The Pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (7) *Noxious odors, etc.* Any use of property, substances or things within the County emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the County.

Note: The Right to Farm Law (Wis. Stats. § 823.08) provides farmers with protection of nuisance lawsuits as long as the farmer follows good production practices and the agricultural use and/or practices are not a threat to public health or safety.

- (8) *Toxic and hazardous materials.* Any chemical and/or biological material that is stored, used, or disposed

of in such quantity or manner that is, or has the potential to create, a health hazard.

- (9) *Street Pollution.* Any use of property which causes any noxious liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the County.
- (10) *Air Pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the County in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the County.
- (11) *Inoperable appliances and small engine equipment.* The outdoor storage of disassembled, inoperable appliances or small engine equipment allowed to remain in the open upon public or private property, within the County for a period exceeding five Days if upon public property, or for a period exceeding 30 Days if upon private property. Any business engaged in appliance or small engine sales or repair may retain such equipment in the open, on private property, for a period not to exceed one year, after which time such appliances or equipment must be enclosed by a screening or live planting.
 - a. The terms "disassembled" and "inoperable" as used in this section shall be defined as any appliance or small engine that is taken apart and cannot be successfully restored to working condition.
 - b. The term "small engine" is the general term for a wide range of small-displacement, low-powered internal combustion engines used to power lawn mowers, generators, concrete mixers and many other machines that require independent power sources.
 - c. The term "appliance" as used in this section shall be defined as any stove, washer, refrigerator, freezer, dryer, microwave, television, water heater, and furnace which is no longer operable in the manner or purpose for which it was manufactured.

(Ord. of 12-21-2017, § 1.03)

Sec. 14-2-6. Public Human Health Hazards affecting peace and safety.

The following acts, omissions, places, conditions and things are declared to be Human Health Hazards affecting peace and safety, but such enumeration shall not be construed to exclude other Human Health Hazards affecting public peace or safety coming within the definition of Section 14-2-1:

- (1) *Dangerous trees.* All trees or parts of trees that are a menace to public safety or present imminent danger.
- (2) *Wires and cables over streets.* All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (3) *Obstructions of streets; excavations.* All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same except as permitted by the ordinances of the County or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or do not conform to the permit.
- (4) *Fireworks.* It shall be unlawful for any person, organization, business or corporation to light or maintain any illegal Fireworks, except Fireworks for public display in compliance with State law shall be permitted after obtaining all State and local permits.
 - a. *Legal without a permit.* State law allows the sale, possession and use, without a permit, of sparklers not exceeding 36 inches in length, stationary cones and fountains, toy snakes, smoke bombs, caps, noisemakers, confetti poppers with less than one-fourth grain of explosive mixture, and novelty devices that spin or move on the ground. Wis. Stats. § 167.10(1). There is no age restriction on sale, possession or use of these devices and the statute does not classify them as Fireworks. These are the only kinds of "Fireworks," as that term is commonly used, that a person may use or possess without a permit or that may be sold to a person who does not have a permit.
 - b. *Illegal without a permit.* Possessing or using any other Fireworks, including, for example, firecrackers, Roman candles, bottle rockets and mortars, in the State without a valid permit is illegal. Wis. Stat. 167.10(3). A permit is required if the device explodes or leaves the ground. The sale of these restricted Fireworks to a resident of this State without a valid permit is also illegal. Wis. Stats. § 167.10(2).

- c. *Conditions for a valid permit.* The requirements for a valid permit are contained in Wis. Stats. § 167.10(3)(a), (c) and (f).

(5) *Designation of housing as Human Health Hazard.*

- a. Dilapidated habitable dwellings. All habitable dwellings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use. Wis. Stats. § 823.21.

Designation of Unfit Dwelling: Any habitable dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and marked as unfit with a placard by the Health Officer:

1. One which is so abandoned, damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
2. One which lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public.
3. One which, because of its condition, is the source of a confirmed case of lead poisoning or asbestosis.
4. Indoor air quality will be maintained at a comfortable level. Air contaminants will be eliminated when they are identified. Contaminants may include, but are not limited to, molds, ammonia, carbon dioxide, formaldehyde, and any other pollutant(s) causing a health hazard.

- b. Drug house. Any building or structure that is used to facilitate the delivery, distribution or manufacture of a controlled substance and any building or structure where these acts take place is a public health hazard and may be proceeded against under Wis. Stats. § 823.113(1).

Designation of Unfit Dwelling: Any habitable dwelling or dwelling unit found to have any of the following matters shall be condemned as unfit for human habitation and shall be so designated and marked as unfit with a placard by the Health Officer:

1. Residues of methamphetamine and/or other chemicals that creates a serious hazard to the health or safety of the occupants or of the public. Concentration of methamphetamine residue exceeding the recommended EPA clearance goal of 1.5 ug/100cm² will require clean up under the authority of the local Health Officer.
2. If suspected chemicals have been dumped or spilled on the ground, in a septic system, or in surface water.
3. One which lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public.
4. Indoor air quality will be maintained at a comfortable level. Air contaminants will be eliminated when they are identified. Contaminants may include, but are not limited to, molds, ammonia, carbon dioxide, formaldehyde, and any other pollutant(s) causing a health hazard.

- c. No person shall continue to occupy, rent, or lease quarters for human habitation which are declared unfit for human habitation by the Health Officer.
- d. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and marked by the Health Officer, shall be vacated within a reasonable time, as specified by the Health Officer.
- e. No dwelling or dwelling unit which has been condemned and marked as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.
- f. No person shall deface or remove the Health Officer's placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.
- g. The owner or occupant of any dwelling affected by any notice or order relating to the condemning

or placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a prompt hearing before the Health Officer.

- h. Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, the Health Officer shall give or cause to be given notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall be in writing and include a description of the real estate involved, a statement of violations and corrective actions required, and allow time for the performance of any act required. Such notice shall be served upon the owner, property or occupant, as the case may require, and may be served by ordinary mail or in the manner provided by Wis. Stats. Ch. 801.
- (6) *Loud and unnecessary noise prohibited.* The County recognizes that excessive noise degrades the environment and adversely affects the health, welfare and happiness of the inhabitants of the County, reduces the quality of life, impairs the ability to peaceably use and enjoy property, and interferes with the tranquility and privacy of the home.
- a. *Loud and unnecessary noise prohibited.*
 1. No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity therefor unless the making and continuing of such noise cannot be prevented and is necessary for the protection of the health, safety or life of some person.
 2. No person owning, occupying or having charge of any building or premises, or any part therefor, shall cause, suffer or allow any loud, excessive or unusual noise that tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.
 3. No person shall make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this subsection exist shall include, but not be limited to, the following:
 - (i) The volume of the noise;
 - (ii) The intensity of the noise;
 - (iii) Whether the nature of the noise is usual or unusual;
 - (iv) The volume and intensity of the background noise, if any;
 - (v) The proximity of the noise to residential sleeping facilities;
 - (vi) The nature and zoning of the area within which the noise emanates;
 - (vii) The time of day or night the noise occurs;
 - (viii) The duration of the noise;
 - (ix) Whether the noise is recurrent, intermittent or constant; and
 - (x) Whether noise abatement measures or methods are reasonably possible and whether they are being used or implemented
 4. Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
 5. Exceptions. The provisions of this section shall not apply to:
 - (i) Any vehicle of the County while engaged in necessary public business.

- (ii) Operations of emergency equipment shall be exempt from this article. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the County.
- (iii) Excavations or repairs of streets and roads, or other public construction by or on behalf of any municipality at night when public welfare and convenience renders it impossible to perform such work during the day, as determined by the municipality.
- (iv) The reasonable use of amplifiers or loudspeakers in the course of public addresses.
- (v) Construction noise. Construction equipment, including nonmetallic mining operations, in any zone may be operated between the hours of 6:00 a.m. and 10:00 p.m. unless hours of operation are otherwise stated in a valid conditional use permit (CUP).
- (vi) Snowblowers not operated on a commercial basis shall be exempt from this section when used to gain access to a public street.
- (vii) Operation of certain equipment. Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices, and other non-construction maintenance equipment shall be operated only between the hours of 6:00 a.m. and 10:00 p.m.
- (viii) Airplanes. Aircraft operations which are controlled specifically by federal law and enforcement shall be exempted from the provisions of this section.
- (ix) Permitted events (refer to Section 10-9-266). Permitted or special event activities applied for by a person or organization to the appropriate municipality for the purpose of conducting or hosting activities involving a gathering of people on public or private property that may impact the surrounding neighborhood (i.e. Fireworks, concerts, festivals, carnivals and fairs).
- (x) Pre-existing industry and business that have operated in substantially the same manner, so long as they do not operate at a significantly higher noise level.

b. *Stationary noise limits.*

1. *Maximum permissible sound levels.*

- (i) Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line:

	<i>Zone Noise Rating</i>	<i>Daytime Noise Rating</i>	<i>Nighttime</i>
i.	Rural/residential	95 dB(A)	85 dB(A)
ii.	Commercial	95 dB(A)	85 dB(A)
iii.	Industrial	95 dB(A)	85 dB(A)

- (ii) Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by 5 dB in any octave band to be designated excessive.
- (iii) Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection (6)b.1(i) of this section, if the subject noise consists primarily of a pure tone or if it is impulsive in character.

2. *Methods of measuring noise.*

- (i) *Equipment.* Noise measurement shall be made with a sound level meter. Noise levels shall be measured on the A-weighted scale with a sound level meter certified by the

manufacturer as satisfying the requirements for sound level meters as defined in American National Standards Institute ("ANSI") ANSI S1.4 or by the International Electric Code ("IEC") IEC 61672 with accuracy of $\pm 1\text{dB(A)}$. Prior to measurement, the meter shall be verified and calibrated according to the manufacturer's specifications.

- (ii) *Location of noise meter.* Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
- c. *Effected areas.* This section shall be effective throughout the County, including all towns and villages unless adopted by an incorporated municipality.
- d. *Incorporated municipalities.* This section shall not apply within any incorporated municipalities in the County unless the governing body of that incorporated municipality enacts an ordinance which provides that this section shall apply in that municipality and forwards a copy of such ordinance to the County Clerk.
- e. *Continuous violation of County ordinances.* Any place or premises within the County where County ordinances or State laws relating to public health, safety, peace, or welfare are openly, continuously, repeatedly and intentionally violated is hereby declared to be a human health hazard.

(Ord. of 12-21-2017, § 1.04)

Sec. 14-2-7. Abatement of public Human Health Hazards.

(a) *Enforcement.* The County Health Officer or its designee shall enforce those provisions of this article that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public health hazard unless the Health Officer has inspected or caused to be inspected the premises where the health hazard is alleged to exist and is satisfied that a health hazard does in fact exist.

- (1) *Written order.* In the event a Human Health Hazard is present, the Health Officer has the discretion to determine if corrective action is necessary. When a violation of this article is encountered the Health Officer may issue the violator a written order, served personally or by registered mail with return receipt requested. This order shall specify the following:
 - a. The nature of the violation and the steps needed to abate and/or correct it.
 - b. The time period in which the violation must be corrected and/or abated.
 - c. The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period.
- (2) *Noncompliance with order.* If a person does not comply with a written order from the Health Officer, the person may be subject to one or more of the following actions and/or penalties:
 - a. Commencement of legal action, seeking a court-imposed forfeiture and corrective remedy.
 - b. Commencement of legal action seeking an injunction to abate the violation and/or correct the damage created by the violation.
 - c. Any other action authorized by this article or by other applicable laws as deemed necessary by the Health Officer.
 - d. The initiation of one action or penalty under this section does not exempt the apparent violator from any additional actions and/or penalties listed in this section or under any other federal, State or local law.

(b) *Summary abatement.* If the inspecting officer determines that a public health hazard exists within the County and that there is great and immediate danger to the public health, safety, or peace, the municipalities shall collect as a debt from the owner, occupant or person causing, permitting or maintaining the health hazard; and if notice to abate the health hazard has been given to the owner, such cost shall be assessed against the real estate as

a special charge. Banks or financial institutions of owner, occupant, or person that holds a second interest in the parcel in question shall also be sent notice of special charge against the subject's real estate.

(c) *Court order.* Except when necessary under Subsection (b) of this section, an officer hereunder shall not use force to obtain access to private property to abate a public health hazard but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public health hazard.

(d) *Other methods not excluded.* The County Health Officer or its designee shall construe nothing in this article as prohibiting the abatement of public health hazards in accordance with State laws.

(e) *Penalties.*

- (1) Any person that maintains a Human Health Hazard in violation of this article or resists the enforcement of this article shall be subject to a forfeiture of \$250.00 for each violation.
- (2) Any person that has violated this article a second time within three years after the initial violation shall be subject to a forfeiture of \$500.00 for each subsequent violation.
- (3) Any person that has violated this article three times within three years after the initial violation shall be subject to a forfeiture of \$750.00 for each such subsequent violation.
- (4) In addition to any forfeiture, the person shall also pay court costs and the reasonable costs incurred by the County or its designee in correcting or abating the Human Health Hazard. See Table 1 below for Wisconsin's Noncriminal Forfeitures and Circuit Court Costs.
- (5) Each ten-day period for which a Human Health Hazard exists is a separate violation.

TABLE 1. NONCRIMINAL FORFEITURES

[GRAPHIC]

(Ord. of 12-21-2017, § 1.05)

ARTICLE III. AGENT STATUS FOR DEPARTMENT OF AGRICULTURE, TRADE, AND CONSUMER PROTECTION

Sec. 14-3-1. Regulating hotels, motels and tourist rooming houses, bed and breakfast establishments, vending machines, public pools and water attractions, recreational and educational camps, campgrounds, and retail food establishments.

(a) *Administration.* This section shall be administered by the County Department of Health and Human Services.

(b) *Authority.*

- (1) The County Sanitarian or the Sanitarian's duly authorized representative shall enforce the regulations of this section, and may issue orders to effect correction of violations and may issue citations pursuant to Chapter 1, Article II. All enforcement actions shall minimally be analogous to Wis. Stats. §§ 97.12, 97.65, 97.71, and 97.72.
- (2) The County Corporation Counsel/District Attorney may, in such Corporation Counsel's or District Attorney's discretion, commence legal action and may proceed pursuant to the provisions outlined in Wis. Stats. § 66.0113 or 66.0114, or pursuant to the issuance of a summons and complaint.
- (3) The County Department of Health and Human Services is an agent for the Wisconsin Department of Agriculture Trade and Consumer Protection (ATCP) under the provisions as set forth in Wis. Stats. § 97.41, respectively, with the powers as described in Wis. Stats. § 97.615. The duties under Wisconsin Statute are described in Wis. Admin. Code Ch. ATCP 74 and the written Terms of Agreement Contract.
- (4) The County adopts by reference Wis. Admin. Code Chs. ATCP 74, ATCP 72, ATCP 73, ATCP 75 and the Appendix, ATCP 76, ATCP 78, and ATCP 79, and all other State and federally referenced rules and Memorandums of Understanding.

- (5) The County recognizes and adopts the same exemptions for inspections and licensure as contained in the aforementioned Wisconsin Statutes, Wisconsin Administrative Codes and Wisconsin Department of Agriculture and Consumer Protection policies.

(c) *Severability.* Each section, paragraph, sentence, clause, word or provision of this section is severable, and if any provisions shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the section nor any part thereof other than that affected by such a decision. Any subsequent change to Wisconsin Statutes or administrative codes are incorporated by reference hereto.

(d) *Definitions.* In addition to the definitions below, all other relevant definitions shall be as set forth in Wis. Stats. Chs. 97, 251, 252, and 254 and Wis. Admin. Code Chs. ATP 72, ATP 73, ATP 74, ATP 75 and Appendix, ATP 76, ATP 78, and ATP 79, and all sections and subsequent amendments thereto are incorporated into this section by reference and shall be construed, read and interpreted as set forth therein. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Conditional License* means granting the temporary operation of an establishment. It requires a signed agreement of compliance within 30 days. An additional extension may be granted if determined by the County Sanitarian.
 - (2) *Department* means the County Department of Health and Human Services.
 - (3) *Director* means the Director of the County Department of Health and Human Services.
 - (4) *Health Officer* qualifications defined in Wis. Stats. § 251.06, enforces state public health statutes and rules at the local level.
 - (5) *Health Officer Designee* subordinate personnel appointed by the Health Officer to investigate and supervise the sanitary conditions within the jurisdiction of the Health Department.
 - (6) *License* means the granting of permission in a written/certificate form from the appropriate authority to carry on an activity. In this section, the term "license" is synonymous with "permit."
 - (7) *Person* means an individual, partnership, association, firm, company, corporation, organization, municipality, County, town or State agency, whether tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these.
 - (8) *Sanitarian* means the Sawyer County Wisconsin Registered Sanitarian and/or National Environmental Health Association Registered Environmental Health Specialist or a representative.
 - (9) *Second and subsequent follow-up inspection* means any re-inspection that becomes necessary because critical or multiple violation(s) governing that establishment continue to exist, after notification of same violation(s) and of appropriate time to correct them has been issued.
- (e) *Issuance of a license.*

- (1) *License application.* A completed License application shall be submitted to the County Department of Health and Human Services using forms approved and supplied by the Department and accompanied with the appropriate License fee and new facility/owner pre-inspection fee, if applicable. Licenses hereunder shall not be granted or issued by the Department unless and until the Sanitarian determines and certifies the premises to be licensed is in compliance with all the applicable terms and conditions of all Wisconsin Administrative Codes under contract. Conditional Licenses may be issued per policy. The application shall contain signature of all applicants and their agents to confirm that all information on the application is correct, and to acknowledge that any change in the information on the application shall be reported to the Sanitarian within 30 days of the change.
- (2) *License issuance.* The Sanitarian shall issue a License to the applicant only after receiving a completed application and compliance with the requirements of this section and upon payment to the Department of all required fees. The Department's decision to grant or withhold a License shall not exceed 30 calendar days, unless application is for a retail food establishment, in which case a decision shall not exceed 15 calendar days. The decision of withhold shall accompany written inspection or documentation of justification or cause.

- a. No License shall be granted to any person under this section without a pre-inspection by the Health Department of the premises for which the permit is requested.
 - b. No License shall be issued or renewed until all application fees, inspections fees, re-inspections fees, late fees, violation penalty forfeitures, citations for violations of this section, and all personal property and real estate taxes have been paid.
- (3) *License period.* The License period for the annual renewed Licenses issued per the DATCP contract shall be from July 1 through June 30, except for a conditional License. Those Licenses initially issued during the period beginning on April 1 and ending on June 30, expire on June 30 of the following year.
- (4) *License is nontransferable.* No License shall be transferred or made over to the possession of another Person, corporation, or LLC.
- (5) *Display of License.* All licensees shall post their License in plain public view on the premises for which the License is issued and shall be so posted for the duration that the License is in effect.
- (f) *Fees.* License fees will be adjusted annually by the Health and Human Services Board, through adoption of the County budget, to reflect any cost increase in issuing Licenses and conducting inspections. Permit fees and other applicable fees are not prorated for the fiscal year and must be paid in full at any time. License fee are nonrefundable. (See Section 14-3-3, Appendix 1: License Fee Schedule for Agent of the State.)
- (1) *Pre-inspection fee.* The operator shall pay the applicable pre-inspection fee to the department before an initial or new permit is issued.
 - (2) *Permit fee.* The operator shall pay the applicable pre-inspection fee to the Department to cover part or all of the cost of issuing permits, making investigations, inspections, sampling, sample testing, and providing education, training and technical assistance to the establishments, plus the cost required to be paid to the State for each permit issued. Permit fees shall be determined separately for each type of establishment.
 - (3) *Late fee.* If the permit fee for a permit renewal is not paid before the expiration date of the permit, the operator shall pay to the Department a late fee in addition to the renewal permit fee.
 - (4) *Re-inspection fees.* A re-inspection fee will be assessed for a second and each successive re-inspection when a critical violation or multiple non-critical violations of an order has or have not been brought into compliance by the owner and/or operator of the establishment.
 - a. A re-inspection fee is due upon written demand from the Health Department. The Health Department may issue a demand for payment when a license renewal application form is issued to the establishment operator.
 - b. The Health Department may not issue or renew an establishment permit unless the applicant pays all fees which are due and payable under this section.
 - (5) *Fee for operating without a permit.* Operators found to be operating without a valid permit shall pay to the Department a fee for operating without a permit, in addition to all applicable fees and any processing charges.
 - (6) *Duplicate permit.* The Department shall charge the operator for a duplicated permit.
 - (7) *Fee for special condition inspections.* For inspections or consultation activities that are not directly related to the Department's permitting and licensing responsibilities, the Department shall charge the operator or the entity requesting the inspection or consultation.
 - (g) *Enforcement of statutes and rules.*
 - (1) *Inspection by Health Department.* An authorized employee or agent of the Department (DATCP), upon presenting the proper identification, shall be permitted to enter, at any reasonable hours, any premises for which a permit is required to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographs or other evidence needed to enforce the requirements. In the event of an emergency, an inspection may be made at any time. Inspections and their reports shall reflect the original purpose of the inspection and should not be combined with other

activities or different types of inspections. All inspections shall assess the qualifications of any particular licensure and include verification and notation of changes (such as payment, the operator and status, complexity category, number of sleeping rooms, expansions, modifications, etc.) in order to update the permit. Several types of inspections can be conducted at an establishment:

- a. *Pre-inspection.* A pre-arranged inspection, for an initial or new permit, to check if a facility is capable of meeting the code requirements.
 - b. *Routine inspection.* Can be a pre-arranged or unannounced inspection – a routine inspection is done to determine if a facility is operating according to code.
 - c. *Complaint investigation.* Can be pre-arranged or unannounced. A complaint investigation is done to investigate the conditions alleged in a complaint.
 - d. *Food borne illness investigation.* Can be pre-arranged or unannounced. An investigation to help identify the cause of a food borne illness outbreak and prevent its continuation.
 - e. *Follow-up inspection.* An inspection conducted at the inspector's discretion to check on the status of an outstanding order on a facility. If the routine inspection called for a re-inspection, a follow-up inspection is not an option.
 - f. *Re-inspection.* All re-inspections are pre-arranged. A re-inspection is an inspection to verify that priority/critical violations and repeat violations have been corrected.
 - g. *Special inspection.* Shall be used to detail any type of inspection not listed here. This shall include establishments not licensable under the DATCP Food and Recreational Safety Agent Contract for which services are being provided
- (2) *Temporary orders.* Whenever, as a result of an inspection conducted pursuant to this section, the Sanitarian has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate danger to health of the public, the Sanitarian may proceed as stated in Wis. Stats. § 66.0417 or 97.12 to issue a temporary order to prohibit the sale or movement of food for any purpose, prohibit the continued operation or method of operation of equipment, or require the premises to cease any other operation or method of operation which creates an immediate danger to public health. Wis. Stats. § 66.0417 is incorporated herein by reference and made a part of this section as if fully set forth herein.
- (3) *Denial, suspension or revocation of License.* The Health Officer or designee may deny any License application or suspend or revoke any License issued under this section for noncompliance with this Code or other State or County law. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this section.

Note: All time sensitive mailings, on the part of the County, will be done through the United States Postal Service Certified Mail Return Receipt Requested mail service or personally with signature of delivery.

- a. A decision to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the decision and shall state any and all applicable statutes, ordinances, rules, regulation or orders which may have been violated. The Health Officer or designee shall send to the licensee a copy of the written decision by Return Receipt Requested USPS Certified Mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.
- b. A licensee or applicant aggrieved by a decision to deny, suspend or revoke a License must send a written Request for Review and Reconsideration to the Health Officer and/or designee within ten working days of receipt of the notice of the decision. The Request for Review and Reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.
- c. Within 15 working days of receipt of the Request for Review and Reconsideration, the Health Officer and/or designee shall review its initial determination. The Health Officer and/or designee

may affirm, reverse or modify the initial determination. The Health Officer or designee shall mail or deliver to the licensee or applicant a copy of the decision on review which shall state the reasons for such a decision. The decision shall advise the licensee or applicant of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

- d. A licensee or applicant who wishes to appeal a decision on review must file a notice of appeal within ten working days of receipt of the Health Officer's and/or designee decision on review. The notice of appeal shall be filed or mailed to the Health Officer and/or designee. The Health Officer and/or designee shall immediately file said notice with the County Health and Human Services Board.
- e. A licensee or applicant shall be provided a hearing on appeal within 45 days of receipt of the notice of appeal. The Health Officer and/or designee shall serve the licensee or applicant with notice of hearing by mail or personal service at least five days before the hearing.
- f. The hearing shall be conducted before the County Health and Human Services Board and shall be conducted in accordance with the procedures outlined in Wis. Stats. § 68.11(2) and (3).
- g. Within 15 days of the hearing, the County Health and Human Services Board shall mail or deliver to the applicant its written determination stating the reasons therefor. This is the final County determination.
- (h) *Penalty.*
 - (1) Any person who violates this section may be fined not less than \$100.00 nor more than \$1,000.00. Any person who fails to comply with an order of the Department under this section shall forfeit \$50.00 for each day of noncompliance after the order is served upon or directed to such person per Wis. Stats. § 97.72.
 - (2) Pursuant to Wis. Stats. §§ 252.25, 97.72, and 97.73, Wisconsin Administrative Codes incorporated by reference, and Chapter 1 of this Code, the Department is authorized to enforce this section through the use of County citations and/or petitions for injunctive relief.

(Ord. of 12-21-2017, § 2.01)

Sec. 14-3-2. Specific incorporation of codes.

(a) *Hotels, motels and tourist rooming house requirements.* No person, party, firm, or corporation shall operate a hotel, motel or tourist rooming house, as defined in Wis. Admin. Code Ch. ATPC 72, without first obtaining an annual license therefor from the County Department of Health and Human Services, or contrary to the terms and conditions of this article, or Wis. Admin. Code Ch. ATPC 72 and Wis. Stats. Ch. 97, Subch. III (Wis. Stats. § 97.603 et seq.), which provisions are incorporated herein by reference and made a part of this article as fully set forth herein.

(b) *Bed and breakfast establishment requirements.* No person, party, firm, or corporation shall operate a bed and breakfast establishment, as defined in Wis. Admin. Code Ch. ATPC 72, for more than ten nights in a year, without first obtaining an annual license from the County Department of Health and Human Services, or contrary to the terms and conditions of this article, or Wis. Admin. Code Ch. ATPC 72 and Wis. Stats. Ch. 97, Subch. III (Wis. Stats. § 97.603 et seq.), which provisions are incorporated herein by reference and made a part of this article as fully set forth herein.

(c) *Vending of food requirements.* No person, party, firm, or corporation shall operate a vending machine commissary or a vending machine, as defined in Wis. Admin. Code Ch. ATPC 75, without first obtaining an annual license therefor from the Wisconsin Department of Agriculture, Trade and Consumer Protection, or contrary to the terms and conditions of this article or Wis. Admin. Code Ch. ATPC 75 and Wis. Stats. Ch. 97, Subch. III (Wis. Stats. § 97.603 et seq.), which provisions are incorporated by reference and made a part of this article as fully set forth herein. Pursuant Wis. Stats. § 97.615, the County is authorized to make inspections and investigations of Vending Machines.

(d) *Public pools and water attraction requirements.* No person, party, firm, or corporation shall operate a

public swimming pool or water attraction, as defined in Wis. Admin. Code Ch. ATPC 76, without first obtaining an annual license therefor from the County Department of Health and Human Services, or contrary to the terms and conditions of this article, or Wis. Admin. Code Ch. ATPC 76 and Wis. Stats. Ch. 97, Subch. IV (Wis. Stats. § 97.67), which provisions are incorporated herein by reference and made a part of this article as fully set forth herein.

(e) *Recreational and educational camp requirements.* No person, party, firm, or corporation shall operate a recreational and educational camp, as defined in Wis. Admin. Code Ch. ATPC 78, without first obtaining an annual license therefor from the County Department of Health and Human Services, or contrary to the terms and conditions of this article, or Wis. Admin. Code Ch. ATPC 78 and Wis. Stats. Ch. 97, Subch. IV (Wis. Stats. § 97.67), which provisions are incorporated herein by reference and made a part of this article as fully set forth herein.

(f) *Campground requirements.* No person, party, firm, or corporation shall operate a campground, as defined in Wis. Admin. Code Ch. ATPC 79, without first obtaining an annual license therefor from the County Department of Health and Human Services, or contrary to the terms and conditions of this article, or Wis. Admin. Code Ch. ATPC 79 and Wis. Stats. Ch. 97, Subch. IV (Wis. Stats. § 97.67), which provisions are incorporated herein by reference and made a part of this article as fully set forth herein.

(g) *Retail food establishment requirements.* No person, party, firm, or corporation shall operate a retail food establishment, as defined in Wis. Admin. Code Ch. ATPC 75, without first obtaining an annual license from the County Department of Health and Human Services, or contrary to the terms and conditions of this article, or Wis. Admin. Code Ch. ATPC 75 and Wis. Stats. Ch. 97, Subch. II (Wis. Stats. § 97.02 et seq.), which provisions are incorporated by reference and made a part of this article as if fully set forth herein.

(Ord. of 12-21-2017, § 2.02)

Sec. 14-3-3. Appendix 1: License Fee Schedule for Agent of the State.

[GRAPHIC]

(Ord. of 12-21-2017, app.)

ARTICLE IV. LICENSES AND PERMITS REGARDING AGENT STATUS FOR ENVIRONMENTAL SERVICES

Sec. 14-4-1. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Agent Status* means authority to act as an agent pursuant to Wis. Admin. Code Ch. ATPC 74.
- (2) *Consortium* means a combination of organizations for a common purpose.
- (3) *Health Department* or *Health and Human Services Department* means the Public Health Unit of the County Health and Human Services Department.
- (4) *Health Officer* means the County Public Health Administrator or the Administrator's authorized agent, including a Health Officer Designee.
- (5) *Health Officer Designee* means a subordinate personnel appointed by the Health Officer to investigate and supervise the sanitary conditions within the jurisdiction of the Health Department.
- (6) *License* means the granting of permission in a written/certificate form from the appropriate authority to carry on an activity. In this article, the term "License" is synonymous with and shall have the same meaning as a permit.
- (7) *Licensee* means the Person to whom a License or permit is issued pursuant to this article.
- (8) *Person* means an individual, partnership, association, firm, company, corporation, organization, municipality, County, town, or State agency, whether tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these.

(b) Any capitalized term, term of art, or other defined term used in the article shall have the meaning set forth in the accompanying Wis. Admin. Code Ch. ATPC provision.

(Ord. of 11-13-2018, § 6)

Sec. 14-4-2. Authority.

This article is adopted pursuant to that authority provided by Wis. Stats. Ch. 97 and by Wis. Admin. Code Chs. ATPC 72 Hotels, Motels and Tourist Rooming Houses, ATPC 73 Bed and Breakfast, ATPC 74 Local Agents and Regulation, ATPC 76 Safety, Maintenance and Operation of Public Pools and Water Attractions, ATPC 78 Recreational Camps, ATPC 79 Campgrounds and ATPC 75 Retail Food Establishments and ATPC 75 Appendix (Wisconsin Food Code). As stated in Section 14-4-14, all of the foregoing Wisconsin Statutes and Wisconsin Administrative Code chapters are incorporated herein by reference and made part of this article as if each were fully set forth herein.

(Ord. of 11-13-2018, § 1)

Sec. 14-4-3. Purpose.

The purpose of this article is to protect and improve the public health in the County. Under the "Chequamegon Environmental Health Consortium" between Sawyer County Health and Human Services and Ashland County Health and Human Services, the County shall hold Agent Status with the Wisconsin Department of Agriculture, Trade and Consumer Protection for both Sawyer County and Ashland County pursuant to Wis. Admin. Code Ch. ATPC 74 and shall be responsible for meeting the requirements of the agent contract responsibilities of Wis. Admin. Code Ch. ATPC 74. County Health and Human Services, under such Consortium, shall collect permit fees; issue permits; and make investigations or inspections of hotels, motels, tourist rooming houses, recreational and educational camps, bed and breakfast establishments, campgrounds and camping resorts, public swimming pools, and in making investigations and inspections of food vending machines and of retail food establishments; and enforce state and local regulations governing these establishments.

(Ord. of 11-13-2018, § 2)

Sec. 14-4-4. Applicability.

The provisions of this article shall apply to any operation falling under the jurisdiction of the County Health and Human Services Department, either directly or pursuant to the County's acting as agent of the State pursuant to Wis. Stats. § 97.41, Wis. Admin. Code Ch. ATPC 74 and any other applicable statutes, codes or agreements between the State and the County. Such operations include, but may not be limited to, any owner and operator of any retail food establishment, including temporary and mobile retail food establishments, hotel, motel, tourist rooming house, bed and breakfast establishment, campground and camping resort, recreational and educational camp, public swimming pools or vending machines, located in in the County.

(Ord. of 11-13-2018, § 3)

Sec. 14-4-5. Administration and enforcement.

The provisions of this article shall be administered by or under the direction of the Health Officer, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this article to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this article and issue citations or file a summons and complaint with the County District Attorney. The County is a member of the Chequamegon Environmental Health Consortium and an agent for the Wisconsin Department of Agriculture, Trade, and Consumer Protection under the provisions as set forth in Wis. Stats. Ch. 97 and the applicable provisions of the Wisconsin Administrative Code, with the powers as described in Wis. Stats. Ch. 250. Nothing in this section shall be construed as a waiver of any enforcement action the Health Department or Health Officer may take to enforce the provisions of this article or any other law, ordinance, regulation or rule within the Health Department's jurisdiction and authority.

(Ord. of 11-13-2018, § 4)

Sec. 14-4-6. License and permit.

(a) No Person shall operate a retail food establishment (including temporary and mobile retail food establishments), bed and breakfast establishment, hotel, motel, tourist rooming house, campground and camping

resort, recreational and educational camp, or public swimming pool, without first obtaining a non-prorated permit from the Health and Human Services Department. Such permits shall expire on June 30 of each year following their issuance, except that non-retail food permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the permit Licensee correcting a violation of this article within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided. The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another, except as provided for in the Wisconsin Administrative Code.

(b) Operators or Licensees of temporary restaurants whom the Health Department has found to be out of compliance or repeat violators of this article may be denied a permit to operate. Temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is secured from the Health Department prior to operating at the new premises.

(c) With the exception of those establishments defined herein as "temporary," no permits shall be granted to any person under this article without a pre-inspection by the Health Department of the premises for which the permit shall be granted.

(d) No permit shall be issued until all application fees have been paid.

(Ord. of 11-13-2018, § 7)

Sec. 14-4-7. License application.

Application for a permit shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within 30 days after the receipt of a complete application.

(Ord. of 11-13-2018, § 8)

Sec. 14-4-8. License issuance.

The Health Officer or Health Officer Designee shall issue a license to the applicant only after compliance with the requirements of this article and upon payment to the Health Department of all required fees. The Health Department's decision to grant or withhold a License shall not exceed 30 calendar days. The decision to withhold shall accompany written inspection or documentation of justification or cause. No License may be issued until all applicable fees have been paid.

(Ord. of 11-13-2018, § 9)

Sec. 14-4-9. Fees.

Fees for applications, Licenses, penalties, processing charges or other fees required by this article shall be as provided through the fee schedule approved by the County Health and Human Services Board and available for review in the Health Department.

(Ord. of 11-13-2018, § 10)

Sec. 14-4-10. Permit public display.

All Licensees shall post their License in plain public view on the premises for which the License is issued. The License shall be posted for the duration that the License is in force.

(Ord. of 11-13-2018, § 11)

Sec. 14-4-11. Inspection by Health Department.

Authorized employees of the Health Department, upon presenting proper identification, shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same, with respect to a business open at least 40 hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

(Ord. of 11-13-2018, § 12)

Sec. 14-4-12. Denial, suspension or revocation of License.

(a) The Health Officer may deny any License application or suspend or revoke any License issued under this article for noncompliance with this article or any other State or local statute, ordinance, rule, regulation, order, or other applicable requirement. Any reference to Health Officer in this section shall include a Health Officer Designee. All time sensitive mailings, on the part of the Health Department, will be done through the United States Postal Service Certified Mail Return Receipt Requested mail service or personally with signature of delivery.

(b) The following procedure shall be followed in the denial, suspension or revocation of any License issued under this article:

- (1) A decision by the Health Officer to deny, suspend or revoke a License shall be in writing and shall state, with specificity, the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations or orders which may have been violated. The Health Officer shall send to the Licensee copy of the written decision as required by this article. Said notice shall inform the Licensee or applicant of the right to have the decision reviewed and a summary of the procedure for such review required by this article.
- (2) A Licensee aggrieved by a decision of the Health Officer to deny, suspend or revoke a License must send a written Request for Review and Reconsideration to the Health Officer within ten working days of receipt of the notice of the Health Officer's decision. The Request for Review and Reconsideration shall state the grounds upon which the Person or Licensee aggrieved contends that the decision should be reversed or modified.
- (3) Within ten working days of receipt of the Request for Review and Reconsideration, the Health Officer shall review its initial determination. The Health Officer may affirm, reverse or modify the initial determination. The Health Officer shall mail or deliver to the Licensee or applicant a copy of the Health Officer's decision on review, and shall state the reasons for such decision. The decision shall advise the Licensee or applicant of the right to appeal the decision by filing a notice of appeal, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.
- (4) A Licensee or applicant who wishes to appeal a decision made by the Health Officer on review must file a notice of appeal within ten days of receipt of the Health Officer's decision on review. The notice of appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said notice of appeal with the County Health and Human Services Board.
- (5) A Licensee or applicant shall be provided a hearing on appeal within 30 days of receipt of the notice of appeal. The Health Officer shall serve the Licensee or applicant with notice of hearing by mail or personal service at least five days before the hearing.
- (6) The hearing shall be conducted before the County Health and Human Services Board and shall be conducted in accordance with the procedures outlined in Wis. Stats. § 68.11(2) and (3).
- (7) Within 15 days of the hearing, the County Health and Human Services Board shall mail or deliver to the Licensee or applicant the County Health and Human Services Board's written determination stating the reasons for its decision.

(Ord. of 11-13-2018, § 13)

Sec. 14-4-13. Operating without a License.

Any Licensee or Person who operates any establishment, business, or other operation without a valid License required under this article shall be subject to any applicable fees, penalties and processing charges, including, but not limited to, a fee for operating without a License for each day in which the Licensee or Person operates without the required License. Fees, penalties and processing charges shall be determined by the County Health and Human Services Board and may be amended from time to time.

(Ord. of 11-13-2018, § 14)

Sec. 14-4-14. State law incorporated in this article.

The terms and provisions of Wis. Stats. Ch. 97, as may be amended, and the Wisconsin Administrative Code Ch. ATPC provisions listed herein, as each may be amended, are incorporated herein in each's entirety: Wis. Admin. Code Ch. ATPC 72 Hotels, Motels and Tourist Rooming Houses; Wis. Admin. Code Ch. ATPC 73 Bed and Breakfast Establishments; Wis. Admin. Code Ch. ATPC 74 Local Agents and Regulation; Wis. Admin. Code Ch. ATPC 76 Safety, Maintenance and Operation of Public Pools and Water Attractions Wis. Admin. Code Ch. ATPC 78 Recreational Camps; and Wis. Admin. Code Ch. ATPC 75 Retail Food Establishments and Wis. Admin. Code Ch. ATPC 75 Appendix (Wisconsin Food Code). Any applicable United States Food and Drug Administration (FDA) Food Code and appendices, as each may be amended, are incorporated herein by reference. In the event of a conflict between State or federal law and the provisions of this article, the State or federal law shall control unless such State or federal law grants the Health and Human Services Board authority to adopt an alternate or more restrictive regulation.

(Ord. of 11-13-2018, § 15)

Sec. 14-4-15. Retail food establishments.

(a) *Compliance.* Compliance with this article does not relieve a Licensee from compliance with any other applicable statute, ordinance, regulation or rule.

(b) *Requirements.*

(1) Except as provided in Subsection (b)(2) of this section, no Person shall operate a retail food establishment, including temporary and mobile retail food establishments, as defined in Wis. Admin. Code, without first obtaining a License for the operating of the retail food establishment from the Health Department. Compliance with this article does not relieve a Licensee from compliance with any other applicable statute, ordinance, regulation or rule, including, but not limited to, Articles II and III of this chapter.

(2) No License is required for the following:

- a. Any operation cited in Wis. Stats. § 97.01(14g).
- b. Any operation cited in Wis. Stats. § 97.30(2)(b) and in Wis. Admin. Code Ch. ATPC 75.063(a).

(Ord. of 11-13-2018, § 16)

Sec. 14-4-16. Immediate danger to public health or safety.

In addition to the statutory and administrative code references and powers as indicated in in this article, the Health Officer may issue temporary orders when the Health Department has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation or method of operation of the premises or equipment used on the premises creates an immediate danger to public health or safety.

(Ord. of 11-13-2018, § 17)

Chapter 15

RESERVED

PROOFS

Chapter 16

OFFENSES AND MISCELLANEOUS PROVISIONS**Sec. 16-1-1. State offenses adopted.**

(a) *Offenses against State laws subject to forfeiture.* The following Wisconsin Statutes defining offenses against the peace and good order are hereby adopted by reference to define offenses against the peace and good order of the County. Any reference to "municipality" in the Wisconsin Statutes adopted below shall include the County as an enforcement authority, thereby granting the County with enforcement powers set forth in the Wisconsin Statutes. With the exception of Wis. Stats. § 938.342, the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code. Any future amendments, revisions or modifications of the Wisconsin Statutes are hereby incorporated by reference and are intended to be made part of this Code. Notwithstanding the foregoing, the penalty for truancy and high school dropouts shall be governed by the provisions of Wis. Stats. § 938.342, as adopted herein.

Wis. Stats. § 29.288	Throwing Refuse in Waters
Wis. Stats. § 50.58	Careless Smoking
Wis. Stats. § 118.07	Safety Requirements
Wis. Stats. § 118.08	School Zones; Crossings
Wis. Stats. § 118.09	Safety Zones
Wis. Stats. § 118.10	School Safety Patrols
Wis. Stats. § 118.105	Control of Traffic on School Premises
Wis. Stats. § 118.11	School Fences
Wis. Stats. § 118.123	Reports and Records
Wis. Stats. § 134.65	Cigarette and Tobacco Products Retailer License
Wis. Stats. § 134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products
Wis. Stats. § 167.10	Fireworks Regulated
Wis. Stats. § 175.25	Illegal Storage of Junked Vehicles
Wis. Stats. § 938.125	Jurisdiction-Juveniles Alleged to Have Violated Civil Laws or Ordinances
Wis. Stats. § 938.17	Jurisdiction-Juveniles-Traffic, Boating, Snowmobile and All-Terrain Vehicle Violations and Over Civil Law and Ordinance Violations
Wis. Stats. § 938.342	Disposition-Truancy and School Dropout Ordinance Violations
Wis. Stats. § 938.343	Disposition-Juvenile Adjudged to Have Violated a Civil Law or an Ordinance
Wis. Stats. § 938.344	Disposition-Certain Intoxicating Liquor, Beer and Drug Violations
Wis. Stats. § 938.345	Disposition-Juvenile Adjudged in Need of Protection or Services
Wis. Stats. § 939.05(2)(b)	Aiding and Abetting
Wis. Stats. § 939.22	Words and Phrases Defined
Wis. Stats. § 940.19(1)	Battery
Wis. Stats. § 940.291	Failure of a Police Officer to Render Aid
Wis. Stats. § 940.42	Misdemeanor Intimidation of Witness's
Wis. Stats. § 940.44	Intimidation of Victims

Wis. Stats. § 941.01	Negligent Operation of a Vehicle
Wis. Stats. § 941.10	Negligent Handling of Burning Materials
Wis. Stats. § 941.12(2), (3)	Interfering With or Failing to Assist in Firefighting
Wis. Stats. § 941.13	False Alarms and Interference with Firefighting
Wis. Stats. § 941.20(1)	Reckless Use of Weapon
Wis. Stats. § 941.23	Carrying Concealed Weapon
Wis. Stats. § 941.235	Carrying a Firearm in a Public Building
Wis. Stats. § 941.24	Possession of Switchblade Knife
Wis. Stats. § 941.35	Emergency Telephone Calls
Wis. Stats. § 941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters
Wis. Stats. § 941.37(1), (2)	Obstructing Emergency or Rescue Personnel
Wis. Stats. § 942.01	Defamation
Wis. Stats. § 942.03	Giving False Information for Publication
Wis. Stats. § 942.05	Opening Letters
Wis. Stats. § 942.20(1), (2)	Theft
Wis. Stats. § 943.01(1)	Criminal Damage to Property
Wis. Stats. § 943.11	Entry Into Locked Vehicle
Wis. Stats. § 943.125	Entry Into Locked Coin Box
Wis. Stats. § 943.13	Trespass to Land
Wis. Stats. § 943.14	Trespass to Dwellings
Wis. Stats. § 943.145	Criminal Trespass to a Medical Facility
Wis. Stats. § 943.15	Entry Into Locked Site
Wis. Stats. § 943.20(3)(a)	Theft of Property
Wis. Stats. § 943.21 (3)(a)	Fraud on Innkeeper
Wis. Stats. § 943.22	Cheating Tokens
Wis. Stats. § 943.23(1)(4)(5)	Operating Vehicle Without Owner's Consent
Wis. Stats. § 943.24.	1.O.W.C.
Wis. Stats. § 943.34(1)(a)	Receiving Stolen Property
Wis. Stats. § 943.37	Alteration of Property Identification Marks
Wis. Stats. § 943.38(3)	Forgery
Wis. Stats. § 943.41	Credit Card Crimes
Wis. Stats. § 943.46	Theft of Cable Services
Wis. Stats. § 943.50(1)--(3), (4)(a)	Retail Theft
Wis. Stats. § 943.55	Removal of a Shopping Cart
Wis. Stats. § 943.70	Computer Theft
Wis. Stats. § 944.15	Fornication
Wis. Stats. § 944.17	Sexual Gratification

Wis. Stats. § 944.20	Lewd and Lascivious Behavior
Wis. Stats. § 944.21	Obscene Material or Performance
Wis. Stats. § 944.23	Making Lewd, Obscene or Indecent Drawings
Wis. Stats. § 944.30	Prostitution
Wis. Stats. § 944.31	Patronizing Prostitutes
Wis. Stats. § 944.33	Pandering
Wis. Stats. § 944.36	Solicitation of Drinks Prohibited
Wis. Stats. § 945.01	Definitions Relating to Gambling
Wis. Stats. § 945.02	Gambling
Wis. Stats. § 945.04	Permitting Premises to be Used for Commercial Gambling
Wis. Stats. § 946.40	Refusing to Aid Officer
Wis. Stats. § 946.41	Resisting or Obstructing Officer
Wis. Stats. § 946.42(2)	Escape
Wis. Stats. § 946.46	Encouraging Violation of Probation or Parole
Wis. Stats. § 946.69	Falsely Assuming to Act as Public Officer or Employee
Wis. Stats. § 946.70	Impersonating Peace Officer
Wis. Stats. § 946.72(2)	Tampering with Public Records and Notices
Wis. Stats. § 947.01	Disorderly Conduct
Wis. Stats. § 947.012	Unlawful Use of Telephone
Wis. Stats. § 947.013	Harassment
Wis. Stats. § 947.047	Littering Shores
Wis. Stats. § 947.06	Unlawful Assemblies
Wis. Stats. § 948.01	Definitions Relating to Crimes Against Children
Wis. Stats. § 948.09	Sexual Intercourse With a Child Age 16 or Older
Wis. Stats. § 948.10	Exposing a Sex Organ
Wis. Stats. § 948.11(1)(b), (2)(b)	Exposing a Child to Harmful Material
Wis. Stats. § 948.21	Neglecting a Child
Wis. Stats. § 948.40	Contributing to the Delinquency of a Child
Wis. Stats. § 948.50	Strip Search by School Employee
Wis. Stats. § 948.51(1), (2), (3)(a)	Hazing
Wis. Stats. § 948.60	Possession of a Dangerous Weapon by a Child
Wis. Stats. § 948.61(1), (2)	Dangerous Weapons on School Premises
Wis. Stats. § 948.63	Receiving Property From a Child
Wis. Stats. § 948.983	Purchase or Possession of Tobacco Products Prohibited
Wis. Stats. § 951.01	Definitions Relating to Crimes Against Animals
Wis. Stats. § 951.015	Construction and Application
Wis. Stats. § 951.02	Mistreating Animals

Wis. Stats. § 951.03	Dognapping or Catnapping
Wis. Stats. § 951.04	Leading Animal from Motor Vehicle
Wis. Stats. § 951.05	Transportation of Animals
Wis. Stats. § 951.06	Use of Poisonous and Controlled Substances
Wis. Stats. § 951.07	Use of Certain Devices Prohibited
Wis. Stats. § 951.08	Instigating Fights Between Animals
Wis. Stats. § 951.09	Shooting at Caged or Staked Animals
Wis. Stats. § 951.10	Sale of Baby Rabbits, Chicks and Other Fowl
Wis. Stats. § 951.11	Artificially Colored Animals; Sale
Wis. Stats. § 951.13	Providing Proper Food and Drink to Confined Animals
Wis. Stats. § 951.14	Providing Proper Shelter
Wis. Stats. § 951.15	Animals; Neglected or Abandoned; Police Powers
Wis. Stats. § 951.16	Investigation of Animal Cruelty Complaints
Wis. Stats. § 951.17	Reimbursement for Expenses
Wis. Stats. §§ 961.01--961.61	Uniform Controlled Substances Act

(b) *Penalties; attempt; parties to acts.*

- (1) *Penalty.* In addition to the general penalty provisions of this section, the penalty/bond schedule to be incorporated in this section, or any other penalty imposed for violation of any subsection of this section, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any emancipated juvenile who violates any subsection of this section may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes.

(2) *Attempt.*

- a. Whoever attempts to commit an act prohibited by Subsection (a) of this section may be required to forfeit amounts not to exceed one-half the maximum penalty for the completed act.
- b. An attempt to commit an act prohibited by Subsection (a) of this section requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that such actor does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that such actor formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(3) *Parties to acts prohibited in Subsection (a) of this section.*

- a. Whoever is concerned in the commission of an act prohibited by Subsection (a) of this section, is a principal and may be charged with and convicted of the commission of said act although such person did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
- b. A person is concerned in the commission of an act prohibited by Subsection (a) of this section if such person:
 1. Directly commits the act;
 2. Intentionally aids and abets the commission of it; or
 3. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise

procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This subsection does not apply to a person who voluntarily changes such person's mind and no longer desires that the act be committed and notifies the other parties concerned of such person's withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

(Res. No. 2018-45, § 2(exh. A, §§ 1-1-1, 1-1-2), 12-6-2018)

Sec. 16-1-2. Curfew for Minors.

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

- (1) *Business Establishment* means any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement or entertainment.
- (2) *Curfew Hours* are from 11:00 p.m. to 6:00 a.m.
- (3) *Loitering* means remaining idle in essentially one location and shall include the concept of spending time idly, to be dilatory, to linger aimlessly, to stay, to saunter, to delay, or "hanging around."
- (4) *Minor* means any person less than 18 years of age who has not obtained a high school diploma or GED equivalent.
- (5) *Parent* refers to a natural parent, adoptive parent, step-parent, guardian, or any person who is at least 18 years of age and authorized by the parent or guardian to have care and custody of a Minor.
- (6) *Public Place* means any place to which the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, malls and shops.

(b) *Offenses.*

- (1) It shall be unlawful for a Minor to remain in a Public Place, motor vehicle, or Business Establishment during Curfew Hours.
- (2) It shall be unlawful for any owner, operator, or employee of a Business Establishment to knowingly allow Minors, unless accompanied by a Parent, as defined in this section, or participating in an exempted activity, to remain in such establishment during Curfew Hours, unless the Minor refuses to leave and the Sheriff's Department is notified.
- (3) It shall be unlawful for any Parent to knowingly, or by lack of reasonable supervision and control, allow a Minor to remain in any Public Place or Business Establishment during Curfew Hours unless the activity is exempted under subsection (c) of this section.
- (4) It shall be unlawful for any Parent to allow or permit a Minor under their care and custody to violate any applicable subsections of this section. Any Parent who shall have made a missing person notification to the Sheriff's Department shall not be considered to have allowed or permitted any Minor to have violated this section.

(c) *Exceptions to enforcement.* The curfew does not apply in the following situations:

- (1) When a Minor is accompanied by the Minor's Parent or guardian or an adult designated by the Minor's Parent or guardian;
- (2) When a Minor is traveling to or from an activity related to the Minor's employment;
- (3) When a Minor is on a direct route from any government or school function;
- (4) When a Minor is on a sidewalk adjacent to the property where the Minor resides;
- (5) When a Minor is involved in an emergency which involves the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

- (6) When the Minor is within the jurisdictional boundaries of another government entity within the County that has enacted a curfew ordinance;
- (7) When a Minor is running an errand for a Parent or guardian;
- (8) When the Minor is in a motor vehicle involved in interstate travel;
- (9) When the Minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (10) When the Minor is married or had been married or had disabilities of minority removed in accordance with law.

(d) *Penalty.*

- (1) The first time the Minor is detained by a Deputy Sheriff of the County, the Parent shall be advised in person or via telephone as to the provisions of this section. The Minor shall be detained until the person notified can reasonably be expected to arrive at the Sheriff's Department or other prearranged location and take custody of the Minor. If contact cannot be made, a copy of the written report/citation describing the violation shall be sent to the last known address of the Parent and the Minor shall be detained until contact is made with the on-call crisis worker to arrange suitable release conditions.
- (2) Any Parent who has been warned in the manner described in Subsection (d)(1) of this section and who thereafter violates any provision of this section shall be subject to a forfeiture as provided in the County Ordinance Bond Schedule.
- (3) Any Minor who has been warned in the manner described in Subsection (d)(1) of this section and who thereafter violates any provision of this section shall be subject to a forfeiture as provided in the County Ordinance Bond Schedule.
- (4) Any Parent or Minor who has been issued a citation in the manner described in Subsection (d)(1) of this section and who thereafter violates any provision of this section shall be subject to a forfeiture for second or subsequent offense as provided in the County Ordinance Bond Schedule.

Currently \$50.00 + costs and assessments.

(Ord. No. 3-2011, §§ 1--4, 8-18-2011)

RESERVED

PROOFS

Chapter 18

PARKS AND RECREATION*

*State law reference—Public parks and places of recreation, Wis. Stats. Ch. 27.

ARTICLE I. IN GENERAL**Sec. 18-1-1. Information and directional signs located on County lands.**

- (a) This section shall pertain to information and directional signs located on County lands.
- (b) Trail signs covered under this section include, but are not limited to:
 - (1) Cross-country skiing trails and routes.
 - (2) Snowmobile trails and routes.
 - (3) Mountain bike trails and routes.
 - (4) Horseback trails and routes.
 - (5) ATV trails and routes.
 - (6) Hiking and walking trails.
 - (7) Hunter/walking trails.
- (c) No one shall erect a sign of any type on County Forest lands without first obtaining permission from the County Forestry Committee or County Forest Administrator.
- (d) General guidelines on sign usage are as follows:
 - (1) All signs shall be installed, maintained and conform to specifications in the WDNR Trail Signing Handbook 8672.05.
 - (2) All signs shall be placed within six feet of the trail edge.
 - (3) All information signs shall be placed on adequately sized wood or metal sign posts to provide stability and deter vandalism and be installed in the ground prior to October 15 if for winter use.
 - (4) All informational signs visible from the trail shall conform to a color code. All information guide signs should be on a separate post from trail safety signs; although information and guide signs may share installed posts, where desired.
 - a. Snowmobiling and ATV signs shall be brown with white letters.
 - b. Bicycle trails shall be blue with white letters.
 - c. Ski trails shall be brown with yellow letters.
 - (5) All temporary signs or flagging used for special events will be removed within seven days after completion of the event.
 - (6) Trailhead information signs and maps may be attached to adequately sized wood or metal sign posts to provide stability and deter vandalism and be placed and anchored in the ground, and may be six square feet in size.
 - (7) All safety signs (stop, caution, etc.) will be attached to adequately sized wood or metal sign posts to provide stability and deter vandalism. No safety signs will be attached to live trees.
- (e) The purpose of business signs on recreational trails will be to direct the user of a trail to a destination on the trail (absolutely no advertising of any specific product name may be used).
 - (1) Business signs must conform to the color code of brown background and white lettering and be a maximum of 12 inches by 12 inches or 144 square inches.
 - (2) Business signs shall only be placed at trail intersections and trailheads.
 - (3) Business signs shall only be placed on adequately sized wood or metal sign posts to provide stability and

deter vandalism.

- (4) Businesses desiring to erect signs on the trail system must be a local club or organization sponsor.
- (5) Only signs using the words or symbols for "Gas," "Food," "Lodging," and "Trail Sponsor" in conjunction with business names and distances will be allowed.
- (f) Penalties for violation of this section are as follows:
 - (1) Violators of Subsections (c) and (e) of this section shall forfeit not less than \$50.00 nor more than \$400.00.
 - (2) Violators of Subsection (d) of this section shall forfeit not less than \$50.00 nor more than \$200.00.
 - (3) Each above listed violation shall be for a separate offense.
 - (4) Each day of violation shall be a separate offense.
 - (5) Payment of a forfeiture upon violation shall not preclude the County from seeking costs to correct damages or to deny future signing requests.
- (g) The County reserves the right to cancel the sign permit at any time.

(Ord. No. 3-2009, §§ 1--7, 5-21-2009)

ARTICLE II. PUBLIC CONDUCT IN COUNTY RECREATIONAL AREAS AND OTHER COUNTY OWNED LAND

Sec. 18-2-1. Title.

This article shall be known as the "County Owned Land Ordinance."

(Ord. No. 1-2009, intro., 5-21-2009)

Sec. 18-2-2. Classification of land.

The areas within the County Forest shall be classified as follows:

- (1) Class 1 Recreation Area includes the following:
 - a. Hatchery Creek County Park (within 100 yards of pavilion or picnic area).
 - b. Nelson Lake Wayside.
 - c. Namekagon River Park.
- (2) Class 2 Recreation Area includes the following:
 - a. American Birkebeiner Skiing/Hiking Trails.
 - b. Nelson Lake Boat Landing.
 - c. Spring Lake Boat Landing.
 - d. Windfall Lake Boat Landing.
 - e. Price Dam Boat Landing.
- (3) Class 3 Recreation Area includes the following: All other County owned and County Forest lands not designated as Class 1 or Class 2.

(Ord. No. 1-2009, § 1, 5-21-2009)

Sec. 18-2-3. Compliance.

All areas hereinafter created by the County Board of Supervisors shall be designated either Class 1 or 2 Recreation Areas or a Class 3 Area; and upon such classification, the conditions and restrictions imposed by this article shall apply to each area.

(Ord. No. 1-2009, § 2, 5-21-2009)

Sec. 18-2-4. Class 1 Recreational Areas.

No person or persons shall, within a Class 1 Recreation Area:

- (1) Establish or use a campsite for overnight camping except by special permit.
- (2) Dispose of trash or rubbish in any manner other than depositing it in containers that may be provided by the County.
- (3) Discharge, or keep an uncased or loaded firearm, within the boundaries of such area. This shall be within 100 yards of pavilion or picnic area.
- (4) Ignite an open fire (meaning wood, charcoal, or solid fuel) within such area unless such fire is in a fireplace, grill, or other suitable container provided or constructed to contain a fire, that may be provided by the County.
- (5) Use or be within a recreation area for any purpose, except boat launching or fishing, between the hours of 11:30 p.m. and 6:00 a.m. of each day.
- (6) Cause damage to the natural features, resources, trails, or facilities owned and operated by the County.
- (7) Leave an open fire (meaning wood, charcoal, or solid fuel) unless it has no smoke and entire coal or ash bed is cool enough to touch with a hand.

(Ord. No. 1-2009, § 3, 5-21-2009)

Sec. 18-2-5. Class 2 Recreational Areas.

No person or persons shall, within a Class 2 Recreation Area:

- (1) Camp at any site other than an established site for camping.
- (2) Dispose of trash or rubbish in any manner other than depositing it in containers that may be provided by the County.
- (3) Ignite an open fire (meaning wood, charcoal, or solid fuel) within such area unless such fire is within a fire ring that may be provided by the County.
- (4) Refuse to vacate an unapproved campsite when directed to leave by the proper authorities.
- (5) Cause damage to natural features, resources, trails, or facilities owned and operated by the County.
- (6) Use dog sleds, snowmobiles, horses or operate any motorized vehicles on the American Birkebeiner Ski Trails at any time of year without special permission of the Forest Administrator or designee.

(Ord. No. 1-2009, § 4, 5-21-2009)

Sec. 18-2-6. Class 3 Recreational Areas.

No person or persons shall, within a Class 3 Recreation Area:

- (1) Establish or use a campsite for overnight camping except by written permission of the County Land, Water and Forestry Resource Committee or County Forester.
- (2) Litter or deposit trash or rubbish in any manner other than depositing it in containers that may be provided by the County.
- (3) Refuse to vacate an unapproved campsite when directed to leave by the proper authorities.
- (4) Cause damage to natural features, resources, trails, or facilities owned and operated by the County.
- (5) Cut or harvest any vegetation, that is not to be eaten, without permission of the County Forester or designee. This shall not be construed to permit harvest of vegetation otherwise controlled.
- (6) Build, occupy, or use any elevated platform or steps unless the structure and/or steps do not damage the tree and are completely removed at the close of the hunting season.
- (7) Build or use any device on the ground for hunting unless it is built entirely of natural, dead, non-manufactured, on-site forest vegetation, except manufactured blinds may be used if materials are

removed at the end of the hunting season.

- (8) Bait hunted animals using more than the current State legal limit of bait at any one time as State regulations permit.
- (9) Unless the ground is 100 percent snow covered, leave an open fire (meaning wood, charcoal, or solid fuel) unless it has no smoke and entire coal or ash bed is cool enough to touch with a hand.
- (10) Remove fill, soil, ore, gravel, or any mineral without written permission of the Forest Administrator or designee.
- (11) Disturb, dig, or remove any artifact or historical article without written permission of the County Forester or designee.
- (12) Damage, deface, destruct, move, remove, or possess any signs placed or contracted to be placed by the County Forestry Department.
- (13) Operate a motor vehicle on County roads or trails designated closed with a gate or earthen embankment, or in such area designated closed by the Forestry Committee, without special permission of the Forest Administrator or designee.
- (14) Operate motor vehicles over 900 pounds in weight on trails that are gated or signed with the weight limit without special permission of the Forest Administrator or designee.
- (15) Operate motor vehicles over 900 pounds, other than snowmobiles, on State funded snowmobile trails while trails are groomed, without special permission of the Forest Administrator or designee.
- (16) Operate an ATV (all-terrain vehicle) on trails, roads, or in the forest when the Department of Natural Resources (DNR) fire danger is posted as extreme.
- (17) Operate a motor vehicle on County trails, roads or in the forest that is not a licensed or registered vehicle.
- (18) Operate a motor vehicle, snowmobile, ATV (all-terrain vehicle), bicycle or motorcycle off of a roadway approved for their use. A roadway is defined as an open lane that is recognized by the County by being numbered and mapped in the County Forest road inventory. Roadways not recognized by the County are not open to motor vehicle travel. Cross-country travel off of a roadway is prohibited.
- (19) Travel on the County Forest roads, trails or in the forest with motorized or non-motorized wheeled vehicles during the spring closure period from April 1 to May 15 of each year (exceptions: State and County Forestry vehicles, snowmobiles and snow grooming equipment, logging equipment on a site-specific basis if pre-approved by the County Forester or designee, emergency vehicles, maintenance vehicles with prior approval of the County Forester and other needs as brought to the attention of the Forestry Department).
- (20) Operate an ATV on County roads designated as limited open access.

Exception: ATV's may be used on limited open access roads for big game retrieval provided that no firearms are in possession, one ATV with a maximum of two people, and animal must be tagged prior to entry.

(Ord. No. 1-2009, § 5, 5-21-2009)

Sec. 18-2-7. Signs.

Signs shall be posted in each of the above listed Class 1 and Class 2 Recreation Areas, which summarize the regulations set forth in the article and shall recite that the regulations are imposed pursuant to the County Land Ordinance.

(Ord. No. 1-2009, § 6, 5-21-2009)

Sec. 18-2-8. Penalties for violation of Sections 18-2-4 through 18-2-6.

Any person who violates, disobeys, neglects, or omits or refuses to comply with any of the provisions of this article shall forfeit not less than \$50.00 nor more than \$200.00, together with the cost of prosecution, and in default of payment thereof, by imprisonment in the County Jail, for a term of not more than 30 days or until such Judgment

is paid. Each day a violation exists or continues shall constitute a separate offense.

(Ord. No. 1-2009, § 7, 5-21-2009)

Sec. 18-2-9. Schedule of deposits.

Note: Court costs are not reflected in deposit. Maximum deposit of \$200.00 may be charged for repeat offenders (not including court costs).

<i>Violation of Section 18-2-4 (concerning day use areas)</i>	<i>Deposit</i>
Camping (deposit for each day of violation)	\$50.00--\$200.00
Trash or rubbish disposal:	
1) Recreational trash or yard materials	\$50.00--\$200.00
2) Household, commercial types, or other rubbish	\$50.00--\$200.00
Firearms	\$50.00--\$200.00
Open fire use	\$50.00--\$200.00
Area hours	\$50.00--\$200.00
Resource or facility damage - \$50 minimum up to but not to exceed \$200 based upon value of damage or cost to repair damage	\$50.00--\$200.00
Leave an open fire	
1) Recreational trash or yard materials	\$50.00--\$200.00
2) Where fire escapes beyond typical campfire	\$50.00--\$200.00
Violation of Section 4 (concerning Am. Birkie Trail)	Deposit
Camping (deposit for each day of violation)	\$50.00--\$200.00
Trash or rubbish disposal:	
1) Recreational trash or yard materials	\$50.00--\$200.00
2) Household, commercial types, or other rubbish	\$50.00--\$200.00
Open fire use	\$50.00--\$200.00
Refusal to leave when directed	\$50.00--\$200.00
Resource or facility damage - \$50 minimum up to but not to exceed \$200.00 based upon value of damage or cost to repair damage	\$50.00--\$200.00
Unauthorized uses of Am. Birkebeiner Ski Trail	\$50.00--\$200.00
Violations of Section 5 (County Forest lands not designated as day use or Am. Birkebeiner Trail)	Deposit
Camping	
1) Without permission (deposit for each night and day of camping violation)	\$50.00--\$200.00
Litter, trash, or rubbish disposal:	
1) Recreational trash or yard materials	\$50.00--\$200.00
2) Household, commercial type, or other rubbish	\$50.00--\$200.00
Refusal to leave (camping) when directed	\$50.00--\$200.00
Resource or facility damage - \$50 minimum up to but not to exceed \$200.00 based upon value of damage or cost to repair damage	\$50.00--\$200.00

Other Violations	Deposit
Cut or harvest vegetation without permit - \$50.00 minimum up to but not to exceed \$200.00 based on re-sale value of the vegetation	\$50.00--\$200.00
Leave an open fire:	
1) Where fire contained to typical campfire	\$50.00--\$200.00
2) Where fire escapes beyond typical campfire	\$50.00--\$200.00
Tree stands:	
1) Use of permanent type stands (proof of ownership not necessary)	\$50.00--\$200.00
Ground blind for hunting built with other than dead on-site vegetation or manufactured blinds that are not removed at the end of the hunting season	\$50.00--\$200.00
Baiting using more than the State legal limit	\$50.00--\$200.00
Removal of soil, gravel, mineral, etc.	\$50.00--\$200.00
Artifact or historical article disturbance or removal	\$50.00--\$200.00
Damage, removal, etc. of County Forest signs	\$50.00--\$200.00
Motor vehicle operation:	
1) If gate, earthen embankment/natural debris or sign posted (sign need not be present at time of violation)	\$50.00--\$200.00
2) All other or if on snowmobile trail when snow covered	\$50.00--\$200.00
Motor vehicles over 900 pounds on gated snowmobile trails	\$50.00--\$200.00
Use other than snowmobiles when trails are groomed: Trucks, pickups, cars, vans, etc. over 900 pounds	\$50.00--\$200.00
Operation ATVs:	
1) When fire danger is posted extreme	\$50.00--\$200.00
2) On roads and trails not posted open to ATVs	\$50.00--\$200.00
Operate a vehicle off of a roadway	\$50.00--\$200.00
Operation of a motorized vehicle on a trail designated as non-motorized	\$50.00--\$200.00
Travel on County Forest during period of closure - April 1 to May 15	\$50.00--\$200.00

(Ord. No. 1-2009, § 9, 5-21-2009)

ARTICLE III. BIRKEBEINER SKI TRAIL

Sec. 18-3-1. Restrictions on use.

Use of the property in the County commonly known as the Birkebeiner Trail shall be limited to the following:

- (1) Foot traffic (i.e., walking, hiking, running, etc.).
- (2) Bicycle traffic ("bicycle" as defined in Wis. Stats. § 340.01(5)).
- (3) Ski traffic, specifically cross country skiing.
- (4) Authorized motorized vehicle use only. Authorized use is defined as use with the written consent of the County Forester or the Forester's designee.

(Ord. No. 5-93, § 1, 6-24-1993)

Sec. 18-3-2. Littering.

Littering on what is commonly known as the Birkebeiner Trail is prohibited. Littering is defined as anyone who does any of the following:

- (1) Deposits or discharges any solid waste on or along the Birkebeiner Trail.
- (2) Permits any solid waste to be thrown from a vehicle operated by the person.

(Ord. No. 5-93, § 2, 6-24-1993)

Sec. 18-3-3. Violations.

(a) The penalty for Section 18-3-1 shall be a forfeiture of not less than \$50.00 nor more than \$500.00, in addition to the cost of repairs, if any.

(b) The penalty for violating Section 18-3-2 shall be a forfeiture of not less than \$10.00 nor more than \$50.00, in addition to the cost of any cleanup, if any.

(c) Any law enforcement officer of the County or an officer acting on behalf of the County may issue a citation for a violation of this article.

(Ord. No. 5-93, §§ 3--5, 6-24-1993)

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Chapter 20
ROADS AND BRIDGES*

*State law reference—County highways, Wis. Stats. Ch. 83.

ARTICLE I. IN GENERAL

ARTICLE II. PROPERTY ADDRESS SYSTEM

Sec. 20-2-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Committee* means the County Property Address System Committee.
- (2) *Private Access Road* means a lane, street or other improved surface on privately owned lands which is designated and ordinarily used for vehicular travel within a commercial, business industrial, residential development.
- (3) *Property Address Numbering System* refers to the system created by this article for the numbering and signage of parcels, buildings, and facilities in the County.
- (4) *Property Numbering System Components* means the numbers, letters, frames and posts used in the Property Address Numbering System.
- (5) *Road Naming System* means the system of assigning unique names to municipal and private access roads, and the maintenance of a master road index and property address maps.

(Ord. No. 7-2001, § 2.0, 9-18-2008)

Sec. 20-2-2. Statutory authorization and purpose.

To protect the public safety and welfare, to provide for emergency services, the County establishes a comprehensive road naming and numbering system for structures, parcels and facilities; to create and establish regulations for such system and to provide for its administration, control and enforcement. This article is created, adopted and amended pursuant to the authority granted in Wis. Stats. §§ 59.02 and 59.54(4).

(Ord. No. 7-2001, § 1.0, 9-18-2008)

Sec. 20-2-3. Road name administration.

Oversight of the Road Naming System shall be provided by the Committee and shall be administered by the Land Records Department. Costs to the County for the Road Naming System shall be limited to necessary administrative costs, including the costs of developing and maintaining a master index and preparation of official property address maps. The cost of securing, erecting and maintaining municipal road name signs shall be the responsibility of the municipality.

(Ord. No. 7-2001, § 3.0, 9-18-2008)

Sec. 20-2-4. Road name selection.

The purpose of this section is to establish a uniform system for the naming of roads located in the County.

- (1) U.S. and State Trunk Highways which are presently designated by number by the Wisconsin Department of Transportation (WisDOT) shall retain such designation. New U.S. and State Trunk Highways shall be numbered by the WisDOT.
- (2) All County Trunk Highways which are presently designated by letter by the County Highway Commission shall retain such designation. New County Trunk Highways shall be named by the County Highway Commissioner in consultation with the County Public Works Committee.
- (3) All roads named in the 1998 Sawyer County Plat Book shall retain their names.
- (4) All other roads shall be designated by name according to the following procedure:

- a. *Naming municipal roads.* Municipal boards and councils shall, by resolution, name new municipal roads after submitting the name and a map showing its location to the Director of the County Land Records Department for comparison of existing road names to avoid conflicts with other roads with a similar or identical name. Should there be a conflict with other road names, the Director of the Land Records Department shall cooperate with the municipality in the selection of a name, which does not conflict with other names. Should there not be a conflict, the municipality shall send a copy of the road name resolution to the Land Records Department. The County shall establish the sign number range and the road name shall be added to the master road index and property address maps. Disputes or conflicts in the naming of a municipal road or a Private Access Road shall be resolved by the County Property Address Committee.
- b. *Naming Private Access Roads.*
 - 1. *New subdivisions.* Those Private Access Roads within new subdivisions of five or more lots or parcels shall be named by the owner of the development and such name forwarded to the municipal board or council for approval following the provisions of Subsection (4)a of this section. Proposed road names may be checked against the master road index before forwarding such name or names to the municipality for approval. The cost of the road name sign and post shall be the responsibility of the owner of the development and installed before any lots or parcels are sold. The road name sign and the post shall meet the specifications designated by the County.
 - 2. *Existing private roads.* To be consistent with the public interest in providing government and emergency services, the owner or owners of the lands on which any such private road access is located shall be required to name a Private Access Road upon the application of a land use or building permit for the fifth residence or principal building. Proposed road names shall be forwarded to the municipal board or council for approval following the provisions of Subsection (4)a of this section. Proposed road names may be checked against the master road index before forwarding such name or names to the municipality for approval. The cost of the road name sign and post shall be the responsibility of the owner(s) of the Private Access Road. The road name sign and the post shall meet the specifications designated by the County.
- (5) Existing road names may be changed by following the procedure in Subsection (4)a of this section.
- (6) Those roads which are included in the town, village, or city maintenance system, but which are dead-end roads and serve only one owner need not be included in the road naming program, but may at the municipalities' discretion.
- (7) The County hereby adopts by reference the Uniform United States Postal Service Suffixes and Abbreviations for use in the property address system. It is recommended that suffixes such as road, street, and avenue be reserved for use by municipalities. Private Access Roads shall use suffixes as adopted by the USPS.

(Ord. No. 7-2001, § 4.0, 9-18-2008)

Sec. 20-2-5. Road name signs.

(a) *General requirements.* Road name signs shall be erected at the intersections of all roads, showing the names of the roads in accordance with the official road index. All intersection signs shall be four-way unless a multiple intersection requires a larger sign. Signs shall be so erected as to be clearly visible to the road-using public and shall be of a uniform design and color, mounted on suitable posts in the uniform manner throughout the County. The furnishing of nameplates for U.S., State and County highways at intersection with the municipal road shall be at the discretion of the municipal boards or councils. Road name signs are the responsibility of the municipality in which the road is located except that road name signs on Private Access Roads which shall be the sole responsibility of the property owner

(b) *Specifications.* In those towns, villages or cities that have erected road name signs prior to passage of this article, such signs may be used until replacement is necessary, at which time the sign prescribed herein or their equivalent shall be erected. This exception shall not apply where signs must be replaced because of changes in road

names. It is recommended that municipal road signs are of one background color and Private Access Road signs are of another background color subject to the discretion of the municipality.

(Ord. No. 7-2001, § 5.0, 9-18-2008)

Sec. 20-2-6. Parcel building and facility numbering administration.

(a) *Oversight and administration.* Oversight of the system shall be provided by the Committee and shall be administered by the County Land Records Department.

(b) *Costs.* Fees may be established by the Property Address Committee to administer the property address system, including new signs, replacement signs, summary signs and relocating existing signs. The County may contract for signage and maintenance of the property address system.

(c) *New buildings or facilities.* When a zoning, land use, or building permit is issued for any residential, commercial, recreational or industrial building or facilities, a property address application shall be required. A property address will be assigned in accordance with rules and policies approved by the Committee.

(d) *Rules.* The Committee may make reasonable rules necessary to provide for the orderly and speedy maintenance of the rural numbering system.

(e) *Restrictions.* No signs, numbers or posts other than those specified in this article shall be used.

(Ord. No. 7-2001, § 6.0, 9-18-2008)

Sec. 20-2-7. Replacement signs.

(a) *Willful damage.* It shall be unlawful and a violation of this article to willfully disturb, remove, deface or damage any sign erected or maintained under the provisions of this article. Any person violating this section shall be subject to a forfeiture not to exceed \$200.00 and costs, and, on default of payment of such forfeiture and costs, by imprisonment in the County jail until such forfeiture and costs are paid, but not to exceed 30 days.

(b) *Accidental damage.* Any person who accidentally disturbs, removes, defaces or damages any sign or the owner of any land whose sign is disturbed, removed, defaced or damaged shall immediately report the same to the County Zoning Department. Willful failure to report such damage shall be a violation of this article and shall be subject to a forfeiture of not to exceed \$50.00 and costs, and, on default of payment of such forfeiture and costs, by imprisonment in the County jail until such forfeiture and costs are paid, but not to exceed 30 days.

(c) *Owner's responsibilities.*

- (1) The owner of the land on which a property address is missing shall be responsible for the installation of a sign by applying for a property address.
- (2) The owner of the land on which a property address has been assigned, but the sign is missing or damaged or otherwise unusable due to the fault of the owner, shall apply for a replacement sign.
- (3) The owner of the land on which a property address has been assigned, but the sign is missing or damaged or otherwise unusable, but through no fault of the owner, shall apply for a no fee replacement sign.
- (4) The owner of the land on which a property address sign is missing shall be informed of noncompliance and given 60 days to bring signing into compliance.

(d) *Utility/road construction.* Property address signs removed by road or utility crews shall be re-installed by the contractor. Lost or damaged signs shall result in replacement of the signs at the contractor's expense.

(Ord. No. 7-2001, § 7.0, 9-18-2008)

Sec. 20-2-8. Signage policies.

(a) The Countywide 911 emergency system requires that each parcel with a principle building improvement must have a fire number/property address.

(b) The property owner is responsible for maintenance of the sign and post. The County will not re-install or move signs for the convenience of the property owner.

(c) Each single dwelling unit shall be assigned a number. Each duplex dwelling shall be assigned one number

for the building with unit/apartment numbers for each unit/apartment. A multiple unit dwelling that encompasses three or more separate units shall have one number for the building and unit/apartment numbers for each unit/apartment. Commercial or professional buildings may have one property address number with numerical designators for each office or suite. Alphabetical letters for units/apartments/suites are prohibited.

(d) Costs for replacement or installation of a summary sign will be the responsibility of all property owners on said road that are served by the summary sign.

(Ord. No. 7-2001, § 8.0, 9-18-2008)

Sec. 20-2-9. Cooperation.

The County shall cooperate with the municipalities in the County in the implementation of this article.

(Ord. No. 7-2001, § 10.0, 9-18-2008)

Sec. 20-2-10. Enforcement and penalties.

(a) The Director of the Land Records Department shall have the responsibility for the enforcement and interpretation of this article. Any person, firm, or corporation violating any provision of this article shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$5,000.00 and the cost of prosecution, corrective action, and in default of payment of such fine and costs shall be imprisoned in the County jail until payment of such forfeiture and the costs of prosecution, but not exceeding 30 days for each violation. In any such action the fact that a property address was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Director constitute a defense. Each day which the violation exists shall constitute a separate offence. This subsection applies if no citation was issued.

(b) For fines and court costs if a citation is issued, see Chapter 1, Article II.

(Ord. No. 7-2001, § 11.0, 9-18-2008)

Chapter 21

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Chapter 22

SUBDIVISIONS**Sec. 22-1-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Applicant* means any person or persons, firm or corporation or any agent thereof, dividing or proposing to divide land as defined by the terms of this chapter.
- (2) *Arterial Highway* means a major, high capacity Road designed to carry large volumes of traffic between various areas of the County.
- (3) *Block* means a Parcel or Tract of land bounded on at least one side by a public Road and on the other sides by natural or manmade barriers or unplatted lands.
- (4) *Buildable Area* means an area suitable for construction which does not include floodways, Wetlands, Slopes greater than or equal to 20 percent, easement areas and setbacks. A minimum of 5,000 Contiguous square feet of Buildable Area is required for the construction of a single-family dwelling without public sewer. A minimum of 2,500 Contiguous square feet of Buildable Area is required for the construction of a single-family dwelling with public sewer.
- (5) *Certified Survey Map (CSM)* means a map prepared by a registered land surveyor of land division of up to four Lots. Such maps shall meet the requirements of Wis. Stats. § 236.34, Wis. Admin. Code Chs. NR 115 and AE-7, Chapter 10, Article IX and this chapter.
- (6) *Cluster Development* means a form of residential development at least five acres in size that concentrates buildings or Lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of Lots is facilitated by a reduction in Lot size. A Cluster Development will consist of one or more Cluster Groups surrounded by common open space.
- (7) *Cluster Group* means a group of single-family detached dwellings within a Cluster Development, surrounded by common open space that comprises at least 60 percent of the gross Parcel area. The outer boundary of a Cluster Group shall be defined by the rear Lot Lines of the Lots within the group.
- (8) *Condominium* means a form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirements of Wis. Stats. Ch. 703. Common areas and facilities are owned by all members of the Condominium association on a proportional, undivided basis. A Condominium is a legal form of ownership and not a specific building type or building style. For the purpose of this chapter, the requirements that apply to Condominiums shall be the same as those which would apply to a physically identical development under a different form of ownership.
- (9) *Contiguous* means adjoining, touching, unbroken.
- (10) *Cul-de-sac* means a Road having one end open to traffic and the other permanently terminated by a vehicular turnaround.
- (11) *Easement* means authorization by a property owner for the use by another for a specified purpose of any designated part of such owner's property.
- (12) *Environmental Impact Analysis* means a document drafted by the Subdivider describing the impact of the environment in the general vicinity of the development.
- (13) *Frontage Road* means Roads parallel and adjacent to arterial Roads, which provide access to abutting properties and separation from through traffic.
- (14) *Lot* means a Parcel of land occupied or capable of being occupied by structures and/or uses consistent with the provisions of this chapter and Chapter 10, Article IX.

- (15) *Lot, Area of*, means the Contiguous area, not separated by public roadway or a navigable waterway, of a Lot between its front, rear, and side Lot Lines. Lot Area must meet the minimum Lot Area requirements of Section 10-9-473(b).
- (16) *Lot Depth* means a horizontal distance between the front and rear Lot Lines, measured in the general direction of its side Lot Lines.
- (17) *Lot Front*. On shoreland Lots, the front shall be the area from the shoreline landward. On non-shoreland Lots, the front shall be the area from the Road or Road Easement away from the Road.
- (18) *Lot Line* means any line dividing one Lot from another.
- (19) *Lot Width* means the width measured perpendicular to a line to its depth at all points along its depth. Lot Widths shall meet the minimum Lot Width requirements of Section 10-9-473(c).
- (20) *Ordinary High-Water Mark* means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinct mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (21) *Outlot* means a Parcel of land other than a Lot or Block, intended for transfer of ownership or private right-of-way. An Outlot may not be used as a building site unless it is in compliance with restrictions imposed under this chapter with respect to building sites. An Outlot may be a private Road or alley, a non-buildable Parcel having poor soils or topographic conditions or a remnant Parcel. Outlots shall not be used to circumvent the intent of this chapter.
- (22) *Parcel*. See *Lot*.
- (23) *Planned Unit Development (Zone District)* means a district intended to provide for a combination of single- and multi-family development as well as related commercial uses. See Chapter 10, Article IX.
- (24) *Planned Unit Development (Development Type)*. See *Cluster Development*.
- (25) *Plat* means a map of a Subdivision, including County and State Plats, prepared in the manner prescribed in Wis. Stats. Ch. 236.
- (26) *Regional Flood* means a flood determined to be representative of large floods known to have generally occurred in the State and which may be expected to occur on a particular lake, river or stream once in every 100 years.
- (27) *Replat* means the process of changing the map or Plat which changes the boundaries of a recorded Plat or part thereof.
- (28) *Road* means a public or private Easement which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, Road, boulevard, lane, thoroughway, or however otherwise designated, but excepting driveways to buildings.
- (29) *Road Frontage* means the shortest horizontal straight line which can be established between the point where one side Lot Line intersects the right-of-way to the other side Lot Line.
- (30) *Shoreline Measurement* means the shortest straight line, which can be established between points on the side Lot Lines at the Ordinary High-Water Mark of a Lot or Parcel abutting a navigable lake or stream.
- (31) *Slope* means degree of deviation of a surface from horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. Percent Slope is calculated as rise divided by run. A 2:1 Slope is a 50 percent Slope. Expressed in degrees, the Slope is the angle from the horizontal plane, with a 90-degree Slope being vertical (maximum) and a 45-degree Slope being a 1:1 Slope.
- (32) *Subdivider* means any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or building development, any Subdivision or part thereof as defined herein.
- (33) *Subdivision* means a division of a Lot, Parcel or Tract of land by the owner thereof or the owner's agent for the purpose of transfer or building development. See Section 22-1-4. Mobile home parks are exempt from Subdivision requirements.

- (34) *Surety Bond* means a bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the Applicant.
- (35) *Tract* means a Contiguous Parcel of land under the same ownership.
- (36) *Variance*, in specific cases, means a deviation from the terms of this chapter that will not be contrary to the public interest and where owing to conditions peculiar to the Lot or property in question, a literal enforcement of the provisions of the chapter will result in unnecessary hardship, determined by the County Board of Appeals.
- (37) *Wetlands* means those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (38) *Zoning Committee* means a committee created by the County Board of Supervisors under the authorization of the Wisconsin Statutes to act in matters of land use.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 2.0)

Sec. 22-1-2. Authorization, purpose, and interpretation.

The purpose of this chapter is to regulate the division of land within the unincorporated areas of the County for the purposes listed in Wis. Stats. Ch. 236 and to provide safe and orderly shoreland Subdivision layouts pursuant to Wis. Stats. §§ 59.692, 281.31, and 236.45, Wis. Stats. Ch. 703 and Wis. Admin. Code Chs. AE-7, NR 115 and SPS 385. This chapter shall not repeal, impair, or modify private Easements or covenants governing the use of lands except that it shall be applicable to the extent that it imposes stricter regulations. Some towns have their own Subdivision ordinance. Contact the town for their review process.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 1.0)

Sec. 22-1-3. General requirements.

Those towns having adopted their own Subdivision/land division ordinance shall review Subdivision documents prior to the submission to the County Zoning Administrator. The County Zoning Committee or its duly appointed staff, in considering a proposed plan for the Subdivision of land, shall be guided by the following considerations and standards:

- (1) The authority to review, approve, conditionally approve or reject Certified Survey Maps shall be delegated to the County Zoning Administrator and the Deputy Zoning Administrator by the County Zoning Committee. The time period for Zoning Department review shall be within ten working days after the County Surveyor's review of the map. If the map is returned to the surveyor for corrections, the Zoning Department review period of ten days starts over. Some towns may also have a Subdivision ordinance. Contact the town for their time period for review process. Appeals of the decision of the Zoning Administrator or Deputy Zoning Administrator shall be to the County Board of Appeals within 30 days of the decision.
- (2) This chapter is intended to allow for the division of a quarter-quarter section into two equal Parcels by aliquot description.
- (3) Subdivision is a division of a Lot, Parcel, or Tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development. See Section 22-1-4.
- (4) A Certified Survey Map shall be recorded for any proposed land division of 19 acres or less. Where Lots are created but in insufficient numbers to require submission of a County or State Plat under the requirements of this chapter such lots shall comply with Wis. Stats. §§ 59.692(3); 281.31(2); 281.31(8) and 236.45, Wis. Admin. Code Chs. AE-7, including filing USPIS monument records, and SPS 385, the County Zoning Ordinance and the County Private Sewage Ordinance. Certified Survey Maps shall be approved by the County Zoning Administrator or Deputy Zoning Administrator in accordance with the procedure for submitting Certified Survey Maps and Subdivisions.
- (5) A Certified Survey Map shall be required where the proposed division of land is within 1 1/2 miles of

incorporated cities or villages.

- (6) All separate land areas resulting from the act of subdividing a Parcel shall be designated as Lots (i.e., "remainders" must be Outlots if less than the minimum size specified in Chapter 10, Article IX).
- (7) No Lot shall be created if the proposed division will result in a nonconforming structure. Nonconforming structures shall be razed or moved in such a way to correct the nonconformity prior to the sale of the surveyed Lot as mandated by an owner's certificate on the map. A possible inspection of the site may be made to verify the removal of the structure.
- (8) Standards. No Lot shall be created with more than one existing habitable structure that does not meet the Lot size requirements of the zone district or the Lake Class Development Standards.
- (9) On shoreland Lots, the front of the Lot shall be the shoreline. On non-shoreland Lots, the front shall be the Road or Road Easement.
- (10) Outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the Outlot. Outlots shall not be used to circumvent the intent of this chapter.
- (11) All Certified Survey Maps and Subdivision Plats shall be recorded in the office of the County Register of Deeds in the manner described in Wis. Stats. § 59.69(4) and Wis. Stats. Ch. 236. This recording shall be within 90 days of the approval of the Certified Survey Map or the County Plat by the County Zoning Committee.
- (12) Correction of errors on recorded Certified Survey Maps shall be made by recording an affidavit of correction or a correction Certified Survey Map. A statement shall be clearly placed on the face of the correction Certified Survey Map indicating the volume and page, and document number of the Certified Survey Map it is correcting.
- (13) This chapter shall not apply to divisions exempt from platting controls under the provisions of Wis. Stats. §§ 236.03 and 236.45(2).
 - a. The transfer of land pursuant to a court order or will.
 - b. The sale or exchange of Parcels between owners of adjoining property if additional Lots are not thereby created and the Lots resulting are not reduced below the minimum size required by Chapter 10, Article IX or other applicable laws or ordinances. Parcels sold or exchanged must be combined with an existing Parcel by Plat of survey, Certified Survey Map or by deed to avoid creating an additional Parcel.
 - c. Leases for a term not to exceed ten years, mortgages or Easements.
 - d. Cemetery Plats, and assessor Plats made under the provisions of Wis. Stats. §§ 157.07 and 70.27.
 - e. Sale and exchange of Parcels of public utility or railroad right-of-way to adjoining property owners where approved by the city, village, town or County.
- (14) All Certified Survey Maps shall be reviewed for requirements of Wis. Stats. Ch. 236 before recording. This includes surveys of existing Parcels. A technical review fee will be charged in accordance with Section 22-1-11.
- (15) Subdivisions located either wholly or partially within the Shoreland Protection One District or Floodplain District (see Chapter 10, Article IX) shall require the recording of a Certified Survey Map or Plat.
- (16) All Subdivisions shall include lands lying within the right-of-way of existing public Roads if that right-of-way is included in the existing property description. The right-of-way shall be shown as:
 - a. An existing Easement;
 - b. Dedicated fee simple to the public; or
 - c. Shown as an Outlot.
- (17) No Lot(s) shall be created without a recorded access. The volume and page of the recorded access shall be shown on the map or an owner's certification.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 3.0)

Sec. 22-1-4. Classifications of land division.

(a) *Single parcels and tracts of land.* Any Contiguous Parcel or Tract of land that is owned, controlled, or managed as a single entity shall be treated as a single Parcel or Tract of land for the purpose of this chapter. Public Road Easements, private Road Easements, and streams do not divide said Parcels for the purpose of this chapter. A Lot shall not be created if it extends across a navigable stream unless a portion of the Lot on at least one side of the navigable stream meets the size requirements of the Zone District or Lakes Classifications Standards. The bed of navigable waters shall not be used in determining minimum Lot Area, Lot Width or Lot Depth. A Certified Survey Map shall be required for each new Parcel regardless of size if it is within the Shoreland District (1,000 feet of a lake or 300 feet from a river or stream) except as provided in Section 22-1-3(13)a through e. Land divisions are classified under this section as either:

- (1) *Minor Subdivisions (Certified Survey Map).* A minor Subdivision shall include the creation of one but not more than four Parcels or building sites which are 19 acres or less within the same Tract of land and within a period of five years.
- (2) *County Subdivision (County Plat).* A County Subdivision shall include the creation of five or more Parcels or building sites which are 19 acres or less in size. This division shall require town review and approval.
- (3) *State Subdivision (State Plat).* A land division meeting the definition of State Subdivisions is subject to mandatory State review under Wis. Stats. Ch. 236 as well as town and County review.

(b) *Certified Survey Map (CSM).*

- (1) The Certified Survey Map shall comply with the requirements of Wis. Stats. § 236.34, Wis. Admin. Code Ch. AE-7 and the following requirements:
 - a. The map shall be of convenient scale.
 - b. Date of preparation.
 - c. Name of the owner of the Parcel to be divided or by the direction of.
 - d. All visible structures shall be shown to scale on the face of the Certified Survey Map.
 - e. Location of visible components of existing wells, drain field vents, septic, pump and holding tank risers. The approximate outline of the base of any mound or above grade drainfield.
 - f. Apparent Easements or private rights-of-way which adjoin or cross the property.
 - g. Adjoining property information (Vol., Pg., Doc #, Certified Survey Map #, Plat, etc.).
 - h. In those cases where land has been vacated and the vacated Parcel is to be included in the survey, the volume and page of the recorded vacation document shall be shown.
 - i. Contiguous square feet of Lot Area, acreage and Lot dimensions shall be shown. The right-of-way of any public Road or any portion of the bed of a navigable body of water shall not be used in determining the minimum Lot Area or minimum Lot Width. The right-of-way of an existing public Road may be used in determining Lot Area and Width when creating Lots only in the A-1, A-2 and F-1 zone districts.
 - j. All Lots abutting navigable waters, except those lands zoned F-1, A-1 and A- 2, shall meet the minimum Lake Class Development Standards.
 - k. Approximate location of Wetland/marshy areas, all ponds, streams and creeks shall be shown on the map.
 - l. The location of the Ordinary High-Water Mark (OHWM) of lakes, flowages and rivers shall be shown.
 - m. For Lots less than one acre, the Buildable Area shall be shown.

- n. The Lot Width shall be clearly indicated at the front of the Lot and at the minimum Lot Depth required to create a conforming Lot in accordance with the most restrictive requirements of either Chapter 10, Article IX, Lake Class Development Standards or zone district standards. The Lot Width shall be measured perpendicular to a Lot Line.
- o. Benchmark referenced to the datum that was used in establishing a known Regional Flood elevation.
- p. A statement by the surveyor certifying that the requirements of this chapter has been fully complied with.
- q. Surveyor's seal and signature.
- r. Required fee.
- s. Zoning approval certification area.

(2) The Zoning Administrator reserves the right to add restrictions as provided in Wis. Stats. § 236.293.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 4.0)

Sec. 22-1-5. Procedure for submitting County or State Subdivision Plat.

A County Subdivision Plat shall be prepared and recorded for all land divisions resulting in the creation of five or more Lots with 19 acres or less, within five years. In those instances where a proposed development will be fronting on a State highway, a driveway access permit shall be obtained from the Department of Transportation prior to the preliminary Plat review. State Plats will be required for land divisions resulting in five or more Lots with less than 1 1/2 acres within five years. For proposed Subdivisions consisting of ten Lots or more, the Zoning Committee may require an environmental impact analysis. Such analysis shall be at the expense of the Subdivider. The Zoning Committee shall determine the content of the analysis. A list of possible analysis requirements is available in the Zoning Department.

- (1) *Preliminary meeting.* Before filing a preliminary Plat, the Subdivider shall consult with the Zoning Administrator, Deputy Zoning Administrator, County Surveyor, land records and the Register of Deeds for advice regarding general requirements affecting the proposed development.
 - a. A sketch plan of the proposed Subdivision drawn on a topographic survey map should be submitted. This sketch plan should identify the boundaries of the property being considered for Subdivision, proposed Roads, and general Lot layout including proposed dedication, physical features, Slopes over 12 percent, bodies of water, Ordinary High-Water Mark, Wetland areas, general soil conditions, utility Easements, etc. Areas subject to periodic flooding, to include Regional Flood elevations (RFE) as indicated by contour line and elevation for each affected Lot shall be indicated. RFEs shall be determined at the expense of the Subdivider.
 - b. In addition, the sketch plan should indicate proposed filling, grading, lagooning, or dredging, and a description of any Contiguous property owned or controlled by the Subdivider even though only a part of the area is proposed for immediate development.
 - c. The Subdivider should also submit a location map showing the relationship of the proposed Subdivision to traffic arteries and existing community facilities. This consultation is intended to provide the Subdivider with the purpose and objectives of this chapter, to provide assistance in planning of the proposed land division, and to afford the opportunity for the Subdivider of being informed of any changes, additions or corrections to the proposed land division to expedite formal review procedures.
 - d. Roads shall be named in accordance with Chapter 20, Article II. Approved Road names shall appear on the final Plat.
- (2) *Preliminary Plat.* The Subdivider shall submit to the County Zoning Administrator, the County Surveyor, the town board and those agencies having the authority to object to the Plat under the provisions of Wis. Stats. Ch. 236, one copy each of the preliminary Plat based upon an existing boundary

survey by a registered land surveyor.

- a. The preliminary Plat shall show clearly the existing conditions of the proposed Subdivision and of the adjoining sites including data on covenants, physical features, Slopes over 12 percent, bodies of water, public access (minimum of 66 feet in width), Wetland areas, areas subject to periodic flooding, and soil conditions, available community facilities, structures, utilities, Easements, Road locations and status (public, private) recorded covenants, Lot Widths, Lot Depths and Lot Area.
 - b. The proposed layout shall be shown on a topographic map at a scale of one inch equals 100 feet having contours at vertical intervals of not more than two feet where the Slope of the ground surface is less than ten percent, and of not more than five feet where the Slope of the ground surface is ten percent or more and shall identify the improvements (grading, tree planting, paving, installation of facilities, and dedication of land) which the Subdivider proposes to make and shall indicate when the improvements will be provided.
 - c. In those instances where contour maps are deemed unnecessary for the purpose of reviewing all or a portion of the land included in the proposed Subdivision, the Zoning Administrator or Deputy Zoning Administrator may waive or modify the contour mapping requirement. Any proposed restrictive covenants for the land involved shall be stated.
 - d. The Zoning Administrator or Deputy Zoning Administrator and the town shall reject, approve or conditionally approve the preliminary Plat within 90 (Wis. Stats. § 236.11) days as provided by statute. After such zoning and town review and approval, the Zoning Administrator will place the preliminary Plat map on the agenda for the next available public hearing for preliminary review by the Zoning Committee. Plats submitted for Zoning Committee review may, at the discretion of the Zoning Committee, comply with all provisions for public notification and department fees as for an application for a conditional use.
 - e. The Subdivider shall comply with Section 22-1-6(a) before the final Plat is approved by the Zoning Committee.
 - f. Where the Zoning Committee finds that additional information relative to a problem or concern posed by the proposed Subdivision is needed, the Zoning Committee shall have the authority to request such information from the Subdivider. Such additional information may include, but is not limited to, soil borings conducted by a certified soil tester, a stormwater management plan under the provisions of Wis. Admin. Code Ch. NR 216; achieving the erosion control performance standards of Wis. Admin. Code Ch. NR 151 or Regional Flood elevation.
 - g. Land which is deemed unsuitable for any proposed development by the Zoning Committee for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed Subdivision or of the community shall not be subdivided. In applying for the provisions of this section, the Zoning Committee shall, in writing, recite the particular facts upon which it bases its conclusion that the proposed development is unsuitable and afford the Subdivider an opportunity to present evidence regarding such suitability if the Subdivider so desires at a public hearing as provided in this chapter. Thereafter the Zoning Committee may affirm, modify, or withdraw its determination of unsuitability.
- (3) *Final Plat.* Final Plats shall be submitted to the Zoning Committee within 180 days of preliminary Plat acceptance unless this requirement is waived in writing by the Zoning Committee.
- a. Final Plats shall be presented to the Zoning Administrator or Deputy at least ten work days prior to the Zoning Committee meeting at which they are to be considered and shall be accepted, conditionally accepted or rejected by the Zoning Committee within 60 days of their submission.
 - b. The final Plat shall conform to the preliminary Plat as approved and to the requirements of all applicable ordinances and State laws and shall be submitted for certification first to those agencies having the authority to object to the Plat as provided by Wis. Stats. § 236.12(2).

- c. The final Plat shall be accompanied by a town resolution approving the construction plans of all public Roads. See Section 22-1-6(a)(3)b for additional information regarding the construction of Roads.
- d. Approved final Plats shall be recorded in accordance with the statutory requirements, Wis. Stats. § 236.25, prior to the time that Lots are offered for sale, reference is made to the map for sale purposes, or use is made of Lot and Block numbers shown on the Plat.
- e. Review fees are required. See the County Zoning Administrator Fee Schedule for the review fee.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 5.0)

Sec. 22-1-6. Design standards.

- (a) *Roads.*
 - (1) *General standards.* The Subdivider shall dedicate land for and improve Roads as provided herein. Roads shall conform to any applicable official map ordinances in effect in the County. Roads shall be located with due regard for topographical conditions, natural features, existing and proposed Roads, utilities, land uses, and public convenience and safety. These provisions shall apply to all public Roads and streets within the jurisdiction of this chapter. Some towns have a Road ordinance and may be more restrictive than this chapter. Contact the town for Road construction information.
 - (2) *Naming Roads.* Roads shall be named in accordance with Chapter 20, Article II. Approved Road names shall appear on the appropriate document (Plat).
 - (3) *Public Roads.* All Roads in a County or State Subdivision Plat shall be public Roads, unless the governing municipality chooses not to accept the Roads.
 - a. Right-of-way shall be at least 66 feet in width (public and private), shall have a minimum traveled Road width of 20 feet and shall have a minimum height clearance of 16 feet.
 - b. Before the final Plat is approved by the Zoning Committee, the Subdivider shall build all Roads to town specifications or shall file a performance bond with the town clerk ensuring that the Roads will be built within three years from the date of final approval or before more than 50 percent of the Lots are sold, whichever comes first. The amount of the bond shall be determined by the town. A copy of the bond and a letter from the town stating the bond has been properly filed and meets their requirements shall be submitted to the Zoning Administrator.
 - c. Before the final Plat is approved by the Zoning Committee, the Subdivider shall build all Roads that are proposed to be County Roads to specifications approved by the County Highway Commissioner.
 - d. The specifications for Roads shall be approved by the town or the County Highway Commissioner and the Zoning Committee prior to either acceptance of the Road by the town or release of the developer's bond. All improvements shall be inspected by the town or the County Highway Commissioner and the Zoning Administrator and found to have been installed according to specifications.
 - 1. For town Roads, the town board shall provide a letter stating that the town Roads have been built in accordance with the appropriate specifications and that the Roads are acceptable for turn-over to the town.
 - 2. For County Roads, the County Highway Commissioner shall provide a letter stating the County Roads have been built in accordance with the specifications and are acceptable for turn-over to the County.
 - e. Owner's certificates of dedication shall be used on Certified Survey Maps of minor Subdivisions when public Roads are created.
 - (4) *Private driveway Easements.* Private driveway Easements shall be for the exclusive access to one Parcel only.

- a. An exception can be made for up to two Parcels if no future division of Parcels could be made under the terms of this chapter.
 - b. Right-of-way shall be a minimum of 33 feet in width and shall have a minimum traveled road width of 20 feet and shall have a minimum height clearance of 16 feet.
- (5) *Private road Easements.* These provisions shall apply to all private roads intended to provide access to newly created Parcels.
- a. Private roads are only allowed in minor Subdivisions (by Certified Survey Map) and shall meet the following requirements:
 - 1. A minimum of 66 feet wide private road right-of-way shall provide access from a public road to no more than four Lots.
 - 2. A private road shall not exceed the greater of 1,320 feet in length or the length of a quarter-quarter section.
 - b. Private Roads shall have a height clearance of 16 feet and shall have a minimum traveled road width of 20 feet.
 - c. Private roads serving County and State Subdivisions are not allowed except as provided in Subsection (a)(3) of this section.
 - d. All private dead-end roads shall have sufficient side and overhead clearance to allow access for emergency, police, fire, utility and school bus usage. Dead-end roads over 600 feet shall have an improved turnaround/Cul-de-sac at the end.
 - e. Private roads that are existing and owned by the Subdivider at the time of the effective date of the ordinance from which this chapter is derived that are proposed to provide access to newly created Parcels, shall meet the requirements as specified in this section.
 - f. Private roads from an existing public road to the newly created Lot(s) shall be clearly labeled and the recorded access (volume and page) shall be shown on the map.
- (b) *Arrangement.*
- (1) All roads shall be properly integrated with the existing and proposed system of roads and dedicated rights-of-way and future Subdivisions.
 - (2) All roads shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.
 - (3) Minor roads shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of roads necessary to provide convenient and safe access to property.
 - (4) The use of curvilinear roads, Cul-de-sacs or U-shaped roads shall be encouraged where such use may result in a more desirable layout.
 - (5) Access to major roads. The number of residential roads entering an arterial highway shall be kept to a minimum. Where a Subdivision borders on or contains an existing or proposed major road, the Zoning Committee may require that access to such streets be limited by one of the following means:
 - a. A parallel road supplying frontage for Lots backing onto the major road. Such Lots to be provided with a screen planting contained in a non-access reservation along the major road.
 - b. A series of Cul-de-sacs, U-shaped roads, or short loops entered from land designed generally at right angles to such a parallel road, with the rear lines of their terminal Lots backing onto the major road.
 - c. A marginal Frontage Road or service drive, separated from the major road by a planting or grass strip and having access thereto at suitable points. The right-of-way shall be a minimum width of 33 feet in width and shall have a minimum traveled road width of 20 feet and a minimum height

clearance of 16 feet when accessing no more than four Lots. When accessing five or more Lots, the minimum right-of-way width shall be 50 feet.

- (6) Width of roadways. Paving widths of all roadways shall be determined by the town board but shall not be less than that specified in Wis. Stats. § 82.50.
- (7) Cul-de-sacs or dead-end roads.
 - a. The use of Cul-de-sacs in road layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, floodplain, Wetland or other condition, may better be served by Cul-de-sacs than by continuous roads. A layout making unrestricted use of Cul-de-sacs or courts will not be acceptable.
 - b. A Cul-de-sac shall be at least every 1,320 feet and at the end of a dead-end road, measured on its centerline unless, by reason of topography or other circumstances beyond the control of the developer, the Zoning Committee, upon the recommendation of the Administrator, find a greater length to be justifiable.
 - c. The diameter of a permanent Cul-de-sac shall be no less than 120 feet. The roadway within the turnaround shall have the largest diameter practical. The roadway shall generally be within ten feet of the right-of-way.
 - d. Temporary Cul-de-sacs or "T" turnarounds may be required where a roadway will not be immediately completed as a through road. The Committee may approve turnarounds of smaller diameter or different design on a case-by-case basis.
- (c) *Road intersections.*
 - (1) Roads shall be laid out so as to intersect as nearly as possible at right angles but deflections of up to 20 degrees from right angles will be acceptable. Not more than two roads shall intersect at any one point unless specifically approved by the Committee.
 - (2) Proposed new intersections along one side of an existing road shall coincide with any existing intersections on the opposite side of such road.
 - (3) The town board or Zoning Committee may require the developer to dedicate or reserve land at intersections to the extent deemed necessary to provide adequate sight distances.
- (d) *Alleys.*
 - (1) Alleys may be required by the Zoning Committee where deemed necessary. The width shall be not less than 24 feet.
 - (2) Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end.
- (e) *Utility Easements.* The Zoning Committee may require Easements for electric power and communication facilities, storm and sanitary sewer, roads, trees, gas, water or other utility lines. Where such Easements are specifically located within the area being divided, they shall be placed so as not to interfere unreasonably with the uses and enjoyment of the property for residential or other purposes. All Easements shall be noted on the final Plat followed by reference to intended use. For underground utilities (electric, cable, fiber optic, etc.) the Easement shall be a minimum of ten feet wide. For sewer and water utilities the minimum Easement shall be 30 feet. Building setbacks from these Easements shall be a minimum of ten feet.
- (f) *Driveway access.* Driveway access points shall be located and shown on the Plat where the Zoning Committee deems necessary due to visibility, safety, and topography concerns.
- (g) *Lots and Blocks.* Unless specifically waived by the Zoning Committee, a separate Lot shall be provided for each structure intended for residential use.
 - (1) *Minimum Lot size.* The minimum Lot size for newly created Lots shall be according to the area zone district or the Lakes Class Development Standards, whichever is more restrictive.

- (2) *Lot.* In general, the size, shape, and orientation of Lots shall be appropriate for the location of the Subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of applicable zoning regulations.
- (3) *Residential Lots.* Residential Lots to be served by private sewage systems shall comply with the rules of the Department of Safety and Professional Services and Chapter 10, Article II.
- (4) *Corner Lots.* Corner Lots for residential use shall have extra width to permit full building setbacks as required in Chapter 10, Article IX.
- (5) *Commercial Lots.* Business and Industrial properties. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in Chapter 10, Article IX.
- (6) *Drainage requirements.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual Lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each Lot to adjacent Lots. Drainage, runoff, erosion or the depositing of materials shall not occur onto properties not owned by the Subdivider.
- (h) *Blocks.*
 - (1) A Block is a Parcel of land bounded on at least one side by a road and on the other side by natural or manmade barriers or unplatted land. The length, width and shape of Blocks shall be determined by:
 - a. Building site needs.
 - b. Lot size and dimensional requirements.
 - c. Needs for convenient access, circulation, control and safety of road traffic.
 - d. Limitations and opportunities of topography.
 - (2) Length, widths, and shapes of Blocks shall be appropriate for the locality and type of development contemplated, but Block lengths in residential areas should not, where practical, exceed 1,800 feet nor be less than 400 feet in depth. Where ever practical, Blocks along Arterial Highways and collector streets shall be no less than 1,320 feet in length.
 - (3) Pedestrian walkways, not less than ten feet wide, may be required by the Zoning Committee through the center of Blocks more than 900 feet long where deemed essential to provide adequate access and circulation to playgrounds, schools, shopping centers, transportation, or other community facilities.
 - (4) Nonresidential Blocks. Blocks designed for business, green space, or commercial or industrial uses shall be of such length and width as may be determined suitable by the Zoning Committee for the prospective use.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 6.0)

Sec. 22-1-7. Cluster Development.

This section requires a public hearing. See Section 10-9-454 for further information.

- (1) Proposed Cluster Developments shall include a minimum of five acres of land.
- (2) Planned Cluster Developments shall be located in the PUD Zone District only and shall be developed as a unit for residential and/or commercial uses only.
- (3) The permitted number of Lots in such developments shall be determined by dividing the total Buildable Area of the development, excluding roads, Easements by the minimum permitted Lot size of the zone district.
- (4) The minimum distance between principal structures shall be 20 feet.
- (5) Land not used for Lots and roads shall be dedicated in perpetuity to remain in open space. This may be

accomplished by conveyance in common to each of the owners of Lots in the development or by dedication to the County, town, or municipality. Lands dedicated to the public must be accepted by action of the governing bodies of the accepting unit of government.

- (6) If land is to be conveyed to owners of Lots in the development, a homeowners' association or a similar legally constituted body shall be created to maintain the open space land.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 7.0)

Sec. 22-1-8. Reservations.

The Zoning Committee may require that suitable sites be dedicated or reserved for future public uses such as parks, playgrounds, and open spaces. In locating such sites, consideration shall be given to preserving scenic and historic sites, stands of pine trees, marshes, and shorelines. Reservation of land for public acquisition shall be for a period not to exceed five years if rejected by the municipality.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 8.0)

Sec. 22-1-9. Variances.

The County Board of Appeals may grant Variances from the provisions of this chapter after holding a public hearing within ten days' notice in writing to owners of adjoining lands and upon finding that:

- (1) Because of the unique topographic or other condition of the lands involved, literal application of this chapter would impose a hardship.
- (2) The Variance will not violate the purpose of this chapter or the provisions of Wis. Stats. Ch. 236.
- (3) The requirement of filing and recording a Plat for a Subdivision or a Certified Survey Map shall not be waived.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 9.0)

Sec. 22-1-10. Appeals.

Appeals of decisions made by the County Zoning Administrator or the Deputy Zoning Administrator shall be made in writing to the Zoning Office within 30 days after the decision has been made. The appeal shall be made on forms provided by the County Zoning Administrator. Appeals shall be heard by the County Board of Appeals at the earliest feasible public hearing.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 10.0)

Sec. 22-1-11. Fees.

A review fee shall be paid to the Zoning Administrator prior to the approval and recording of a Certified Survey Map or Plat. Such fees shall be established by the County Zoning Committee, and made payable to the County Zoning Administrator. Applicants shall also pay the recording fee as determined by the Register of Deeds prior to recording a Certified Survey Map, Plat or Condominium Plats.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 11.0)

Sec. 22-1-12. Condominiums and multi-unit development.

(a) *Intent.* It is the intent of this section to regulate multi-unit development and Condominiums (five or more Lots or five or more units) as set forth in Wis. Stats. Ch. 703. The establishment of a Condominium Plat shall meet the requirements of Wis. Stats. § 703.11. Multi-unit developments shall meet the requirements set forth in Chapter 10, Article IX.

(b) *Zoning Committee review of newly constructed Condominium/multi-unit developments.* In those instances where a public hearing has been held to create a new Condominium/multi-unit development where

conditions have been placed on the approval, the Condominium Plat/County Plat shall be reviewed by the Zoning Committee for compliance. A certificate of compliance shall be included on the map for the Zoning Committee Chairperson's signature.

(c) *Units.*

- (1) Unlike Subdivisions of Lots and Blocks, units are applied to Condominium Plats. Units shall be fully described as provided by Wis. Stats. § 703.12.
- (2) Units within multi-unit or multi-story structures shall be shown and described on the Plat.

(d) *Conversion of Condominiums.*

- (1) *Condominium conversion.* Allows for existing Parcels with existing structures to be converted to a Condominium form of ownership. The Zoning Administrator encourages that the conversion Plats be reviewed by the Zoning Administrator prior to the recording of the Plat.
- (2) *Standards for Condominium conversion Plat.*
 - a. Nonconforming structures and density shall be shown on the Plat or its Plat amendments pursuant to Wis. Stats. § 703.275.
 - b. All proposed construction or structural alterations shall meet Chapter 10, Article IX and be so noted on the Condominium Plat or Plat addendums.
- (3) *Property lines for determining placement of POTWS.* Limited common elements/area boundaries shall not be considered property lines or limitations for the placement of private on-site wastewater treatment systems (POTWS) or other land use setback requirement.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 13.0)

Sec. 22-1-13. Enforcement and penalties.

The Zoning Administrator shall have the responsibility for enforcement of this chapter. No land use permit shall be issued for construction on any Lot until the final Plat for the Subdivision has been duly recorded or the Certified Survey Map recorded. Any person, firm, or corporation violating any provision of this chapter shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$5,000.00 and the cost of prosecution, corrective action, and in default of payment of such fine and costs shall be imprisoned in the County jail until payment of such forfeiture and the costs of prosecution, but not exceeding 30 days for each violation shall constitute a separate offense. In any such action the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Zoning Administrator constitute a defense. Each day which the violation exists may constitute a separate offense.

(Ord. of 4-19-2005; Ord. of 8-17-2006; Ord. of 12-21-2006; Ord. of 11-10-2009; Ord. of 6-20-2013; Ord. of 6-20-2013(2), § 12.0)

Chapter 23

RESERVED

PROOFS

Chapter 24
TAXATION

Sec. 24-1-1. Delinquent taxes; penalties and interest.

(a) *Purpose.* This section shall implement Chapter 167, Laws of 1981, and 1987 Wis. Act. 378 as it relates to the imposition of interest and penalties for any delinquent general property taxes, special assessments, special charges and special taxes included in the tax roll of the County.

(b) *Delinquent first installment.* If the first installment of real estate taxes is not paid to the municipal treasurer on or before the last day of payment established under Wis. Stats. § 74.11(2), it shall be deemed delinquent and shall be returned to the County Treasurer in accord with Wis. Stats. § 74.43, who shall collect it with interest and penalties from February 1, pursuant to Subsection (e) of this section.

(c) *Special assessments, special charges and other special taxes.* All special assessments, special charges and other special taxes that are placed on the County tax roll shall be paid in full on or before January 31. If not paid by that time, they shall be deemed delinquent, and subject to interest and penalties from February 1.

(d) *Delinquent second installment.* Any second installment of real estate taxes remaining unpaid on August 1 shall be deemed delinquent, and subject to interest and penalties from February 1, pursuant to Subsection (e) of this section.

(e) *Interest and penalties on delinquent taxes.* The interest rates hereby imposed on delinquent real estate taxes, special assessments, special charges and other special taxes is one percent per month or fraction of a month. In addition to the imposition of interest on delinquent payments as set forth above, a penalty of 0.25 percent per month or fraction of a month is hereby imposed against all general property taxes, including real estate taxes, special assessments, special charges and other special taxes which become delinquent as of February 1, 1990.

(f) *Taxpayer notice.* The County Treasurer shall provide for the inclusion of the following notice to taxpayers on or with all tax statements:

"TAXPAYER NOTICE - Section 24-1-1(e) of the Sawyer County Code requires interest at the rate of one percent per month or fraction of a month plus a penalty at the rate of 0.25 percent per month or fraction of a month on all payments due from taxpayers because of delinquent general property taxes, including real estate taxes, special assessments, special charges and other special taxes imposed by law." BY: SAWYER COUNTY TREASURER

(g) *Settlements with municipalities.* Settlements by the County Treasurer with the municipal treasurers on collection of special assessments or special charges shall be with interest where provided for under Wis. Stats. § 74.47(3), but shall in no case include any penalties imposed and collected under the authority of this section.

(h) *Penalty exempt from statutory distribution requirements.* The additional revenues generated for the County for penalty assessments shall be exempt from the distribution provisions under Wis. Stats. § 74.47(3).

(Ord. No. 89-3, §§ 000--070, 11-14-1989)

State law reference—Interest and penalty on delinquent taxes, Wis. Stats. § 74.47.

Sec. 24-1-2. County sales and use tax.

(a) *Authority and purpose.* This section is enacted under authority of Wis. Stats. Ch. 77, Subch. V (Wis. Stats. § 77.70 et seq.) and the County sales and use tax imposed herein shall be used only for the purpose of directly reducing the property tax levy of the County.

(b) *Imposition of tax.* There are hereby imposed County sales and use taxes at a rate of 0.5 percent in the manner and to the extent permitted as set forth in their entirety in Wis. Stats. Ch. 77, Subch. V (Wis. Stats. § 77.70 et seq.).

(c) *Copy of ordinance to State.* A certified copy of the ordinance from which this section is derived shall be delivered to the Secretary of Revenue of the State of Wisconsin at PO Box 8933, Madison, Wisconsin 53708 no later than November 20, 1986.

(Ord. No. 147-86, §§ 1, 2, 4, 4-1-1987)

Sec. 24-1-3. Collection of tax liens.

The County elects to adopt the provisions of Wis. Stats. § 75.521 for the purpose of enforcing tax liens in such County in the cases where the procedure provided by such section is applicable.

(Ord. No. 149-88, 11-15-1988)

PROOFS

RESERVED

PROOFS

Chapter 26
TELECOMMUNICATIONS
ARTICLE I. IN GENERAL

ARTICLE II. TELECOMMUNICATIONS FACILITIES*

*State law reference—Telecommunications facilities, Wis. Stats. § 66.0404.

Sec. 26-2-1. Title.

This article shall be known as the "Telecommunications Facilities Ordinance for Sawyer County."

(Ord. of 7-17-2014, § 1)

Sec. 26-2-2. Purpose.

The purpose of this article is to provide a uniform and comprehensive set of standards for the development and installation of telecommunications towers, Antennas and facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the County as set forth within Chapter 10, article IX while at the same time not unduly restricting the development of needed telecommunications facilities. It is intended that the County shall apply these regulations to accomplish the following:

- (1) Minimize adverse visual effects of telecommunications towers, Antennas and facilities through design and siting standards.
- (2) Maintain and ensure that a nondiscriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the County law enforcement, fire and emergency response network.
- (3) Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of County citizens.
- (4) Protect environmentally sensitive areas of the County. The following aspects of this article are promoted based on recommendations contained within U.S. Fish and Wildlife Service Guidelines on the Siting, Construction, Operation and Decommissioning of Communication Towers (September 14, 2000): the commitment to exhausting Collocation opportunities before allowing new towers, the placement of a maximum height limitation on new towers, the effective prohibition of guyed tower structures, and the prohibition of towers in key habitat areas such as wetlands, shorelands and floodplains.
- (5) Encourage the use of alternative support structures, Collocation of new Antennas on existing telecommunications towers, and construction of towers with the ability to locate four or more Providers.
- (6) May provide for County emergency services Antennas co-located with any new tower placed within the County.

(Ord. of 7-17-2014, § 2)

Sec. 26-2-3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All definitions in Section 10-9-1, shall apply unless specifically defined in this article.

- (1) *Alternative Support Structure* means structures, including, but not limited to, clock towers, steeples, silos, light poles, water towers, freestanding chimneys, utility poles and towers, buildings or similar structures that may support telecommunications facilities.
- (2) *Antenna* means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

- (3) *Antenna, Building Mounted*, means any Antenna, other than an Antenna with its supports resting on the ground, directly attached or affixed to a building.
- (4) *Antenna, Ground Mounted*, means any Antenna with its base placed directly on the ground.
- (5) *Camouflaged Tower* means any Telecommunications Tower that, due to design or appearance, hides, obscures, or conceals the presence of the tower and Antennas. Camouflaging may be accomplished by a suitable combination of the following examples: lack of lighting, low tower height, non-contrasting colors, screening and landscaping, and others.
- (6) *Carrier* means companies licensed by the Federal Communications Commission (FCC) to build personal wireless telecommunications facilities and operate personal wireless telecommunications services. Also called a Provider.
- (7) *Class 1 Collocation* means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.
- (8) *Class 2 Collocation* means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.
- (9) *Collocation* means Class 1 or Class 2 Collocation, or both.
- (10) *Guyed Structure* means a Telecommunications Tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.
- (11) *Height, Telecommunications Tower*, means the distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached Antennas, and lighting.
- (12) *Lattice Structure* means a Telecommunications Tower that consists of vertical and horizontal supports and crossed metal braces.
- (13) *Monopole Structure* means a Telecommunications Tower of a single pole design.
- (14) *Operation* means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications it shall be deemed in Operation.
- (15) *Provider*. See *Carrier*.
- (16) *Satellite Dish* means a device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, television receive only satellite systems (TVROs) and satellite microwave Antennas.
- (17) *Self Collapsing* means designed so a portion of the tower fails before the main structure, and through this controlled failure further reduces the stresses on the structure to prevent a total collapse.
- (18) *Stealth Facility* means a wireless communication service facility or other transmission facility which appropriately models or mimics in size, shape, scale and color something which exists in the immediate landscape, which could legally be placed there or already exists there at the time an application is submitted (e.g., a silo in farm settings or a tree in forested lands), and which is unrecognizable to a casual observer as a Transmission Facility.
- (19) *Telecommunications Facility* means a facility, site, or location that contains one or more Antennas, Telecommunications Towers, Alternative Support Structures, Satellite Dish Antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding facilities exempted under Section 26-2-4.
- (20) *Telecommunications Facility Structure* means a Telecommunications Tower or Alternative Support Structure on which telecommunications Antenna(s) may be mounted.

- (21) *Telecommunications Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more Antennas, including Camouflaged Towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. The term "telecommunications tower" shall exclude Alternative Support Structures and those facilities exempted under Section 26-2-4.
- (22) *Threatened/Endangered Species* means species listed on the NHI Working List. This list contains native species known or suspected to be rare and/or declining in the state, natural communities, and natural features occurring in the State. The Working List includes species legally designated as "Endangered" or "Threatened" by either the State or the federal government, as well as species in the Department's advisory "Special Concern" category and the U.S. Fish and Wildlife's "Candidate" and "Species of Concern" lists.
- (23) *Utility Pole Mounted Antenna* means an Antenna attached to or upon an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light, or other approved similar structure.

(Ord. of 7-17-2014, § 3)

Sec. 26-2-4. Exemptions.

(a) Exempt from review under this article will be television Antennas, Satellite Dishes one meter (or 39 inches) in diameter or less, Satellite Dishes used commercially and three meters in diameter or less, receive only Antennas, amateur radio facilities, and mobile services providing public information coverage of news events or of a temporary or emergency nature.

(b) Exempt from the conditional use permit requirements of this article will be Satellite Dishes more than one meter in diameter, Ground Mounted Antennas not exceeding 100 feet in height, Building Mounted Antennas not exceeding 25 feet above the highest part of the building to which they are attached, utility pole mounted Antennas not exceeding 25 feet above the highest part of the utility pole to which they are attached and Antennas co-located on an existing Telecommunications Facility Structure.

(c) Exempt structures under this article are subject to all other applicable provisions of Chapter 10, Article IX.

(Ord. of 7-17-2014, § 4)

Sec. 26-2-5. Areas where Telecommunications Facilities may be allowed or prohibited.

Telecommunications Facilities may be allowed as a conditional use only in the following zoning districts, subject to public hearing, review and approval by the applicable town and County Zoning Committee:

- (1) Agriculture One (A-1).
- (2) Agricultural Two (A-2).
- (3) Commercial One (C-1).
- (4) Forestry One (F-1).
- (5) Industrial One (I-1).
- (6) Residential 1 (R-1).
- (7) Residential Recreational 1 (RR-1).
- (8) Residential Recreational 2 (RR-2).
- (9) Zone Districts:
 - a. Planned unit development (PUD)
 - b. That part of a conservation subdivision/cluster development overlay designated for residential development.

(Ord. of 7-17-2014, § 5)

Sec. 26-2-6. Conditional use permit (CUP) required.

(a) A conditional use permit (CUP) is required for all Telecommunications Facilities, except exempt facilities. Chapter 10, Article IX, Division 7 shall apply to all Telecommunications Facilities.

(b) The Zoning Administrator shall review a CUP application for compliance with the provisions of this article, and the County Zoning Committee shall complete a communication facility decision form to record their decision in writing. If the submitted application is incomplete, the County shall notify the applicant within five days of receipt. The County will inform the applicant within 90 days of receipt of the complete application or 45 days if the application involves Collocation.

(c) In addition to the information required by Chapter 10, Article IX, Division 7, the application shall include the following:

- (1) A legal description of the facility site.
- (2) A plat of survey showing:
 - a. A scale and north arrow;
 - b. Contact name and phone number of the person(s) or entity responsible for preparing the plat;
 - c. Date the plat was prepared/last revised;
 - d. Parcel boundaries;
 - e. Proposed or existing lease area boundaries;
 - f. Proposed CUP boundaries;
 - g. Proposed tower site with footprint dimensions to include guyed wire ground surface locations;
 - h. Location, footprints and labeled uses of all proposed structures and ancillary facilities within the CUP area;
 - i. Proposed access roadways;
 - j. Proposed landscaping and fencing within the CUP area;
 - k. Land uses within 300 feet of the proposed CUP area shall be delineated and labeled (i.e., croplands, woodlands, lakes, ponds, rivers, streams, wetlands, flood zones, significant drainage courses etc.).
- (3) An original signature of the applicant, landowner, lessees and holders of easements. The identity of the Carrier, service Provider, applicant, landowner and their legal status. The name, address and telephone number of the officer, agent or employee responsible for the application.
- (4) A description of the telecommunications services that the applicant offers or provides to persons, firms, businesses or institutions.
- (5) In the case of a leased site, a lease agreement or binding lease memorandum which shows on its face that it does not preclude the facility owner from entering into leases on the tower with other Provider(s) and the legal description and amount of property leased.
- (6) Copies of Collocation search letters and responses as defined by Section 26-2-7.
- (7) A tabular and map inventory of all of the applicant's existing telecommunications facilities located within the County and including all of the applicants' existing telecommunications facilities within one mile of the County boundary.
- (8) Federal Communication Commission (FCC) license numbers and registration numbers, if applicable.
- (9) Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC) or Environmental Impact Study (EIS), if applicable.
- (10) Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings from the Wisconsin Department of Transportation Bureau of Aeronautics, if applicable.

- (11) Photo simulations of the proposed facilities from points of interest as identified by the Zoning Administrator or the County Zoning Committee. A photo simulation shall be no smaller than eight inches by ten inches.
- (12) An alternatives analysis, prepared and signed by a radio frequency engineer, shall be submitted by the applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities, for review by the Department and the County Zoning Committee. The analysis shall identify all reasonable, technically feasible, alternative locations or facilities which could provide the proposed telecommunications service within three miles of the proposed site. The analysis shall include:
 - a. Propagation maps showing the existing and proposed signal of the Carrier or service Provider within all of the County and within at least five miles of the County boundary. Propagation maps shall include areas served through roaming agreements with other service Providers if applicable.
 - b. A sworn statement of the feasibility of co-locating the proposed telecommunications service on all existing facilities within the three-mile radius.
 - c. An explanation of the feasibility of locating the proposed telecommunications service on an Alternative Support Structure within the three-mile radius.
 - d. An explanation of the rationale for the site that was selected in view of the relative merits of any of the feasible alternatives.
 - e. A report prepared by a structural engineer licensed by the State certifying the structural design of the tower and its ability to accommodate at least three additional Antennas.
 - f. Proof of liability coverage. The County shall be a certificate holder in this policy.
 - g. Proof of financial security for tower removal as defined in Section 26-2-9(b).
 - h. Such other information as the department or the County Zoning Committee may reasonably require.
- (d) The Zoning Administrator, with the approval of the County Zoning Committee, may employ on behalf of the County an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of such review and/or independent analysis, and shall pay the estimated cost of such services before they are rendered. All invoices, fees and charges shall be paid in full before the County Zoning Committee conducts a conditional use permit public hearing. All such fees are nonrefundable.

(Ord. of 7-17-2014, § 6)

Sec. 26-2-7. Collocation.

Collocation shall be the preferred method for establishing new Telecommunications Facilities. Every effort shall be made to co-locate the proposed facility on existing Telecommunications Facilities or other similar facilities or Alternative Support Structures.

- (1) Any applicant requesting permission to install a new Telecommunications Tower shall provide evidence of written contact with all wireless service Providers who supply service within three miles of the proposed facility.
- (2) The applicant shall inquire about potential Collocation opportunities at all technically feasible locations.
- (3) The contacted Providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Department as a means of demonstrating the need for a new tower. Supporting evidence of the need for a new tower may consist of any of the following conditions:
 - a. No existing towers or Alternative Support Structures are located within the geographic area required to meet the applicant's engineering requirements.
 - b. Existing towers or Alternative Support Structures are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or Alternative Support Structures do not have sufficient strength to support the

applicant's proposed Antenna and related equipment.

- d. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or Alternative Support Structure, or the system on the existing tower or Alternative Support Structure would cause electromagnetic interference with the applicant's proposed system.
 - e. The fees, cost or contractual provisions required by the owner to share an existing tower or Alternative Support Structure or to adapt an existing tower or Alternative Support Structure for Collocation are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry within the north-west Wisconsin area or do not exceed the cost of new tower development. County fees for emergency services shall be waived.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers or Alternative Support Structures unsuitable.
- (4) Telecommunications Facility Structures permitted under this article shall allow other users to lease space on the structure up to the maximum number of users allowed by permit. The owner/operator of the facility shall make space available at market rates and with contractual terms standard in the industry within the north-west Wisconsin area. The owner/operator may refuse to lease space on the Telecommunications Facility Structure if the proposed system would cause electromagnetic interference with the system(s) on the existing Telecommunications Facility Structure, or the system(s) on the siting Telecommunications Facility Structure would cause interference with the proposed system, subject to verification by the Department.
- (5) The response of the owner(s)/operators(s) of existing telecommunications facilities to requests for Collocation will be considered during the review process established by Section 26-2-12. Unreasonable responses to requests for Collocation shall be grounds for revocation of a conditional use permit.

(Ord. of 7-17-2014, § 7)

Sec. 26-2-8. Design requirements.

- (a) Lattice towers may be allowed if all other requirements of this article are met.
- (b) Monopole Structures may be allowed if all other requirements of this article are met.
- (c) Guyed Structures are discouraged and may only be allowed if the applicant demonstrates to the satisfaction of the County Zoning Committee that no other type of Telecommunications Facility Structure will provide an equivalent level of service. Economic considerations shall not be used in determining whether a Guyed Structure may be used.
- (d) Height of all telecommunications towers shall be limited to no more than 300 feet above original grade, unless the applicant can demonstrate to the satisfaction of the County Zoning Committee that a greater height is necessary to provide coverage meeting the minimum requirements of the Federal Communication Commission (FCC) license(s) and that no feasible alternative exists to provide coverage, such as co-locating on existing Telecommunications Towers or Alternative Support Structures, constructing a new tower in a different location or constructing multiple towers of a shorter height.

(e) New towers shall be designed structurally and electrically to accommodate the applicant's Antennas and comparable Antennas for at least three additional users (minimum of four total users required for each Telecommunications Facility Structure). Towers must also be designed to allow for future rearrangement of Antennas on the tower and to accept Antennas mounted at different heights. The requirement for construction to allow a minimum of three additional users may be waived by the County Zoning Committee if evidence is provided that a special circumstance exists that would prevent the proposed Telecommunications Facility Structure from feasibly supporting additional users and Antennas.

- (f) New towers shall be of Self Collapsing design or have a designated fall zone.

(Ord. of 7-17-2014, § 8)

Sec. 26-2-9. Performance standards.

- (a) *Monitoring and reporting.* The applicant shall monitor the Telecommunications Facility to ensure full

compliance with Federal Communication Commission (FCC) regulations. A report shall be submitted to the Department within one month of activation of the facility. Additional reports shall be submitted as needed in conformance with Section 26-2-12.

(b) *Security for removal.* The applicant or owner of the Telecommunications Facility shall provide a bond, irrevocable letter of credit or other suitable financial guarantee as determined by the County Zoning Committee to ensure the removal of the facility and restoration of the site to its pre-construction state when use of the facility has been discontinued as defined by Section 26-2-11. The amount of financial guarantee shall be no less than \$30,000.00. The County shall be a certificate holder in the financial guarantee.

(c) *Security.* All Telecommunications Facilities shall be reasonably protected against unauthorized access. The bottom of all towers from the ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a six-foot-high chain link fence with a locked gate. Guy anchors of guyed towers shall be similarly protected.

(d) *Signs.* Signs shall be mounted on the fenced enclosure on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency. The sign shall be no larger than six square feet. No commercial advertising signs may be located on a Telecommunications Facility site.

(e) *Screening and landscaping.* All Telecommunications Facilities, except exempt facilities, shall be designed to blend into the surrounding environment and to hide views of the facility from adjoining properties and public roads to the greatest extent feasible.

- (1) Existing mature vegetation and natural landforms shall be preserved to the greatest extent possible.
- (2) In locations where existing mature vegetation and landforms will not adequately screen the views of the building facility, the site shall be landscaped and maintained with a buffer of plant materials.
 - a. The landscaped buffer shall consist of evergreen trees planted such that the primary structure and all accessory structures will be completely screened from view at ground level.
 - b. Trees planted must be at least four feet in height at the time of planting.
 - c. Upon project completion the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping and screening.

(f) *Lighting.* No lighting of the principal Telecommunications Facility Structure shall be allowed unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). If required, lighting shall be installed only when no other options are available.

- (1) Red lights shall be preferred to white lights on the primary Telecommunications Facility Structure or Tower.
- (2) High visibility paint shall be preferred to daytime lighting of any kind on the primary Telecommunications Facility Structure or Tower.
- (3) Lighting of accessory structures and the facility site may be permitted by the County Zoning Committee if it is of low intensity, directed inward and downward and is limited to within the facility site boundary.

(g) *Access.* Access shall be provided by an all-weather gravel or paved driveway.

(h) *Setbacks.* The following minimum setback distance shall not apply provided the applicant provides an engineering certification showing the structure is designed to collapse within a smaller area than the required setback or fall zone area unless the applicant is provided evidence that the engineering certification is flawed.

- (1) No Telecommunications Facility Structure shall be located within 500 feet of any residence or property line; provided, however, that a setback requirement may apply only to a mobile service support structure that is constructed on or adjacent to a parcel of land that is subject to a zoning ordinance that permits single-family residential use on that parcel. A setback requirement does not apply to an existing or new utility pole, or wireless support structure in a right-of-way that supports a small wireless facility, if the pole or facility meets the height limitations in Wis. Stats. § 66.0414(2)(e)2 and 3.

(2) No Telecommunications Tower shall be located less than one times the approved height of the tower from any property line.

(3) Setbacks required for telecommunications towers shall be measured from the center of the tower structure.

(i) *Lot size.* When a new lot is created for the purpose of locating a Telecommunications Facility, the minimum lot size for that zoning district shall apply.

(j) *Facility construction.* All telecommunications facilities approved with a conditional use permit shall be completely constructed and in Operation within six months of the date of approval. An extension of time, not to exceed six months, may be granted by the Zoning Administrator due to inclement weather or other extenuating circumstances. There is no additional fee for an extension.

(Ord. of 7-17-2014, § 9)

Sec. 26-2-10. Pre-existing Telecommunications Towers and Facilities.

Existing, previously permitted but nonconforming Telecommunications Towers and Facilities may add to, move or replace Antennas or other transmitting or receiving devices only if these alterations do not increase the nonconformity of the existing facility, and only after submitting an information report similar to those required by Section 26-2-12. Alterations not listed in this section or listed as exempt under Section 26-2-4(b) shall be prohibited unless the facility is brought into conformance with the provisions of this article, including the issuance of a conditional use permit.

(Ord. of 7-17-2014, § 10)

Sec. 26-2-11. Removal of abandoned Telecommunications Facilities.

It is the express policy of the County that Telecommunications Facilities be removed and their sites restored to their pre-construction state once they are no longer in use and not a functional part of providing telecommunications service.

(1) Removal and restoration of such facilities is the responsibility of the owner of the facility. The property owner shall be responsible for the removal and restoration of such facilities in the event that the owner of the facilities fails to complete the removal and restoration of the facilities.

(2) The Telecommunications Facility(s) shall be removed when use of the facility(s) has been discontinued or the facility has not been used for its permitted purpose for 12 consecutive months. Mere intent to continue use of the facility(s) shall not constitute use. The applicant/owner shall demonstrate through facility(s) lease(s) or other similar instruments that the use will be continued without a lapse of more than 12 consecutive months to constitute actual use. If the applicant cannot demonstrate actual use, the facility shall be considered abandoned and shall be removed.

(3) This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the Telecommunications Facility.

(4) Nothing in this section prevents the removal of the facility prior to expiration of the 12-month period.

(Ord. of 7-17-2014, § 11)

Sec. 26-2-12. Review fee and reporting requirements.

Beginning January 1, 2012, in order to ensure compliance with the provisions of this article, the following reports and fees must be submitted to the Zoning Office by the owner(s)/operator(s) of all existing Telecommunications Facilities under the jurisdiction of this article. Owners of all towers and facilities shall:

(1) Provide the following information if changes to the Antenna/building/ parcel are planned to occur within 90 calendar days:

a. A legal description of the facility site.

b. A plat of survey showing the parcel boundaries, lease boundaries, tower, accessory structures, ancillary facilities, location, access, landscaping and fencing.

- c. The identity, phone number, and address of the facility owner, the landowner, all service Providers making use of the facility, lessees and holders of easements.
- d. A description of the telecommunications services that the service Providers broadcast from the facility.
- e. Changes planned for the current year.
- f. A propagation map(s) prepared by a radio frequency engineer(s) showing the current signal broadcast of all service Providers that broadcast from the facility.
- g. A report prepared by a structural engineer certifying the actual capacity for Collocation on the existing facility.

(2) Pay the review fee as prescribed in the County Zoning Administration Fee Schedule.

(Ord. of 7-17-2014, § 12)

State law reference—Fees, Wis. Stats. § 66.0404(4)(d).

Sec. 26-2-13. Compliance and revocation.

All Telecommunications Facilities under the jurisdiction of this article will be reviewed for compliance every two years. Review fees collected shall be used to fund the review of the requirements of this article. Failure to comply with the requirements of this article may result in the revocation of a conditional use permit.

(Ord. of 7-17-2014, § 13)

Sec. 26-2-14. Enforcement and penalties.

(a) The construction or alteration of any Telecommunications Facility after the effective date of the ordinance from which this article is derived in violation of the provisions of this article, by any person, firm, association, corporation, including property owners, contractors or their agents shall be deemed a violation. A violation which is not corrected on the order of the Zoning Administrator or the County Zoning Committee shall be referred to the District Attorney or Corporation Counsel who shall expeditiously prosecute violations. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this article shall be subject to a forfeiture of not less than \$10.00 nor more than \$5,000.00 per offense, together with the taxable cost of action. Each day, which the violation exists, shall constitute a separate offense.

(b) Any citation issued for a violation of this article shall include a deposit of \$250.00 with additional costs for penalty assessment, court costs and justice information fees (JIF)/court support service fees (CSF) as determined by the County Clerk of Courts.

(Ord. of 7-17-2014, § 14)

Sec. 26-2-15. Fees.

Permit and review fees for Telecommunications Facilities shall be set by the County Zoning Committee and shall become a part of the County Zoning Administration Fee Schedule.

(Ord. of 7-17-2014, § 15)

State law reference—Fees, Wis. Stats. § 66.0404(4)(d).

ARTICLE III. BROADBAND NETWORK PROJECTS

Sec. 26-3-1. General provisions.

(a) *Purpose and policy.* The purpose of this article is to encourage the development of broadband access in the County by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. It is not the intent or purpose, nor does adoption of this article, repeal any existing County ordinances applicable to telecommunications facilities beyond the specific points addressed herein and more particularly described in Section 26-3-3(2)c. This article shall at all times be construed consistent with the aforesated purpose.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings

ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Applicant* means a person applying for a Permit for a broadband network project.
- (2) *Broadband Network Project* means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the County.
- (3) *Permit* means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
- (4) *Written* or *In Writing* means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

(c) *Point of contact*. The County shall appoint a single point of contact for all matters related to a broadband network project. The County shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a Broadband Network Project application.

(Ord. No. 2018-1, § 1, 8-16-2018)

Sec. 26-3-2. Electronic submission of applications.

An Applicant may sign and file all forms, applications and documentation related to a Broadband Network Project electronically.

(Ord. No. 2018-1, § 2, 8-16-2018)

Sec. 26-3-3. Review of applications.

Notwithstanding any other provision in the County ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a Broadband Network Project application:

- (1) *Completeness review*. Upon receiving a Broadband Network Project application the County shall:
 - a. Determine whether an application is complete and notify the Applicant of the determination by the County In Writing within ten calendar days of receiving an application. If the County does not notify the Applicant In Writing of its completeness determination within ten calendar days of receiving the application, the application shall be considered complete.
 - b. If the County determines that an application is not complete, the Written notification to the Applicant shall specify in detail the required information that is not complete. The Applicant may resubmit an application as often as necessary until the application is complete.
- (2) *Approval or denial of complete applications*.
 - a. Within 60 calendar days of receiving an application that is complete, or considered complete under Subsection (1) of this section, the County shall approve or deny the application and provide the Applicant Written notification of the approval or denial. If the County does not notify the Applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required Permit shall be considered issued.
 - b. If the County denies an application, the Written notification of the denial under Subsection (1) of this section shall include evidence that the denial is not arbitrary and capricious.
 - c. All existing regulatory review and approval processes set forth in County ordinances, including, but not limited to, the 2011 County Telecommunications Facilities Ordinance, are not amended, repealed or otherwise modified except to the extent of:
 1. The designated point of contact set forth in Section 26-3-1;
 2. The electronic submission process set forth in Section 26-3-2;
 3. The streamlined application completeness review set forth in Subsection (1) of this section; and

4. The reasonable application fees set forth in Section 26-3-4.

The County shall continue to adhere to all other regulatory requirements set forth in the County ordinances, the Wisconsin Statutes, the Wisconsin Administrative Codes, or other applicable statutes, codes or laws.

(Ord. No. 2018-1, § 3, 8-16-2018)

Sec. 26-3-4. Fees.

Any fee imposed by the County to review an application, issue a Permit, or perform any other activity related to a Broadband Network Project shall be reasonable. An application fee that exceeds \$100.00 is unreasonable.

(Ord. No. 2018-1, § 4, 8-16-2018)

PROOFS

Chapter 27

RESERVED

PROOFS

Chapter 28

TRAFFIC AND VEHICLES*

*State law reference—Traffic and vehicles, Wis. Stats. Chs. 341—351; powers of local authorities, Wis. Stats. Ch. 349.

ARTICLE I. IN GENERAL**Sec. 28-1-1. Enforcement.**

This article shall be enforced in accordance with the provisions of Wis. Stats. §§ 345.20--345.53, and 66.0113.

- (1) *Stipulation of guilt or no contest.* Stipulations of guilt or no contest may be made by persons arrested for violations of this article in accordance with Wis. Stats. § 66.0113(3), whenever the provisions of Wis. Stats. § 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under Wis. Stats. § 345.11 and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Clerk of the County Court.
- (2) *Deposits.* Any person stipulating guilt or no contest under Subsection (1) of this section must make the deposit required under Wis. Stats. § 345.26, or if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the County Court. Deposits may be brought or mailed to the office of the Clerk of County Court as directed by the arresting officer.
- (3) *Notice of demerit points and receipt.* Every officer accepting a forfeited penalty or money deposit under this article shall be provided a receipt therefor in triplicate as provided in Wis. Stats. § 345.26(3)(b). Every officer accepting a stipulation under the provisions of this article shall comply with the provisions of Wis. Stats. §§ 343.28 and 345.27(2) and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Wis. Stats. § 345.11.
- (4) *Forfeitures in treasury.* Any officer accepting deposits or forfeited penalties under this article shall deliver them to the Clerk of Court for the County within 20 days after receipt.

(Ord. No. 139, § 4, 10-6-1972)

Sec. 28-1-2. Provisions of State law adopted by reference.

(a) *State traffic forfeiture laws adopted.* Except as otherwise specifically provided in this article, all provisions of Wis. Stats. Chs. 340--348 describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties, to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this article.

(b) *Other laws adopted.* There are also hereby adopted by reference the following sections of the Wisconsin Statutes but the prosecution of such offenses under this article shall be as provided in Wis. Stats. Chs. 340--348 and the penalty for violation thereof shall be limited to a forfeiture as provided in Subsection (c)(2) of this section: Wis. Stats. § 941.01(1) (Negligent operation of vehicle off highway).

(c) *Penalty.* The penalty for violation of any provision of this article shall be a forfeiture as hereinafter provided, together with the cost of prosecution imposed as provided in Wis. Stats. §§ 345.20--345.53.

- (1) *Uniform offenses.* Forfeitures for violation of any provision of Wis. Stats. Chs. 341--348 adopted by reference in Subsection (a) of this section shall conform to forfeitures for violation of the comparable State offense, including any variations or increases for second offenses.
- (2) *Miscellaneous.* The forfeiture for violation of any provision of Subsection (b) of this section shall be not less than \$50.00 nor more than \$500.00.

(Ord. No. 139, § 1, 10-6-1972)

Sec. 28-1-3. Abandoned vehicles.

(a) *Vehicle abandonment prohibited.* No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or public or private property for such time and under such

circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any public highway or on any public or private property within the County without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(b) *Removal and impoundment of abandoned vehicles.* Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under Subsection (c) of this section except that if the Sheriff or the Sheriff's duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the County prior to expiration of the impoundment period upon determination by the Sheriff or the Sheriff's duly authorized representative that the vehicle is not wanted for evidence or other reason.

(c) *Disposal of abandoned vehicles.*

- (1) a. If the Sheriff or the Sheriff's duly authorized representative determines that the value of the abandoned vehicle exceeds \$100.00 the Sheriff shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the County and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and if not so reclaimed shall be sold.
- b. In the event an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions it may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and if not so reclaimed shall be sold.
- c. In the event an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions as provided above it may be sold at private sale.
- d. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the County Treasury.
- (2) Any abandoned vehicle which is determined by the Sheriff or the Sheriff's duly authorized representative to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(d) *Owner responsible for impoundment and sale costs.* The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the County against the owner.

(e) *Notice of sale or disposition.* Within five days after the sale or disposal of a vehicle as provided in Subsections (c)(1) and (2) of this section the Sheriff or the Sheriff's duly authorized representative shall advise the Wisconsin Department of Transportation, division of motor vehicles, of such sale or disposition on a form supplied by the division. A copy of such form shall be given to the purchaser of the vehicle. A copy shall also be retained on file in the County.

(f) *Penalty.* Any person who shall abandon a vehicle in violation of this section shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed ten days.

(Ord. No. 139, § 2, 10-6-1972)

State law reference—Abandoned vehicles, Wis. Stats. § 342.40.

Sec. 28-1-4. Accident reports.

The operator of any vehicle involved in an accident shall within ten days after such accident file with the Sheriff's Department of the County a copy of the report required by Wis. Stats. § 346.70, if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations in Wis. Stats. §§ 346.70(4)(f) and 346.73.

(Ord. No. 139, § 3, 10-6-1972)

ARTICLE II. TRAFFIC SAFETY COMMISSION

Sec. 28-2-1. Composition.

(a) There is hereby appointed by the Chairperson of the County Board a County Traffic Safety Commission to serve without compensation, consisting of the County Highway Commissioner the Sheriff, a representative of the legal profession, a medical representative, a school representative, plus such other members as may be required or deemed necessary

(b) The Chairperson of the Commission shall be elected annually by Commission members.

(Ord. No. 140, § (a), 10-6-1972)

Sec. 28-2-2. Meetings.

(a) The Commission shall develop a meeting schedule that includes a minimum of four meetings per year.

(b) The Commission shall appoint a Secretary to keep a record of attendance, minutes and all official proceedings.

(Ord. No. 140, § (b), 10-6-1972)

Sec. 28-2-3. Responsibilities and duties.

Responsibilities and duties of the Commission shall include, but not be limited to, the following:

- (1) To secure voluntary coordination and reinforcement of highway safety activities conducted by the political subdivisions of the County in the functional areas of Driver Education; codes and laws; traffic courts; alcohol in relation to highway safety; identification and surveillance of accident locations; traffic records, emergency medical services; highway design, construction and maintenance; traffic control devices; pedestrian safety; police traffic services; debris hazard control and cleanup; school bus safety.
- (2) To review and develop a written statement of highway safety needs in the aforementioned functional areas and develop immediate priorities and long-range goals for highway safety improvement.
- (3) To advise the County Board and its various committees on highway safety matters.
- (4) To maintain liaison with highway safety programs carried on by the City of Hayward and related State functions conducted in the County.
- (5) To act as an advisory body to the County Highway Safety Coordinator for the purpose of developing local actions necessary to implement projects under the Federal Highway Safety Act.
- (6) To cooperate with nonofficial organizations and groups in developing and conducting public information programs directed toward highway safety improvements.
- (7) To develop procedures for periodic review of local highway safety improvement programs.

(Ord. No. 140, § (c), 10-6-1972)

Sec. 28-2-4. Committees and study groups.

The Commission may establish special study groups/subcommittees necessary to meet its responsibilities as outlined in this article. The Chairperson is to appoint the remainder of the Committee.

(Ord. No. 140, § (d), 10-6-1972)

County Administrator's Work Report

December 16, 2021



Opioid Settlement Status

On December 2nd, we received the green light to sign off on the Settlement Agreement by executing the two Participation Agreements and also the two Allocation Agreements. Settlements require that a critical mass of both state and local governments “opt in” by January 2, 2022.

Nationwide settlements have been proposed to resolve all Opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen (“Distributors”), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, “J&J”).

These settlements will provide substantial funds to states and counties for abatement of the opioid epidemic across the country. Distributors will pay a maximum of \$21 billion over 18 years. J&J will pay a maximum of \$5 billion over no more than nine years.

The settlements allow for a broad range of approved uses to abate the opioid epidemic. A list of approved uses is found at Exhibit E of the Master Settlement Agreements.

The full set of documents can be found here:

<https://sawyercountygov.org/DocumentCenter/Index/328>

1. Distributors Participation Agreement
2. Janssen Participation Agreement
3. Draft Board Resolution
4. State-Counties MOU
5. Local Governments MOU
6. Settlement Talking Points
7. The CMO that sets deadlines if the County DOESN'T settle its case
8. Copies of the Settlement Agreements

Courthouse Renovation

Bi-weekly meetings continue with Venture Architects, Miron Construction, and County staff to refine the space plan and add the details needed towards getting more accurate budget numbers. We are on target to get bids out by January or early February.

Treatment Alternatives and Diversion (TAD) Grant Approval

In September, we submitted a \$259,740 TAD planning grant application to establish a Diversion Program and a Hybrid Treatment Court targeting individuals whose criminal justice involvement is driven by alcohol or other substance abuse needs. On December 7th, we received a preliminary approval award of \$136,656 for our TAD grant application.

Due to the total funding requests received, the Grant Review Committee and Department of Justice (DOJ) made its decision based on not significantly impacting existing programs and to allow for continued capacity building of treatment court and diversion programs. Also, \$2.5 million in additional TAD grant funds will be available for 2023 awards to support program enhancements and expansions, and DOJ will work closely with the Review Committee to set up an application process that differentiates between the base level of funding set this year and a competitive process for those agencies interested in enhancements and expansions.

MUNICODE Ordinance Update

The draft of the Sawyer County Code of Ordinances will be presented to the Board for review at its December 2021 meeting. A significant effort has been put into the codification process over many months given the state of the existing County's Ordinances. In addition to the formatting, organization and other editorial revisions, we also completed a legal review and updated any illegal or otherwise outdated legal standards. More revisions may be forthcoming, but it is time that the Board members have an initial look at the codification draft given its length and diversity of issues.

Infrastructure Investment and Jobs Act (IIJA)

On November 5, the US Representatives passed the IIJA, sending it to the President to be signed into law. This follows the August 10th passage of the bill by the US Senate.

The bipartisan infrastructure legislation will provide \$973 billion over five years from FY 2022 through FY 2026, including \$550 billion in new investments for all modes of transportation, water, power and energy, environmental remediation, public lands, broadband and resilience.

Above baseline investments for sectors addressed in IIJA include:

- **Transportation:** \$284 billion
- **Water:** \$55 billion
- **Broadband:** \$65 billion
- **Energy & Power:** \$73 billion
- **Environmental remediation:** \$21 billion
- **Western water infrastructure:** \$8.3 billion
- **Resiliency:** \$46 billion