

**JEFFERSON COUNTY BOARD MINUTES
TUESDAY, January 14, 2025, 7:00 P.M.**

Chair Steve Nass presiding.

County Clerk Audrey McGraw called the roll, all members being present in person except Richardson, Tracy, Turville-Heitz, and Lund, who were present via Zoom. Supervisor White was absent.

District 1.....	Richard C. Jones	District 2..	Cassie B. Richardson
District 3.....	Robert Preuss	District 4	Karl Zarlring
District 5.....	James B. Braughler	District 6	Dan Herbst
District 7.....	Dwayne C. Morris	District 8	Michael Wineke
District 9.....	Bruce Degner	District 10	Mark Goose
District 11	Elizabeth Hafften	District 12	Matthew Tracy
District 13.....	Amanda Truax	District 14	Kirk Lund
District 15.....	Steven J. Nass	District 16	Meg Turville-Heitz
District 17.....	Russell Kutz	District 18	Brandon White
District 19.....	Dave Drayna	District 20	Curtis Backlund
District 21.....	John C. Kannard	District 22	Blane Poulson
District 23.....	George Jaeckel	District 24	Roger Lindl
District 25.....	Matthew Foelker	District 26	Amanda Golson
District 27.....	Joan Callan	District 28	Anthony Gulig
District 29.....	Mary K. Roberts	District 30	Walt Christensen

Golson led the Pledge of Allegiance. A moment of silence was observed.

Luckey certified compliance with the Open Meetings Law.

Approval of the Agenda. Backlund moved to approve as drafted. Seconded Gulig and passed.

Wineke, Executive Committee Chair, moved to approve the County Board minutes from December 10, 2024. Seconded by Poulson and passed.

Communications:

County Clerk McGraw presented the following communications:

1. Notice of Public Hearing from the Jefferson County Planning and Zoning Committee for a hearing to be held on January 16, 2025, at 7:00 p.m.
2. Retirement Recognitions.
3. Treasurer’s Monthly Report.

Public Comment: Gulig, welcoming Michael Luckey as the interim Administrator. Amy Rinard, Chair of the Broadband Working Group, in regards to the Resolutions on Broadband.

Committee Reports, Resolutions, Proclamations, and Ordinances:

Truax, Broadband Working Group Vice Chair, introduced Resolution No. 2024-75. Endorsing Bertram Communications for BEAD Funding for

Tuesday, January 14, 2025

Broadband Expansion in Jefferson County

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors endorses Bertram Communications for BEAD funding for all BSLs within Jefferson County.

BE IT FURTHER RESOLVED, that the Jefferson County Board of Supervisors directs the County Clerk to draft and provide a letter to the Public Service Commission of Wisconsin and Bertram Communications outlining this endorsement, which shall include the minutes from this meeting.

Fiscal Note: This resolution has no fiscal impact.

Truax moved for the adoption of Resolution No. 2024-75. Seconded by Wineke and passed.

Truax, Broadband Working Group Vice Chair, introduced Resolution No. 2024-76. Endorsing Brightspeed for BEAD Funding for Broadband Expansion in Jefferson County

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors endorses Brightspeed's application for BEAD funding for all BSLs within Jefferson County.

BE IT FURTHER RESOLVED, that the Jefferson County Board of Supervisors directs the County Clerk to draft and provide a letter to the Public Service Commission of Wisconsin and Brightspeed outlining this endorsement, which shall include the minutes from this meeting.

Fiscal Note: This resolution has no fiscal impact.

Truax moved for the adoption of Resolution No. 2024-76. Seconded by Wineke and passed.

Truax, Broadband Working Group Vice Chair, introduced Resolution No. 2024-77. Endorsing Frontier for BEAD Funding for Broadband Expansion in Jefferson County

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors endorses Frontiers' application for BEAD funding for all BSLs within Jefferson County.

BE IT FURTHER RESOLVED, that the Jefferson County Board of Supervisors directs the County Clerk to draft and provide a letter to the Public Service Commission of Wisconsin and Frontier outlining this endorsement, which shall include the minutes from this meeting.

Fiscal Note: This resolution has no fiscal impact.

Truax moved for the adoption of Resolution No. 2024-77. Seconded by Wineke and passed.

Jones, Finance Committee Chair, introduced Resolution No. 2024-78. Entering into a contract with Government Finance Officers Association for

a Fund Balance Reserve Study

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby authorizes the County Administrator to execute a contract with the Governmental Finance Officers Association to complete a fund balance reserve study for a cost of \$50,000. *Fiscal Note: Funds for this study were approved by the County Board of Supervisors at its December 10, 2024, meeting. No budget amendment is necessary.*

Jones moved for the adoption of Resolution No. 2024-78. Seconded by Drayna and passed.

Braugler, Human Resources Committee Chair, introduced Resolution No. 2024-79. Eliminating a Vacant, Full-time Program Assistant Position and Creating a Full-time Zoning/On-site Waste Management Technician in the Planning and Development Department and amending the 2025 budget

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby authorizes the elimination of one full-time Program Assistant position and the creation of one full-time Zoning/Onsite Waste Management Technician position in the Planning and Development Department, effective January 1, 2025, and that the 2025 budget will reflect the elimination of the Program Assistant position and the creation of the Zoning/Onsite Waste Management Technician position, with revenue adjustments as outlined in the fiscal note.

Fiscal Note: The elimination of the full-time Program Assistant position and the creation of the full-time Zoning/Onsite Waste Management Technician position results in an approximate \$28,500 increase in annual wages and benefit costs. These costs will be funded through adjustments to the Planning and Zoning Department's fee schedule with revenue from 45 state review permits at \$300 each: \$13,500; revenue from mound and at-grade sanitary permit increase of \$50: \$2,250, and revenue from other sanitary permits with a \$150 fee increase (80 permits): \$12,000, for a total additional revenue of \$27,750. The remaining \$750 will be absorbed within the existing departmental budget through operational efficiencies. No additional tax increase is required. This resolution authorizes the Finance Director to make the necessary budget adjustments to enact this resolution. This is a budget amendment. County Board approval requires a two-thirds vote of the entire membership of the County Board (20 votes of the 30-member County Board).

Braugler moved for the adoption of Resolution No. 2024-79. Seconded by Jaeckel and passed. Ayes 28

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(Jones, Richardson, Zarling, Braughler, Herbst, Morris, Wineke, Degner, Groose, Hafften, Tracy, Truax, Lund, Nass, Turville-Heitz, Kutz, White, Drayna, Backlund, Kannard, Poulson, Jaeckel, Lindl, Foelker, Golson, Callan, Gulig, Roberts, Christensen), Noes 1 (Preuss), Abstain 0, Absent 1 (White), Vacant 0.

Jaeckel, Planning and Zoning Committee Chair, introduced the following report:

REPORT TO THE HONORABLE MEMBERS OF THE JEFFERSON COUNTY BOARD OF SUPERVISORS by the Jefferson County Planning and Zoning Committee recommending approval of petitions to amend the official zoning map of Jefferson County.

Jaeckel, Planning and Zoning Committee Chair, introduced Ordinance No. 2024-18. Amending Official Zoning Map

WHEREAS, the Jefferson County Board of Supervisors has heretofore been petitioned to amend the official zoning map of Jefferson County, and

WHEREAS, Petitions R4576A-24, R4577A-24, R4578A-24, R4579A-24 R4575A-24, R4576A-24, R4577A-24, R4578A-24, R4579A-24 and R4580A-24 were referred to the Jefferson County Planning and Zoning Committee for public hearing on December 19, 2024, and

WHEREAS, the proposed amendments have been given due consideration by the Board of Supervisors in open session,

WHEREAS, consistent with the recommendations of the Planning & Zoning Committee, the Board of Supervisors finds, where applicable, the standards set forth in s. 91.48 of the Wisconsin Statutes for rezoning out of an A-1 Exclusive Agricultural zone are met by the proposed rezones,

NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of Supervisors does amend the official zoning map of Jefferson County as follows:

Jaeckel moved for the adoption of Ordinance No. 2024-18. Seconded by and passed.

Kannard abstained from voting due to a potential conflict of interest.

Appointment by County Administrator:

By virtue of the authority vested in me under Section 59.18(2)(c) of the Wisconsin Statutes, I respectfully request confirmation of the following appointment as listed in the agenda:

Nate Salas, Watertown WI, to the Veterans Service Commission for a three-year term ending December 13, 2027.

Braughler moved to confirm the above appointment.

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Seconded by Morris and passed.

By virtue of the authority vested in me under Section 59.18(2)(b) of the Wisconsin Statutes, I respectfully request confirmation of the following appointment as listed in the agenda:

Sean Heaslip, as Interim Highway Commissioner effective January 25, 2025, for an indeterminate term.

Jaeckel moved to confirm the above appointment.

Seconded by Morris and passed.

Public Comment: (General) None

Announcements:

Supplemental information presented at the January 14, 2025, Jefferson County Board meeting will be available at the County Clerk's office upon request during regular Courthouse hours or on the County's website at www.jeffersoncountywi.gov.

There being no further business, Jaeckel moved that the Board adjourn. Seconded by Gulig and passed at 7:29 p.m.

CODE OF ORDINANCES
JEFFERSON COUNTY, WISCONSIN

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OFFICIALS

of

JEFFERSON COUNTY, WISCONSIN

AT THE TIME OF THIS CODIFICATION

Steven Nass

Chair, County Board of Supervisors

Benjamin Wehmeier

County Administrator

Danielle Thompson

Corporation Counsel

Audrey McGraw

County Clerk

PREFACE

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

Source materials used in the preparation of the Code were ordinances adopted by the county 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 table appearing in the back of this Code, the reader can locate each ordinance included herein.

Acknowledgments

This publication was under the direct supervision of Sandra S. Fox, Senior Code Attorney, and Amanda Heath, Editor, of CivicPlus, LLC, 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 Danielle Thompson, Corporation Counsel, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her 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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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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

The ordinances embraced in the following chapters and sections shall constitute and be designated as the "Code of Ordinances, Jefferson County, Wisconsin," and may be so cited. This Code may also be referred to as the "Jefferson County Code."

Sec. 1-2. Rules of Code construction and interpretation.

(a) *Applicability.* In the construction of this Code and of all ordinances and resolutions passed by the county board of supervisors, the rules of this section shall be observed, unless such construction would be inconsistent with the manifest intent of the board.

(b) *Liberal construction.* The provisions of this Code shall be liberally construed to affect the purposes expressed therein or implied from the expression thereof. In case of doubt or ambiguity in the meaning of such provisions, the general shall yield to the particular. Reference for interpretation and construction shall tend to further the accomplishment of the elimination of the particular purpose for which the provisions were enacted. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

(c) *Law.* When the term "law" is used in this Code, it includes applicable court decisions and provisions of federal and state constitutions and statutes and ordinances of the county and, when appropriate, any and all rules and regulations promulgated thereunder.

(d) *Interpretation consistent with state law construction.* Unless otherwise provided herein or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of state law.

(e) *References to publications and compilations.* When reference is made in this Code to provisions of this Code or to other publications or compilations of text or data, the reference shall be deemed to refer to the most recent version or edition of the publication or compilation, as amended or updated from time to time, unless otherwise specifically provided.

(f) *Cross references to other Code sections.* If in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision and the context clearly indicates that the reference to the section as amended or revised was not intended.

(g) *Conflicting provisions.* If the provisions of different codes, chapters, or sections of this Code conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

(h) *Time of performance.* Unless otherwise specifically provided, the term "time of performance" refers to the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from 12:00 midnight to 12:00 midnight is excluded.

(i) *Reasonable time.* In all cases where a provision of this Code requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(j) *Definitions in other Code chapters.* Definitions given within a chapter or article other than this chapter apply only to words or phrases used in such chapter or article, unless otherwise provided.

(k) *Gender.* Words of gender include all genders.

(l) *May, must and shall.* The verb "may" shall be construed as permissive, while the verbs "must" and "shall" shall be construed as mandatory.

(m) *Nontechnical and technical words.* Words and phrases shall be constructed according to the common and approved usage of the language. Technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(n) *Number.* Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

(o) *Oaths and affirmations.* The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

(p) *Or, and.* The term "or" may be read "and," and the term "and" may be read "or," as the sense requires it.

(q) *Official time standard.* When certain hours are named in this Code, they shall mean standard time or daylight saving time, as may be in current use in the county.

(r) *Reference to offices.* Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the county exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(s) *Delegation of authority.* When a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

(t) *Joint authority.* Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

(u) *Titles of officials.* When reference is made to officers, departments, boards, committees, commissions, etc., the same shall be construed as if followed by the words "of Jefferson County, Wisconsin," and shall include deputies, assistants and agents if authorized by the law.

(v) *Signature or subscription.* The term "signature" or "subscription" shall include a mark when a person cannot write.

(w) *Tense.* Words used in the past or present tense include the future, as well as the past and present.

(x) *Written or in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

(y) *Errors and omissions.* If a manifest error is discovered consisting of the misspelling of any words, the omission of any word necessary to express the intention of the provisions affected, the use of a word to which no meaning can be attached, or the use of a word when another word was clearly intended to express such intent, such spelling shall be corrected and such word supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

Sec. 1-3. Definitions.

If the following words or terms are used in this Code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

Agent. The term "agent" means a person acting on behalf of another.

Code or this Code. The term "Code" or "this Code" means the Code of Ordinances, Jefferson County, Wisconsin, as adopted in section 1-1.

County. The term "county" means Jefferson County, Wisconsin.

County board of supervisors, board of supervisors, or county board. The term "county board of supervisors," "board of supervisors," or "county board" means the governing body of Jefferson County, Wisconsin, including the chair and supervisors.

Fee. The term "fee" means a sum of money charged by the county for certain services as provided in this Code.

Fee schedule. The term "fee schedule" means the comprehensive schedule of county fees as approved from time to time by the county board, a copy of which is on file in the office of the county clerk.

Fiscal year. The term "fiscal year" means January 1 of each year until December 31.

Highway or road or street. The term "highway," "road," or "street" includes all property and improvements within the right-of-way of any highway, road, street, alley, lane, court, boulevard, public square, public place or other dedicated county property.

Month. The term "month" means a calendar month.

Ordinance. The term "ordinance" means a legislative act of the board of supervisors of a general and permanent nature.

Person. The term "person" means any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative.

Resolution. The term "resolution" means a special or temporary act of the board of supervisors that is declaratory of the will or opinion of the board of supervisors in a given matter and is in the nature of an administrative act. A resolution is not a law and does not prescribe a permanent rule of conduct or government.

State. The term "state" means the State of Wisconsin.

Week. The term "week" means seven days.

Wis. Admin. Code. The abbreviation "Wis. Admin. Code" means the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

Wis. Stats. The abbreviation "Wis. Stats." means the official Wisconsin Statutes, as amended or renumbered from time to time.

Year. The term "year" means a calendar year.

Sec. 1-4. Catchlines, notes and references.

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

(b) *References to chapters or sections.* All references to chapters or sections are to the chapters and sections of this Code, unless otherwise specified.

(c) *History notes.* The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

(d) *References and editor's notes.* References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

Sec. 1-5. Acceptance of Code as proof of county ordinances.

This Code as presented in printed form shall be received without further proof in all courts and in all administrative tribunals of the state as the ordinances of the county of general and permanent effect, except the excluded ordinances enumerated in section 1-11.

Sec. 1-6. Procedure for amending Code.

(a) All ordinances passed subsequent to this Code that amend, repeal, or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new code by the county board of supervisors.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "Section ___ of the Code of Ordinances, Jefferson County, Wisconsin, is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

(c) In the event a new section not previously existing in the Code is to be added, the following language shall be used: "The Code of Ordinances, Jefferson County, Wisconsin, is hereby amended by adding a section to be numbered ____, to read as follows:" The new section shall then be set out in full as desired.

Sec. 1-7. Supplementation of Code.

(a) By contract or by county personnel, supplements to this Code shall be prepared and printed when authorized or directed by the county board of supervisors. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the board during the period covered by the supplement and all changes made in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which 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 excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make nonsubstantive changes in ordinances and parts of ordinances included in the supplement insofar as it is necessary to embody the provisions into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;

- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the terms "this Code" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to ____ " (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-8. Code alteration.

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the county board. The clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the clerk.

Sec. 1-9. Code upkeep and maintenance.

Any person having in his custody an official copy of this Code shall make every effort to maintain the Code in an up-to-date and efficient manner. He or she shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him or her through the office of the county clerk. The Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the county and shall be returned to the office of the clerk upon termination of office or separation of duties.

Sec. 1-10. Jurisdiction; applicability.

Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the county. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the county to regulate such particular acts outside the corporate limits.

Sec. 1-11. Repeal of general ordinances; ordinances saved from repeal.

All general ordinances of the county passed prior to the adoption of this Code are repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal subject to the saving clauses contained in the following sections, from which are excluded the following ordinances, which are not repealed:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the county, or authorizing the issue of any bonds of the county, or any evidence of the county's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the county;
- (2) Any administrative ordinances or resolutions of the county not in conflict or inconsistent with the provisions of this Code, including, but not limited to, ordinances and resolutions establishing committees or other bodies;
- (3) Any bond ordinance;
- (4) Any right or franchise granted by ordinance and other ordinances granting special rights to persons or corporations;
- (5) Any contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants;
- (6) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the county;
- (7) Any appropriation ordinance;
- (8) Any ordinance levying or imposing taxes;
- (9) Any ordinances prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load of vehicles, or loading zones;
- (10) Any ordinance establishing and prescribing the street grades of any street in the county;
- (11) Any ordinance providing for local improvements and assessing taxes therefor;
- (12) Any ordinance dedicating or accepting any plat or subdivision in the county;
- (13) Any ordinance adopting a comprehensive plan or farmland preservation plan;
- (14) Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the county;
- (15) Any ordinances relating to the transfer or acceptance of real estate by or from the county;
- (16) Any ordinance establishing positions, classifying positions, setting salaries of county officers and employees or any personnel regulations, or establishing retirement or other pension benefits;

- (17) Any civil service ordinance;
- (18) Any ordinance calling an election;
- (19) Any ordinance authorizing street, highway, or road maintenance agreements;
- (20) Any temporary or special ordinances.

Sec. 1-12. Prior proceedings not affected.

(a) No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

(b) This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

(c) Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the county herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person or entity, or as waiving any right of the county under any ordinance or provision thereof in force at the time of the adoption of this Code.

Sec. 1-13. Severability.

Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

Sec. 1-14. Violations and penalties; uniform citation authorized; citation procedure.

(a) *General penalty.* Any person who shall violate any of the provisions of this Code for which violation a specific penalty has not been otherwise provided in the chapter in which the provision is found or in this section, upon conviction of such violation, shall be subject to a penalty as follows:

- (1) *First offense penalty.* Up to \$100.00, together with the costs of prosecution and any statutory surcharges as established pursuant to Wis. Stats. ch. 814. Any person

convicted of a violation, who shall default on payment of such forfeiture and costs of prosecution and statutory surcharges, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

- (2) *Second offense penalty.* Any person found guilty of violating any ordinance or part of an ordinance of this Code who was previously convicted of a violation of the same ordinance within one year and for which a penalty for such violation has not otherwise been specifically provided in the chapter in which the provision is found or in this section shall, upon conviction thereof, forfeit up to \$250.00 for each such offense, together with costs of prosecution and statutory surcharges and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution and statutory surcharges are paid, but not exceeding six months.
- (3) *Juvenile offenses.* The penalty for juvenile offense shall be in accordance with state law.

(b) *Court costs and surcharges.* Court costs, penalty surcharges, jail surcharges, crime lab and drug surcharges, court support surcharges, justice information surcharges, and any other surcharges provision in Wis. Stats. § 814.61 shall automatically take effect, as they relate to any violations of this Code, upon the effective date of the surcharges without any further action by the county board of supervisors.

(c) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the county from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(d) *Execution against defendant's property.* When any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the county, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(e) *Schedule of deposits.* The following schedule of cash deposits has been adopted by the county for violations of the stated county ordinance for which a citation is issued under authority of this chapter. The cash deposit will be the amount of the forfeiture plus any costs, fees, assessments and surcharges imposed by state statute, including, but not limited to, the penalty assessment imposed by Wis. Stats. § 757.05, the jail assessment imposed by Wis. Stats. § 302.46, and court costs imposed by Wis. Stats. § 814.63.

SCHEDULE OF CASH DEPOSITS

<i>Violation</i>	<i>Forfeiture</i>
Parks	\$25.00
Battery	\$75.00
Damage to property	\$75.00

<i>Violation</i>	<i>Forfeiture</i>
Trespass to land	\$75.00
Trespass to dwellings	\$75.00
Theft	\$75.00
Retail theft	\$100.00
Worthless check	\$75.00
Disorderly conduct	\$75.00
Carry weapon in courthouse	\$100.00
Tire squealing	\$50.00
Excessive speed fair park	\$25.00
Resisting/obstructing	\$75.00
Harboring runaway	\$75.00
False alarm	\$75.00
Underage alcohol offenses per Wis. Stats. § 125.07(1)(a)	\$150.00
Alcohol regulation—Fairgrounds	\$50.00
Possession of marijuana	\$100.00
Drug paraphernalia	\$100.00
Livestock at large	\$50.00
Unlicensed dogs	\$25.00
Dogs at large, untagged dogs	\$50.00
Noisy animals or fowl	\$50.00
Fireworks	\$50.00
Zoning	\$50.00
Private sewage systems	\$100.00
Shoreland	\$50.00
Floodplain	\$50.00
Land division and subdivision	\$50.00
General sanitation (environmental)	\$50.00
Animal waste storage and nutrient management	\$100.00
Smoke free air act	\$100.00
Hazardous material discharge	\$300.00
Boating, ATV/UTV, snowmobiling, etc.	See state uniform deposit and bail schedule for conservation, environmental protection, boating, snowmobile, ATV and captive wildlife violations
Traffic	See Uniform State Traffic Deposit Schedule

(Ord. No. 2013-06, § 9.19, 6-11-2013; Ord. No. 2013-28(1), § 5, 3-11-2014)

Sec. 1-15. Citation procedure generally.

(a) *Form; content.* Pursuant to Wis. Stats. § 66.0113, the county adopts and authorizes the use of the citation method for enforcement of violations of ordinances, including ordinances for which a statutory counterpart exists. The citation shall contain the following:

- (1) The name and address of the alleged violator.
- (2) 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 manner as can readily be understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court and whether appearance is mandatory.
- (7) A statement which in essence informs the alleged violator that:
 - a. A cash deposit based on the schedule established by section 1-14 may be made which shall be delivered or mailed to the clerk of the county circuit court or to the sheriff of the county prior to the time of the scheduled court appearance.
 - b. If a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - c. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest and submitted to the forfeiture, plus costs, fees and surcharges imposed.
 - d. If no cash deposit is made and the alleged violator does not appear in court at the time specified, the court shall consider the nonappearance to be a plea of no contest and enter judgment.
 - e. If the court finds the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute, and the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon alleged violator into court to determine if restitution shall be ordered under Wis. Stats. § 800.093.
- (8) A direction that, if the alleged violator elects to make a cash deposit the statement which accompanies the citation, shall be signed to indicate that the statement required under subsection (a)(7) of this section has been read.
- (9) Such other information as the county official deems necessary to fully explain the violation.

(b) *Prosecution of ordinance violations.* Except as otherwise provided by law, the county district attorney shall prosecute all alleged county traffic actions and actions concerning violation of county ordinances which are in conformity with state criminal laws. The county corporation counsel shall prosecute those actions which are outside the scope of the duties of the district attorney pursuant to Wis. Stats. § 978.05(2).

(c) *Domestic abuse assessment.* For any citation issued for disorderly conduct, the officer shall review the provisions of Wis. Stats. § 973.055(1) to determine if a domestic abuse assessment is applicable, and, if so, add the statutory amount for such assessment to the cash deposit set forth herein.

(d) *Schedule adjustments.* As provided in section 1-14(b), any amendment to state statutes establishing a penalty assessment, a jail assessment, a domestic abuse assessment, or a court automation fee, court service fee, court costs, or justice information fee shall be deemed incorporated herein and modify the cash deposit schedule provided for in section 1-14(e) in accordance with such statutory amendment. In addition, any assessments or fees established by state law which provide for imposition upon a defendant convicted of an ordinance violation shall be deemed incorporated in the cash deposit schedule and the total cash deposit modified accordingly.

(e) *Violator's options; procedure on default.* Violators' options, including procedure on default, are as provided in Wis. Stats. § 66.0113(3), which is incorporated in this subsection by reference.

(f) *Jurisdiction of circuit court.* The citation shall have the legal effect specified in Wis. Stats. § 66.0113 and a duly issued citation shall confer jurisdiction upon the circuit court for the county.

(g) *Applicability to future ordinances.* Unless otherwise specified in the adopting resolution, all ordinances without a statutory counterpart adopted subsequent to this section may be enforced by the citation method, provided that the county board, in conjunction with enacting any such ordinance, establishes a cash deposit for the violation. The deposit set for each new ordinance shall be incorporated by reference to the schedule contained herein.

(h) *Non-exclusivity.* Adoption of the ordinance from which this section is derived does not preclude the county board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. In addition, the issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other Code provision or state law or by any other enforcement method to enforce any provision of this Code or rule promulgated thereunder.

(Ord. No. 84-10, §§ 1—4, 6, 11-17-1988; Ord. No. 2010-10, 6-8-2010; Ord. No. 2013-06, § 9.18, 6-11-2013; Ord. No. 2013-28(1), 3-11-2014)

Sec. 1-16. Authority to issue citations.

(a) Any law enforcement officials employed by the county may issue citations for enforcement authorized under section 1-15.

(b) In addition, the following county officials may issue citations for the violations directly related to their official responsibilities:

- (1) Director of planning and zoning;
- (2) Parks director;
- (3) District attorney and assistant district attorneys;
- (4) Health officer;
- (5) Director of land and water conservation;
- (6) Director of emergency management;

and any acting or interim appointee to the listed positions.

(c) The officials named in subsection (b) of this section may submit to the county board written nominations of employees within their respective offices who should be delegated authority to issue citations for violations of ordinances related to their official responsibilities. If the nominations are affirmatively approved by vote of the county board, the persons so named shall have authority to issue citations with respect to ordinances directly related to their responsibilities.

(d) Citation issuance authority may be revoked in the same manner in which it was conferred.

(Ord. No. 84-10, § 5, 11-17-1988; Res. No. 98-46, § 2, 9-8-1998; Ord. No. 2008-37, § 1, 3-10-2009; Ord. No. 2013-28(1), § 5, 3-11-2014)

Chapter 2

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ARTICLE I. IN GENERAL**Sec. 2-1. Form of government.**

The county elects to become a self-organized county pursuant to Wis. Stats. § 59.10(1). (Ord. No. 97-05, § 1, 5-13-1997)

Sec. 2-2. Fair housing.

(a) The county has adopted Wis. Stats. § 106.50 and all subsequent amendments thereto. County officials and employees shall assist in the orderly prevention and removal of all discrimination in housing within the county by implementing the authority and enforcement procedures in Wis. Stats. § 106.50.

(b) The county clerk shall maintain forms for complaints to be filed under Wis. Stats. § 106.50 and shall assist any person alleging a violation thereof in the county to file a complaint thereunder with the state department of workforce development, equal rights division, for enforcement of Wis. Stats. § 106.50. (Ord. No. 2009-03, §§ 1—3, 4-21-2009)

Secs. 2-3—2-22. Reserved.**ARTICLE II. BOARD OF SUPERVISORS****DIVISION 1. GENERALLY****Sec. 2-23. Board supervisor qualifications and duties.**

The following is a summary of the qualifications and duties with regard to the county board supervisors:

- (1) *Purpose.* The county board is a leadership body which makes policy determinations with regard to:
 - a. The services and programs the county provides (the range of services currently provided includes programs that foster economic opportunity, public safety, transportation, health, recreation, education, environmental protection).
 - b. Resource allocation.
 - c. Levying property taxes or approving borrowings adequate to fund expenditures.
 - d. Individual board members contribute to the policy making through information gathering and analysis, constituent contacts, public hearings, public debate and voting on policy issues.
- (2) *Minimum qualifications.* State law establishes these minimum qualifications for individuals seeking county board membership:
 - a. Must be a United States citizen.

- b. Must be 18 years of age.
- c. Must reside in the district for which election is sought.
- d. Has not been convicted of a felony or a misdemeanor involving a violation of public trust for which has not been pardoned.

(Res. No. 2006-27, att., 7-11-2006)

Sec. 2-24. Compensation of board supervisors.

(a) *Board meeting compensation.* Except as otherwise provided in this section, supervisors shall be compensated at the rate of \$65.00 per meeting, and there will be no limit on the number of authorized meetings attended for which a board member may receive a per diem. If a meeting exceeds four hours in duration, \$30.00 shall be added to the applicable meeting compensation.

(b) *Compensation for other official meetings.* All county supervisors shall receive a per diem of \$65.00 for attendance at official business meetings such as district meetings, conventions and similar non-committee meetings. If the official business meeting exceeds four hours in duration, the per diem shall be \$95.00.

(c) *Salary of supervisors other than chair.* All county supervisors other than the county board chair shall receive a salary of \$110.00 per month in addition to the payments in subsections (a) and (b) of this section.

(Ord. No. 2006-14, 8-8-2006; Ord. No. 2021-11, § 1, 10-12-2021)

Secs. 2-25—2-51. Reserved.

DIVISION 2. RULES OF ORDER

Subdivision I. In General

Sec. 2-52. Amendments to rules.

(a) Amendments to these rules of order may be made by a two-thirds vote of the members attending the board meeting. Proposed amendments shall be introduced at a meeting of the board and laid over until the next regular meeting before action is taken. The rules pertaining to amendments may be suspended only upon unanimous consent of the board members attending such meeting.

(b) Notwithstanding the foregoing, section 2-79 may be amended upon majority vote at any regular meeting without necessity of laying such amendment over until the next regular meeting or suspension of the rules. These rules of order shall remain in effect until modified by the county board.

(c) Notwithstanding the foregoing, any section hereof may be amended at the county board's organizational meeting upon majority vote without necessity of laying such amendment over until the next regular meeting or suspension of the rules. These rules of order shall remain in effect until modified by the county board.

(Ord. No. 2024-01, § 1(3.08), 4-16-2024)

Secs. 2-53—2-77. Reserved.

Subdivision II. General Procedural Rules

Sec. 2-78. 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:

County board of supervisors. The governing body of the county shall be known as the county board of supervisors or the county board, hereafter referred to as the board, and its members as supervisors.

Session means a single two-year term of the county board of supervisors. A session commences on the third Tuesday of April following the biennial election of the county board supervisors and terminates on the third Tuesday of April following the next biennial election of the county board supervisors.

(Ord. No. 2024-01, § 1(3.01(1)), 4-16-2024)

Sec. 2-79. Meeting schedule.

(a) *Annual meeting.*

(1) *When held.* All meetings of the county board of supervisors shall be held and conducted in accordance with the provisions of Wis. Stats. § 59.11. The board shall hold an annual meeting on the Tuesday after the second Monday of November in each year for the purpose of transacting business. The board may establish by rule an earlier date during October or November for the annual meeting. When the day of the meeting falls on November 11, the meeting shall be held on the next succeeding day.

(2) *Adjournment.* The annual meeting may be adjourned by the clerk, upon the written request of a majority of the supervisors, to a day designated in the request, but not less than one week nor more than three weeks from the Tuesday after the second Monday of November. Upon such an adjournment being made, the clerk shall give each supervisor written notice of the time and place to which the annual meeting has been adjourned. If the annual meeting is adjourned to a date later than November 14, the county board shall convene a regular meeting prior to that date for the

purpose of approving the annual county budget for the following year, approving the municipal apportionment to allow municipalities to finalize their annual budgets, and conducting any other business as needed.

(b) *Organizational meeting.*

- (1) *Generally.* The board shall meet on the third Tuesday of each April to organize and transact business. At this meeting, the board may transact any business permitted at the annual meeting.
- (2) *Adjournment.* The organizational meeting may be adjourned by the clerk, upon the written request of a majority of the supervisors, to a day designated in the request, but not less than one week nor more than three weeks from the third Tuesday of each April. Upon such an adjournment being made, the clerk shall give each supervisor written notice of the time and place to which the annual meeting has been adjourned.

(c) *Regular meetings.* To the extent practicable, the board shall regularly convene on the second Tuesday of each month for the purpose of transacting business, except in October when the board shall also convene on the fourth Tuesday of the month to allow for a budget hearing. If a special election occurs on a county board meeting date, the board meeting will be held on the Monday preceding the election. Board meetings shall commence at 7:00 p.m., except for the organizational meeting which shall commence at 4:00 p.m. Additionally, the meeting time may be adjusted as needed for special orders of business or educational sessions with consent of county board chair. The county board meeting schedule shall be posted on the county's website.

(d) *Emergencies.*

- (1) In the event of inclement weather, the chair may cancel a meeting. Any meeting cancelled by the chair under this subsection shall be held on the next succeeding Tuesday unless that Tuesday is an election day, in which case the meeting shall be held on the Monday preceding the election.
- (2) In addition to the methods prescribed by Wis. Stats. § 59.11, a board meeting may be convened by the board chair in case of a declared emergency.

(Ord. No. 2024-01, § 1(3.01(2)), 4-16-2024)

Sec. 2-80. Quorum/attendance.

(a) A majority of all members elected to the board must be present to constitute a quorum for the transaction of business. In the absence of a quorum, those present may order a call of the house to compel the attendance of absent members, or they may take a recess or fix a time which to adjourn to and adjourn.

(b) County board members who cannot attend a board meeting shall report their absence in advance. Such reports shall be made to the county clerk, who shall so advise the county administrator and board chair. Members reporting their absence in advance of the meeting to the county clerk shall be noted as having done so in the minutes where their absence is recorded.

(c) No member present at a board meeting shall thereafter fail to attend the balance of a board meeting without first obtaining permission of the chair and notifying the clerk.
(Ord. No. 2024-01, § 1(3.01(3)), 4-16-2024)

Sec. 2-81. Order of business.

(a) For the April organizational meeting held in even-numbered years, the order of business shall be:

- (1) Call to order. Administration of oath of office and roll call by county clerk.
- (2) Pledge of allegiance.
- (3) Certification of compliance with the Open Meeting Law.
- (4) Approval of the agenda.
- (5) Adoption of rules of order.
- (6) Election of chair and vice-chairs.
- (7) Follow order of business as established for other meetings, except that no annual reports of department heads will be presented at the organizational meeting.

(b) The order of business for all other board meetings shall be as follows:

- (1) Call to order.
 - (2) Roll call by county clerk.
 - (3) Pledge of allegiance.
 - (4) Certification of compliance with the Open Meeting Law.
 - (5) Approval of the agenda.
 - (6) Approval of minutes.
 - (7) Written communications provided to board.
 - (8) Public comment (agenda items).
 - (9) Annual reports of department heads.
 - (10) Committee reports, resolutions and ordinances.
 - (11) Committee and board appointments.
 - (12) Public comment (general).
 - (13) Announcements.
 - (14) Special order of business may be placed anywhere on the agenda at the discretion of the county board chair.
- (Ord. No. 2024-01, § 1(3.01(4)), 4-16-2024)

Sec. 2-82. Public comment.

A person wishing to make public comment shall provide their name and address. The chair may limit the number of persons addressing the board under public comment to a number determined by the chair to reasonably represent the views of large groups of persons wishing to address the board, to prevent repetition. The length of time allocated to any person addressing the board under public comment shall not exceed three minutes unless unique circumstances support the chair allowing a longer period of time which may be shortened at the discretion of the chair, with all public comment confined to a maximum of 30 minutes. The county board may extend public comment beyond 30 minutes by two-thirds majority vote of the county board members present.

(Ord. No. 2024-01, § 1(3.01(5)), 4-16-2024)

Sec. 2-83. Remote participation.

(a) Utilization of remote attendance at all county meetings to facilitate the transaction of county business is permitted by county board supervisors when serving as a member of the county board of supervisors or as an appointed member of a board, commission, committee, or other body on behalf of the county. County board supervisors shall have the same rights and privileges when appearing by remote attendance as they would have when appearing in person.

(b) The official meeting shall be noticed as taking place at a physical location on the meeting agenda. Members attending remotely must be able to be heard and, when video is available to the member attending remotely, seen by members and public who are present at the physical location of the meeting. If appearing remotely, it is the responsibility of the member to maintain audio and video connectivity with the official meeting site. If connectivity is lost, but the physical location of the meeting maintains a quorum, the meeting may continue in the discretion of the chair. If connectivity is lost at the physical location and there is a quorum of members appearing remotely, the meeting shall be adjourned until connectivity is reestablished with the official meeting location or rescheduled to another date and time in accordance with the Wisconsin Open Meetings Law.

(c) As a courtesy, members planning to attend remotely should provide notice 24 hours in advance of a scheduled meeting, when possible, to the county board chair or the committee chair and the lead staff person. Loss of connectivity will result in the member being considered absent from that portion of the meeting after connectivity is lost.

(d) If the meeting is convened in closed session, any member attending remotely shall inform the board or committee chair as appropriate that no other person is present with them and, to the best of their knowledge, no other person can view or hear any portion of the closed session meeting unless such person is allowed to attend closed session meetings by the county board rules or expressly authorized to attend the closed session meeting by the committee.

(Ord. No. 2024-01, § 1(3.01(6)), 4-16-2024)

Sec. 2-84. Parliamentary procedure.

Robert's Rules of Order, Newly Revised, and all subsequent editions thereof, shall govern the proceedings of the county board of supervisors in all cases in which they are not inconsistent with these rules or the laws of the state.

(Ord. No. 2024-01, § 1(3.01(7)), 4-16-2024)

Sec. 2-85. Agenda setting.

Agendas shall be created by the county board chair or the committee chair, respectively, with support of staff. If a committee chair receives a written request to place an item on a committee agenda which is signed by five members of the county board, the committee chair shall place the item requested on the committee agenda not later than 60 days after the committee chair receives the written request, provided the subject matter falls within the purview of that committee. If there is a dispute as to what committee should address an item, the county board chair shall designate the committee to which the issue shall be assigned. The county administrator, county clerk, and corporation counsel shall review the written agendas of all county board or board committee meetings before distribution and publication.

(Ord. No. 2024-01, § 1(3.01(8)), 4-16-2024)

Sec. 2-86. Resolutions/ordinances.

(a) *Sponsorship.* Except as otherwise provided for herein, all legislation (i.e., resolutions or ordinances) shall originate from, or be routed through, the committee system. In circumstances where committee sponsorship is impossible or impractical, a resolution, ordinances, petition, or report may be introduced by the county administrator with approval of the county board chair.

(b) *Committee bypass procedure.* Subject to any applicable statutory requirements, legislation may be sponsored by a group of nine county board supervisors without the necessity of committee approval. If, after review and consideration by the relevant committee, the committee either takes no action or takes adverse action on an item, a group of nine county board supervisors wishing to sponsor the legislation shall submit a signed memorandum outlining their proposal, along with a draft resolution or ordinance, if applicable, to the county board chair, with copies to the county administrator and corporation counsel. The county board chair shall place the item on the county board agenda not later than the next county board meeting with proper notice.

(c) *Timing.* All resolutions, ordinances, motions to reconsider and any other business to be considered by the board must be delivered to the county administrator not later than noon on the Monday of the week preceding the board meeting. All pending resolutions, ordinances and amendments shall be carried forward to the new board session.

(d) *Form.* Each resolution or ordinance submitted for consideration shall be in writing and include a fiscal note, an executive summary explaining the significant features of the proposed resolution or ordinance, including the contemplated changes, and reference to the

applicable portion of the strategic plan furthered by the proposed action. All resolutions and ordinances shall be reviewed by the corporation counsel and finance director for proper form and legality before being submitted to the county board.

(Ord. No. 2024-01, § 1(3.01(9)), 4-16-2024)

Sec. 2-87. Manner of addressing the county board.

(a) *Written communication.* Any person desiring to submit written communication to the county board may present such communication to the board by delivering the written communication, which should include the author's name and address, to the county clerk by 12:00 noon on the day of the county board meeting.

(b) *Discussion/conduct.*

- (1) Upon being recognized, a member shall rise in place and, using the microphone, address the chair, and shall not be interrupted except by a call to order. If called to order by the chair, the member shall be seated and shall not proceed without permission of the chair.
- (2) No member shall speak more than twice on any question until all members who desire to speak have been heard, and then not without first obtaining leave of the chair.
- (3) In speaking, a member shall confine comments to the question under consideration and shall at all times conduct themselves in a respectful manner.
- (4) There shall be no loud noises or conversations on the floor or in the visitors' section during the meeting.

(c) *Non-members.*

- (1) Orderly administration of board business does not permit the appearance of non-board members at county board meetings to debate controversial matters before the board. Notwithstanding the foregoing, the chair may recognize a department head or other person with specialized knowledge to speak on a pending matter before the board.
- (2) Any board member may ask for the privilege of the floor for a non-board member to address the board and, if no supervisor objects, the chair shall grant the privilege to such non-board member. If a member objects, any board member may move that the privilege of the floor be granted, and any member may second such motion. If the motion is adopted by a majority vote, the chair shall grant the privilege of the floor to the non-board member. The time allocated to non-board members shall not exceed ten minutes. This procedure shall not apply to non-board members scheduled to appear as part of the regular written agenda. There shall be no disruptions.

(Ord. No. 2024-01, § 1(3.01(10)), 4-16-2024)

Sec. 2-88. Voting.

(a) *Voice vote.* All questions decided by a voice vote shall be put in this form: Those who are in favor say "aye," and those who are opposed say "no." In doubtful cases the chair or any member may call for a roll call vote.

(b) *Roll call vote.* Upon the request of any member of the county board a roll call vote shall be ordered on any question before the board. A roll call vote shall be required on all matters involving an unbudgeted expenditure of county funds. The adoption of the annual budget shall be by roll call vote and in accordance with Wis. Stats. § 65.90(5), budget amendments shall require a two-thirds vote of the members-elect of the board.

- (1) On a roll call vote, every member present shall vote except a member who has abstained in accordance with the conflict of interest procedures set forth in section 2-91.
 - (2) Members have the right to change their votes up to the time the vote is announced by the clerk. The clerk shall give notice before locking in the votes on the tablet.
 - (3) The voting results shall be displayed for those present.
- (Ord. No. 2024-01, § 1(3.01(11)), 4-16-2024)

Sec. 2-89. Meeting minutes.

The county clerk shall keep and record true minutes of all proceedings of the county board, including all committee meetings, in a format chosen by the county clerk, either personally or through the county clerk's appointee pursuant to Wis. Stats. § 59.23(2). Meeting minutes shall be prepared and distributed to members within ten business days of a meeting. All discussion regarding proposed amendments to the minutes shall occur at the next noticed meeting. Minutes shall include the names of members present or absent, time, date and location of meeting, action taken by motions made, and votes recorded in accordance with the Wisconsin Open Meetings Law.

(Ord. No. 2024-01, § 1(3.01(12)), 4-16-2024)

Sec. 2-90. Annual reports.

Annual reports will be received by the board, posted on the county website, and placed on file. Annual reports will not be printed in the minutes unless the board otherwise directs or required by law.

(Ord. No. 2024-01, § 1(3.01(13)), 4-16-2024)

Sec. 2-91. Conflicts of interest.

A member with a conflict of interest or a potential conflict of interest shall advise the board chair or committee chair of the conflict prior to discussion of or voting on the item to which the conflict of interest or potential conflict of interest pertains. Thereafter, such member shall not participate in the discussion or vote thereon if doing so would violate any federal, state, or local law or ordinance. Depending on the extent and type of conflict, it may

be appropriate for the member to leave the meeting while the item is being discussed and return to the meeting after the vote has been taken. If requested by the board member, the corporation counsel shall be available for consultation or issue a written legal opinion to assist the member in making a determination of whether a conflict exists. The minutes shall reflect the member's statement and the fact that the member has left the meeting or abstained from discussion and voting on the item in question.
(Ord. No. 2024-01, § 1(3.01(14)), 4-16-2024)

Secs. 2-92—2-110. Reserved.

Subdivision III. County Board Officers

Sec. 2-111. Elections of chair, first vice-chair, second vice-chair.

(a) The board shall, as provided by Wis. Stats. § 59.11, organize at the April meeting in even-numbered years by electing a chair, a first vice-chair and a second vice-chair by secret ballot. The clerk shall preside until the chair has been elected. Nominations shall be made by written ballot. In the event more than two persons are nominated for a position, a primary ballot shall be prepared. Prior to the primary election, or the final election if no primary is required, each nominee shall be provided up to three minutes to address the board.

(b) If no primary is required, a person receiving a majority of votes of the entire membership of the county board on the ballot shall be declared elected. Otherwise, the two persons receiving the greatest number of votes for a position on the primary ballot shall be placed on the final ballot. In the event two persons receive the second greatest number of votes, those two persons shall be the subject of a vote for the second position on the final ballot. The clerk shall prepare a final ballot for the position. The person receiving the most votes shall be elected to the position.

(c) All ballots shall be distributed and collected by the county clerk or deputy county clerks. The number of votes cast for chair, first vice-chair, and second vice-chair candidates at the primary and final elections shall be counted and announced to the entire county board by the county clerk or deputy county clerk. The names of all nominees, and the number of votes for all primary and final candidates, shall be recorded in the minutes. The ballots for all nominees, primary candidates, and final candidates shall be retained by the county clerk until the next county board meeting following the organizational meeting.

(Ord. No. 2024-01, § 1(3.02(1)), 4-16-2024)

Sec. 2-112. Removal of officers.

Any supervisor may be removed from the position of chair, first vice-chair and second vice-chair by a majority vote of the board.

(Ord. No. 2024-01, § 1(3.02(2)), 4-16-2024)

Sec. 2-113. Duties of county board chair.

(a) The chair shall preside at county board meetings when present unless required to temporarily vacate the position to engage in debate, or as otherwise required by Robert's Rules of Order.

(b) The chair shall appoint members to committees as set forth in Wis. Stats. § 59.13.

(c) The chair shall countersign all ordinances of the board.

(d) The chair shall countersign all county orders, transact all necessary board business with local and county officers, expedite all measures resolved upon by the board and shall take care that all federal, state and local laws, rules and regulations pertaining to county government are enforced.

(e) The county board chair is authorized and directed to attend meetings and conferences on matters directly related to county government. The county board chair may designate members of the county board to attend such meetings and conferences, either in place of the chair or along with the chair. The county board chair, the vice-chairs and such other board members as may be designated by the chair, shall be entitled to meeting fees or per diem and mileage for attending such meetings and conferences, all subject to the regular rules of the county board pertaining to meeting fees, per diems, mileage and expenses. The county board chair shall be entitled to a meeting fee for meeting with the county administrator.

(Ord. No. 2024-01, § 1(3.02(3)), 4-16-2024)

Sec. 2-114. Temporary absence of county board chair.

In case of the absence or disability of the chair, the first vice-chair shall perform the duties of the chair. In case of the absence of the chair and the first vice-chair, the second vice-chair shall perform the duties of the chair. In case of the absence of the chair and both vice-chairs for any meeting, the members present shall choose a temporary chair.

(Ord. No. 2024-01, § 1(3.02(4)), 4-16-2024)

Sec. 2-115. Vacancy of county board chair, first vice-chair, second vice-chair positions.

In the event the position of chair, first vice-chair or second vice-chair is vacant due to removal, resignation or death of the incumbent, the board shall hold an election to fill the position within 60 days of it becoming vacant. Until such vacant position is filled, the first vice-chair, or the second vice-chair if there is no first vice-chair, shall assume all duties of the chair and shall be paid meeting fees and the monthly salary to which the chair would be entitled until such time as the board elects a successor. The second vice-chair shall assume the duties of first vice-chair when such position is vacant.

(Ord. No. 2024-01, § 1(3.02(5)), 4-16-2024)

Sec. 2-116. Vacancy of county board seat.

If a vacancy occurs on the board, the county board chair shall appoint a person who is a qualified elector and resident of the supervisory district to fill the vacancy subject to confirmation by majority vote of the county board of supervisors. The successor shall serve for the unexpired portion of the term to which the person is appointed, unless the board orders a special election to fill the vacancy, in which case the person appointed shall serve until his or her successor is elected and qualified. A person so elected shall serve for the remainder of the unexpired term.

(Ord. No. 2024-01, § 1(3.02(6)), 4-16-2024)

Secs. 2-117—2-145. Reserved.*Subdivision IV. Duties of Officials***Sec. 2-146. County administrator.**

The county administrator, or his/her designee, shall attend all board meetings, unless excused by the chair, shall assist the board whenever possible and may present matters to the board for consideration as authorized in subdivision II of this division. The county administrator shall have authority to settle claims against the county in amounts up to \$25,000.00 after consulting with the county's insurance carrier and corporation counsel. All settlements shall be reported to the finance committee.

(Ord. No. 2024-01, § 1(3.03(1)), 4-16-2024)

Sec. 2-147. County treasurer.

The county treasurer shall prepare and present to the county board a complete monthly financial statement which includes the county's financial condition and the investment of surplus funds.

(Ord. No. 2024-01, § 1(3.03(2)), 4-16-2024)

Sec. 2-148. County clerk.

The county clerk shall act as clerk of the board at all of the board's regular, special, limited term, and standing committee meetings thereof, under the direction of the county board chair or committee chair. The clerk shall receive proposed resolutions, ordinances, reports and petitions and provide copies to the county administrator's office. The clerk shall keep and record minutes of all the proceedings of the board in a format chosen by the clerk, including all committee meetings, either personally or through the clerk's appointee; file in the clerk's office copies of agendas and minutes of board meetings and committee meetings; make regular entries of the board's resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member

present; publish ordinances as provided in Wis. Stats. § 59.14(1); and perform all duties prescribed by law or required by the board in connection with its meetings and transactions pursuant to Wis. Stats. § 59.23.

(Ord. No. 2024-01, § 1(3.03(3)), 4-16-2024)

Sec. 2-149. Corporation counsel.

The corporation counsel, or his/her designee, shall attend board meetings and shall serve as parliamentarian and legal advisor to the board.

(Ord. No. 2024-01, § 1(3.03(4)), 4-16-2024)

Sec. 2-150. County board reporter.

The county board reporter or other designee of the county clerk shall attend all county board meetings and perform the duties as required by Wis. Stats § 59.23.

(Ord. No. 2024-01, § 1(3.03(5)), 4-16-2024)

Secs. 2-151—2-168. Reserved.

Subdivision V. Standing Committees

Sec. 2-169. Appointment.

Standing committees of the board shall be appointed for two-year terms by the chair of the board after his/her election and prior to June 1 in even-numbered years, unless a different date for appointment is specifically prescribed. When necessary for the orderly transaction of business prior to the formal appointment of new committees, the chair may appoint temporary committees and committee chairs to address pending items assigned to a standing committee. The temporary committee may act until the earlier of June 1 or the date the chair files permanent appointments with the clerk. The chair shall file a list of the committee appointments with the county clerk and the county administrator. Any mid-term committee appointments by the chair shall be filed with the clerk who shall present them to the board as a communication at the next regular county board meeting.

(Ord. No. 2024-01, § 1(3.04(1)), 4-16-2024)

Sec. 2-170. Ex officio member.

The chair (or either vice-chair, or in the absence of the chair and both vice-chairs, any member of the county board of supervisors if so designated by the chair in advance of any particular meeting) shall be an ex officio member of all standing committees, shall be allowed to vote in order to break a tie, shall be counted as a member if necessary to create a quorum at the committee's meeting, and shall also be allowed to vote in that case.

(Ord. No. 2024-01, § 1(3.04(2)), 4-16-2024)

Sec. 2-171. Committee assignments.

When an issue arises at a county board meeting or administratively that is not clearly assigned to a standing committee by the board rules or a prior resolution, the board chair shall designate the committee to which the issue shall be assigned.

(Ord. No. 2024-01, § 1(3.04(3)), 4-16-2024)

Sec. 2-172. Standing committees of the board and duties.

Standing committees of the board and duties shall be as follows:

- (1) *Broadband working group.* The broadband working group is comprised of five to seven members appointed by the county board chair, consisting of at least one member from the finance committee, one member from the county economic development consortium, one member from the planning and zoning committee; one member from the executive committee; and one member of the public. Any additional members shall be county board supervisors selected by the county board chair. The broadband working group will be responsible for policy oversight of the expansion and improvement of broadband within the county. Members will be paid a per diem and mileage for meeting attendance in accordance with county policy. The working group will dissolve at the end of the 2024 through 2026 county board term.
- (2) *Buildings and grounds committee.*
 - a. The buildings and grounds committee is comprised of five members appointed by the county board chair, consisting of five county board supervisors. The buildings and grounds committee shall oversee all construction, remodeling and repair of all county buildings and grounds, including fiber network, and shall have authority to implement policy on the use of county buildings by organizations not connected with county government. The committee shall review all proposed leases, except those leases which by rule are the responsibility of a different committee and recommend same to the county board for final approval.
 - b. When the county board has authorized construction of, additions to or remodeling of a county building, the committee shall review proposals and make a recommendation to the county board in accordance with the county purchasing policy.
 - c. The committee shall provide policy oversight to the information technology department and the central services department and shall have policy oversight for conservation of resources and sustainability practices in county facilities and operations.
- (3) *Executive committee.*
 - a. The executive committee is comprised of five members consisting of the county board chair, first and second vice-chair and two other county board members. If the position of county board chair, first vice-chair or second vice-chair becomes

vacant, the county board chair or acting county board chair shall temporarily appoint members of the county board to serve on the executive committee until the vacant positions are filled on the county board.

- b. This committee shall supervise the office of the county administrator and shall handle matters pertaining to said office.
- c. This committee shall also meet with circuit court judges as called to discuss common goals and concerns within the county circuit court system. The committee shall work with the courts to implement such goals. This committee shall also provide policy oversight to the clerk of courts, county clerk and corporation counsel with regard to matters pertaining to said offices and be responsible for monitoring the future vision of the county to include implementation of the strategic plan and comprehensive plan. The committee shall serve as a liaison to other local, county and state governments on behalf of the county. The executive committee is authorized to review proposed resolutions from the Wisconsin Counties Association (WCA), which will be voted on at its annual meeting without authorization by the county board. All WCA resolutions shall be distributed to the full county board for review as soon as practicable. The committee chair or designee shall attend the annual meeting as a delegate of the county to vote on such resolutions as directed by the committee.
- d. Matters pertaining to proposed state legislation or other matters of statewide concern, intergovernmental coordination, proposed county board rule amendments and county board minutes shall be handled by the committee.
- e. During the last three months of its term, the committee shall draw specifications, solicit bids, and file a recommendation with the county board in March of even-numbered years concerning which newspaper in the county shall be the official newspaper for the two-year term of the new county board. The committee, on behalf of the board, shall be authorized to approve the minutes from any meeting when the county board does not meet in sufficient time to approve the minutes for publication as required by Wis. Stats § 59.14(2).
- f. The executive committee is authorized to petition the county circuit court for an order dividing a municipality into wards in accordance with applicable law and the county's tentative supervisory district plan upon a municipality's failure to divide or submission of a division which does not comply with the tentative supervisory district plan. The board chair or designee shall serve as the county's representative to the intercounty coordinating committee.

(4) *Fair park committee.*

- a. *Generally.* The fair park committee is comprised of seven members appointed by the county board chair, consisting of five county board supervisors and two citizen members. The fair park committee shall recommend fair park policies to the county board and the fair park committee shall approve and amend the fair premium book. The fair park director and fair park committee shall approve the

entertainment contracts in accordance with the county purchasing ordinance. All contracts shall be submitted to the corporation counsel for approval before execution. The committee shall recommend fees to the county administrator as part of the annual county budget for action by the county board. The director may set unanticipated fees or deviate from the established fee structure when it is advantageous to the operation of the park and report such fees to the committee. All fee deviations shall be done in accordance with the county budget amendment/budget adjustment policy.

- b. *Fair advisory board.* The fair advisory board is comprised of a minimum of ten but no more than 20 members appointed by the fair park committee, subject to confirmation by the county board of supervisors. The advisory board shall serve in an advisory capacity for the purpose of planning the county fair. The fair park committee shall direct agenda items for the advisory board's review and recommendations. Recommendations of the board shall be forwarded to the fair park committee for consideration.

(5) *Finance committee.*

- a. The finance committee is comprised of five members appointed by the county board chair consisting of county board supervisors.
- b. This committee shall receive the proposed county budget from the county administrator and shall conduct hearings necessary in the review of the proposed budget. The committee shall make necessary permitted transfers as authorized by the provisions of Wis. Stats. § 65.90(5)(b). The committee shall propose utilization of contingency budget and necessary budget transfers and amendments requiring county board action.
- c. The committee shall recommend to the board the auditors to be employed and shall report to the board the results of such audits. The finance committee shall meet each month to audit and approve for payment proper vouchers, expenditures and claims against the county.
- d. The committee shall review insurance to be carried and also the insurance carrier to which such insurance shall be awarded. The committee shall be authorized to renew insurance contracts without bidding same, when it finds renewal is in the best interest of the county, select investment advisors/brokers, select vendors for professional services related to financial matters if required by the county purchasing policy and select P-Card vendors.
- e. The committee shall have the authority to resolve claims against the county in amounts over \$25,000.00 up to the county's self-insured retention (SIR) amount after consulting with the county's insurance carrier, the county administrator and corporation counsel.
- f. The committee shall supervise the collection of delinquent taxes and is authorized to sell foreclosed properties in accordance with section 8-195.

suspension, demotion or discharge mentioned in Wis. Stats. § 59.26(8)(b). This committee is also responsible for all matters pertaining to emergency management and in accordance with Wis. Stats. § 323.14(1)(a)(3), the county board chair shall designate a member of the committee to act as chair when this committee is convened as an emergency management committee.

- b. This committee shall provide policy oversight to the district attorney and medical examiner in handling business matters and in solving problems related to those offices and shall present matters to the county board on behalf of said offices whenever necessary.
- (10) *Parks committee.* The parks committee is comprised of five members appointed by the county board chair consisting of five county board supervisors. The committee shall provide policy oversight to the parks department in its efforts to meet its agreed upon mission as identified in the county parks, recreation and open space plan. The committee shall have oversight of and recommend policy affecting property acquired by the county for flood mitigation purposes and other property leased, managed, acquired or sold as part of the parks department duties. The committee shall also have the powers and duties set forth in the county parks ordinance and the duties and responsibilities set forth in the historic sites preservation council ordinance.
- (11) *Planning and zoning committee.*
- a. The planning and zoning committee is comprised of five members appointed by the county board chair consisting of five county board supervisors, at least three of whom reside in unincorporated areas of the county. This committee shall have the powers and duties set forth in Wis. Stats. §§ 59.69(2) and (3), 59.70(1), and 285.73, and such powers and duties as may be set forth in the statutes and county ordinances not specifically delegated to the zoning board of adjustment. The committee shall handle applications for conditional use permits and all proposed amendments to the county zoning, shoreland, subdivision and private sewage system ordinances and shall conduct all public hearings required in connection with such amendments or conditional uses. The committee shall also be responsible for the preparation of a county land use plan including surveys and studies of land use, population and population density, economy, soil characteristics, forest cover, wetland and floodplain conditions and other human and natural features of the county and shall conduct such hearings as may be required in connection with such county planning. The committee may adopt such rules and regulations governing its procedure as it considers necessary and advisable all according to the provisions of Wis. Stats. § 59.69(2).
 - b. The planning and zoning committee shall provide policy oversight to the land information office, planning and zoning department and register of deeds in matters related to those offices and shall present matters to the county board on behalf of said offices whenever necessary. The committee shall also have the powers and duties set forth in state statutes.

(12) *Solid waste and air quality committee.* The solid waste and air quality committee is comprised of five members appointed by the county board chair consisting of five county board supervisors. This committee shall address the county's solid waste needs by operating hazardous waste removal programs, overseeing the county's interest in landfill siting processes, promoting recycling and related waste reduction efforts and engaging in planning and educational efforts for future solid waste needs. In addition, the committee will maintain awareness and educate the public about air quality concerns in the county.

(13) *University extension education committee.* The university extension education committee is comprised of five members appointed by the county board chair consisting of five county board supervisors. This committee shall have the powers and duties as set forth in Wis. Stats. § 59.56(3).

(Ord. No. 2024-01, § 1(3.04(4)), 4-16-2024)

Secs. 2-173—2-197. Reserved.

Subdivision VI. Boards, Commissions, Committees and Other Bodies

Sec. 2-198. Generally.

The following boards, commissions, committees and other bodies created by the county or to which the county has a right to appoint representatives shall be elected or appointed in the manner provided by law, ordinance or rule. The chair or either vice-chair may attend the meetings of boards, commissions, committees and other bodies, but are not to be considered ex-officio members and may not serve to establish a quorum or vote. Members of boards, commissions, committees or other bodies where only one county board member or other appointed member is serving as a representative of the county shall, in March of each year, submit to the county clerk a report to include the number of meetings attended and a brief discussion of the major work of the body. The report shall be distributed to the county board as a communication at the April county board meeting.

(Ord. No. 2024-01, § 1(3.05(1)(intro. ¶)), 4-16-2024)

Sec. 2-199. Blue Spring Lake Management District.

The Blue Springs Lake Management District has one member appointed by the county administrator, with confirmation by the county board, who is a member of the land and water conservation committee or is nominated by the land and water conservation committee and appointed by the county administrator with confirmation by the county board.

(Ord. No. 2024-01, § 1(3.05(1)(a)), 4-16-2024)

Sec. 2-200. Bridges Federated Library System Board.

The Bridges Federated Library System board has three members appointed by the county administrator pursuant to Wis. Stats. § 43.19, subject to county board confirmation, with one member appointed from the county board. The remaining system board members shall

include such representatives of the library boards governing public libraries of participating municipalities and counties and members of the public from the county. Members shall serve staggered three-year terms. The county board member's appointment shall cease if the county board member's term on the county board ends. The number of appointments to the bridges federated library system board shall be based on proportion to population as nearly as practical consistent with state statutory requirements.

(Ord. No. 2024-01, § 1(3.05(1)(b)), 4-16-2024)

Sec. 2-201. Community action coalition.

The community action coalition has members appointed by the county board chair consisting of at least one county board supervisor, if possible, and other members of the public. The coalition provides a variety of services to individuals in the county experiencing poverty, including services to obtain or maintain housing to prevent homelessness, and subsidized rental costs to make housing more affordable. It also provides many programs to help meet an individual's basic needs and to build skills to reach self-sufficiency.

(Ord. No. 2024-01, § 1(3.05(1)(c)), 4-16-2024)

Sec. 2-202. Community justice collaborating council.

The community justice collaborating council has 17 members whose membership is determined by the position the member occupies or by appointment of the council: chief judge or presiding judge for the county (chair), county administrator, county board chair, sheriff, district attorney, clerk of circuit court, local government representative, the county public defender, the county police chief and sheriff's association representative, human services director, the county parole and probation manager, education representative, two members of the public, corporation counsel, health department director and child support office representative. The council shall create bylaws, including establishing term lengths for members, meet at least quarterly and make recommendations to the county board, or member's respective organization, to facilitate the goals of the council. Members may appoint a designee as authorized in the community justice collaborating council bylaws.

(Ord. No. 2024-01, § 1(3.05(1)(d)), 4-16-2024)

Sec. 2-203. County board of health.

The county board of health has five members appointed by the county administrator, subject to county board confirmation, who shall serve three-year staggered terms. Two members shall be members of the county board when appointed and their appointment shall cease if not re-elected to the county board. Non-board members shall be persons who have a demonstrated interest or competence in public health and a good faith effort shall be made to appoint a physician and a nurse. The county board of health shall meet at least quarterly as required by Wis. Stats. § 251.04(5) and additionally on the call of the board of health chair. The county board of health shall have the powers and duties established in Wis. Stats. § 251.04.

(Ord. No. 2024-01, § 1(3.05(1)(e)), 4-16-2024)

Sec. 2-204. Drainage board.

The drainage board has three members appointed by the county circuit court judges in accordance with Wis. Stats. § 88.17. County staff will provide general administrative support for the drainage board under the supervision of the county administrator as authorized under Wis. Stats. ch. 88.

(Ord. No. 2024-01, § 1(3.05(1)(f)), 4-16-2024)

Sec. 2-205. Economic development consortium.

The economic development consortium has three county board members, appointed by the county board chair and confirmed by the county board. In lieu of having an economic development committee, any of the three county board members appointed to the county economic development consortium board in accordance with Resolution No. 2003-28 may present items recommended by the consortium to the county board for its consideration.

(Ord. No. 2024-01, § 1(3.05(1)(g)), 4-16-2024)

Sec. 2-206. Historic sites preservation council.

The historic sites preservation council has five members appointed by the county board chair subject to confirmation by the county board of supervisors. One member shall be a county board supervisor who shall also be a member of the county parks committee. The remaining members may be the county board supervisors or members of the public and, insofar as possible, should include experts in historic preservation and the county history. The council shall meet no more than six times per year. Members shall serve two-year terms. The purpose, intent and criteria of this council are set forth in Ordinance No. 2016-19.

(Ord. No. 2024-01, § 1(3.05(1)(h)), 4-16-2024)

Sec. 2-207. Home consortium board.

The county board chair shall appoint three county representatives to the home consortium board pursuant to the controlling intergovernmental agreement (Resolution No. 2000-21).

(Ord. No. 2024-01, § 1(3.05(1)(i)), 4-16-2024)

Sec. 2-208. Human services board.

The human services board has seven members appointed by the county administrator and confirmed by the county board. This is the governing and policymaking board for the human services department. Four members shall be members of the board of supervisors at the time of appointment and throughout their respective terms. Three members shall be consumers of service or citizens at large. No public or private provider of services may be appointed to the board. Appointees shall serve staggered three-year terms. The human services board shall elect a chair and vice-chair who must be selected from the four members who are

supervisors. Elections shall be held after the county board organizational meeting in April of even-numbered years. The human services board shall possess all the powers and duties prescribed by Wis. Stats. § 46.23(5m).

- (1) *Aging and disability resource center advisory committee.* The human services board shall appoint an aging and disability resource center advisory committee pursuant to Wis. Stats. § 46.23(5m)(a). The number and terms of appointees to be determined by the human services board. Such appointments shall be subject to confirmation by the county board.
 - (2) *Nutrition project council.* The human services board shall appoint a nutrition project council pursuant to Wis. Stats. § 46.23(5m)(a). The number and terms of appointees to be determined by the human services board. Such appointments shall be subject to confirmation by the county board.
- (Ord. No. 2024-01, § 1(3.05(1)(j)), 4-16-2024)

Sec. 2-209. County library board.

The county library board has seven members, appointed by the county administrator and confirmed by the county board, serving staggered three-year terms, including at least one school administrator of a school district located in whole or in part in the county, or that school district administrator's designee, and one or two county board supervisors, representatives of existing library boards and persons residing in municipalities not served by libraries. A county board member's appointment shall cease if the county board member's term on the county board ends.

(Ord. No. 2024-01, § 1(3.05(1)(k)), 4-16-2024)

Sec. 2-210. Lake Ripley Management District.

The Lake Ripley Management District has one member appointed by the county administrator and confirmed by the county board who is a member of the land and water conservation committee or is nominated by the land and water conservation committee and appointed by the county administrator and confirmed by the county board. This district was created by the county board on December 11, 1990 (Resolution No. 90-57).

(Ord. No. 2024-01, § 1(3.05(1)(l)), 4-16-2024)

Sec. 2-211. Land information council.

(a) The land information council is created pursuant to Wis. Stats. § 59.72(3m), and shall be comprised of the register of deeds, the treasurer, the director of planning and zoning, the land and water conservation director, the information technology director, and the real property lister, or their designees, and the following members appointed by the county administrator and confirmed by the county board:

- (1) A member of the board;
- (2) A representative of the land information office;

- (3) A realtor or a member of the realtors association employed within the county;
- (4) A public safety or emergency communications representative employed within the county;
- (5) The county surveyor or a registered professional land surveyor employed within the county.

(b) Councilmembers who hold elective office or are employed by the county shall serve on the council as long as they hold the office or county position designated for membership. Other councilmembers appointed by the county administrator shall serve three-year terms. The county staff and salaried elected officials, other than the county board member, shall not be eligible for meeting fees.

(c) The land information council shall review the priorities, needs, policies, and expenditures of the land information office established by the board and advise the county on matters affecting the land information office. The land information council shall bring forward matters that need to go before the county board through the planning and zoning committee. (Ord. No. 2024-01, § 1(3.05(1)(m)), 4-16-2024)

Sec. 2-212. Local emergency planning committee.

The local emergency planning committee shall have a minimum of 13 members appointed by the county board chair and confirmed by the county board, in accordance with Wis. Stats. § 59.54(8) and 42 USC 11001(c). Membership shall include, at a minimum, representatives from each of the following groups or organizations: elected state and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subdivision. At least one county supervisor shall serve on the local emergency planning committee. The board chair may appoint additional members, confirmed by the county board, beyond the statutorily required minimum membership, including, but not limited to, the county board supervisors.

(Ord. No. 2024-01, § 1(3.05(1)(n)), 4-16-2024)

Sec. 2-213. Lower Spring Lake Protection and Rehabilitation District.

The Lower Spring Lake Protection and Rehabilitation District has one member appointed by the county administrator and confirmed by the county board who is a member of the land and water conservation committee or is nominated by the land and water conservation committee and appointed by the county administrator and confirmed by the county board. This district was created by the county board on August 12, 1980 (Resolution No. 80-51).

(Ord. No. 2024-01, § 1(3.05(1)(o)), 4-16-2024)

Sec. 2-214. Marsh Country Health Alliance.

The Marsh Country Health Alliance has one county board supervisor appointed by the county board chair pursuant to an intergovernmental cooperation agreement. The county is

a member of the Marsh Country Health Alliance Commission to organize and establish a multi-jurisdictional public entity to lease, manage and operate a nursing home and facility for the developmentally disabled known as Clearview Long-Term Care and Rehabilitation. (Ord. No. 2024-01, § 1(3.05(1)(p)), 4-16-2024)

Sec. 2-215. Sheriff's civil service commission.

The sheriff's civil service commission has five members appointed by the county administrator and confirmed by the county board serving staggered terms of five years in accordance with Wis. Stats. § 59.26(8). Members of the county board shall not be eligible to serve on the civil service commission. The civil service commission shall have the powers and duties set forth in Wis. Stats. § 59.26.

(Ord. No. 2024-01, § 1(3.05(1)(q)), 4-16-2024)

Sec. 2-216. South central state workforce development area consortium.

(a) The south central state workforce development area consortium has six members consisting of the chair of the county board of supervisors or county executives or the designees of said officials of the Counties of Columbia, Dane, Dodge, Jefferson, Marquette and Sauk. The purpose of the consortium is to serve as an oversight entity to fulfill the intent of the Workforce Innovation and Opportunity Act. The responsibilities of the consortium are:

- (1) To serve as the workforce development area consortium of supervisors;
- (2) To appoint the workforce development board under the Workforce Innovation and Opportunities Act; and
- (3) To execute an agreement with the workforce development board required for proper operation and functioning of the board.

(b) The consortium will direct the board to receive the Workforce Innovation and Opportunity Act funds on behalf of the consortium and serve as the administrative entity and fiscal agent with the duty to disburse funds at the direction of the local board.

(Ord. No. 2024-01, § 1(3.05(1)(r)), 4-16-2024)

Sec. 2-217. Traffic safety commission.

The traffic safety commission has a minimum of 12 members appointed to indeterminate terms by the county administrator and confirmed by the county board in accordance with Wis. Stats. § 83.013. Membership shall include the county highway commissioner or a designated representative, the chief county traffic law enforcement officer or a designated representative, the county highway safety coordinator, and a representative designated by the county board from each of the disciplines of education, medicine and law and three representatives involved in law enforcement, highways and highway safety designated by the secretary of transportation. The traffic safety commission shall meet at least quarterly to review traffic accident data from the county and other traffic safety related matters. Additional persons may be appointed to serve as members of the county traffic safety

commission. The county highway commissioner shall serve on the traffic safety commission as the county highway safety coordinator unless a county highway safety coordinator has otherwise been designated by the county administrator to serve on the traffic safety commission in that capacity. At least one county supervisor shall serve on the traffic safety commission. The county administrator may appoint additional members, confirmed by the county board, beyond the statutorily required minimum membership, including, but not limited to, county board supervisors.

(Ord. No. 2024-01, § 1(3.05(1)(s)), 4-16-2024)

Sec. 2-218. Veterans service commission.

The veterans service commission has five members appointed by the county administrator and confirmed by the county board for staggered three-year terms in accordance with Wis. Stats. § 45.81. If possible, members should include at least one county board supervisor. Each member shall be a veteran and the commission shall perform the duties set forth in Wis. Stats. ch. 45. The county board supervisors may be appointed by the county administrator and confirmed by the county board to increase membership to more than five members.

(Ord. No. 2024-01, § 1(3.05(1)(t)), 4-16-2024)

Sec. 2-219. Wisconsin Counties Utility Tax Association.

The Wisconsin Counties Utility Tax Association is an incorporated nonprofit organized under Wis. Stats ch. 184. One member appointed by the county board chair with confirmation of the county board. The association's mission is to represent the interests of counties to provide for an equitable distribution of utility tax for Wisconsin counties.

(Ord. No. 2024-01, § 1(3.05(1)(u)), 4-16-2024)

Sec. 2-220. Wisconsin River Rail Transit Commission.

The Wisconsin River Rail Transit Commission has three members appointed by the county board chair to staggered three-year terms ending on April 30 in respective years and one alternate. The commission was created in 1980 for the purpose of retaining rail service in the member counties which are now Crawford, Dane, Grant, Iowa, Jefferson, Rock, Sauk, Walworth and Waukesha. The commission's mission is to further support maintaining rail accessibility for businesses in the county and possibly expanding such service south from Watertown to Jefferson and Fort Atkinson.

(Ord. No. 2024-01, § 1(3.05(1)(v)), 4-16-2024)

Sec. 2-221. Zoning board of adjustment.

The zoning board of adjustment has three members appointed by the county administrator and confirmed by the county board serving staggered terms of three years in accordance with Wis. Stats. § 59.694. The zoning board of adjustment shall be comprised of non-county board members residing in the unincorporated areas of the county. The board of adjustment shall have the powers and duties set forth in Wis. Stats. § 59.694. The board of adjustment

shall also hear appeals from determinations of noncompliance with farmland preservation plans which have been made by the land and water conservation committee. Two alternate members of the board of adjustment shall be appointed. Annually, by July 1, one of the alternate members shall be designated by the county administrator as the first alternate and the other as the second alternate.

(Ord. No. 2024-01, § 1(3.05(1)(w)), 4-16-2024)

Sec. 2-222. Joint review board.

Upon the convening of any joint review board pursuant to Wis. Stats. § 66.1105(4m)(a) wherein the representative of the county who shall sit on such joint review board shall be the chair, or the chair's designee. The chair shall give preference to the county treasurer or another person with knowledge of local government finance in accordance with Wis. Stats. § 66.1105(4m)(ae)2.

(Ord. No. 2024-01, § 1(3.05(1)(x)), 4-16-2024)

Sec. 2-223. Municipal library boards.

A minimum of one person shall be appointed by the county administrator, with approval of the county board, to each library board of a public library of a municipality located in whole or in part in the county pursuant to Wis. Stats. § 43.60(3). The executive committee shall periodically review the state library data and recommend to the county board the appropriate number of county appointees to municipal library boards going forward.

(Ord. No. 2024-01, § 1(3.05(1)(y)), 4-16-2024)

Secs. 2-224—2-254. Reserved.

Subdivision VII. Rules of County Board Standing Committees

Sec. 2-255. Committee chair.

(a) *Selection, removal of members.* The committee shall select its chair and vice-chair by majority vote, except where committee organization is otherwise governed by law, after the county board organizational meeting in April of even-numbered years. A chair or vice-chair may be removed by majority vote of the committee.

(b) *Limit on simultaneous positions.* Except when necessary on a temporary basis, supervisors may serve as chair of only two of the 13 standing committees at a time. Serving as chair of two standing committees does not preclude a supervisor from standing for election for chair of a third standing committee; however, if that supervisor is elected chair of the third committee, he or she must resign the chairpersonship of one of the prior committees before that committee's next meeting.

(c) *Vacancy.* If a committee chair position is vacant due to removal, resignation or death of the incumbent, the committee shall hold an election to fill the position as soon as practicable. Until such vacant position is filled, the vice-chair shall assume all duties of the chair.

(Ord. No. 2024-01, § 1(3.06(1)), 4-16-2024)

Sec. 2-256. Attendance/quorum.

(a) Committee members who cannot attend a committee meeting shall report their absence in advance as a courtesy to the other members. Such reports shall be made to the county administrator, committee chair and county board chair. If the member is unable to notify the chair, the member shall notify the applicable department head. Members reporting their absence in advance of the meeting shall be noted as having done so in the minutes where their absence is recorded.

(b) A majority of the members of any committee shall constitute a quorum for the transaction of business. The appointing authority for standing committees under subdivision V of this division may appoint an additional member on a temporary basis upon notice from a member that he/she has vacated his/her seat or will be unable to attend meetings for an extended period. Such temporary appointment shall terminate if/when the original member is once again available for meetings.

(Ord. No. 2024-01, § 1(3.06(2)), 4-16-2024)

Sec. 2-257. Meetings.

(a) *Schedule; notice.* The county administrator shall prepare a schedule of regular meeting dates and shall be responsible for the assignment of an appropriate room for meetings and for the posting of proper notices. Each chair shall give proper notice to the county administrator of all meetings a minimum of 72 hours prior to the meeting unless it is an emergency. The county administrator shall give public notice of all meetings as required by Wis. Stats. 19.84(3) at least 24 hours prior to the commencement of such meeting, unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may notice be provided less than two hours in advance of the meeting.

(b) *Frequency.* No committee may meet more than 30 times in any calendar year, except the finance committee which may not meet more than 40 times per year, exclusive of public hearings. Committees may hold additional emergency meetings on call of their chairs and with prior approval of the county board chair.

(c) *Agendas/minutes.* It shall be the responsibility of committee members to thoroughly review draft minutes prior to approval. The county clerk shall keep and preserve the agendas and minutes of meetings and attendance in the format determined by the county clerk.

(d) *Public comment.* All agendas of county committees shall have an agenda item designated as "public comment." Public comment shall be administered by the chair in the same manner as required for county board meetings. This requirement does not apply to meetings convened for the purpose of deciding an issue on which the public previously had the opportunity to comment.

(Ord. No. 2024-01, § 1(3.06(4)), 4-16-2024)

Sec. 2-258. Compensation.

(a) Except as provided herein, the members of all county board standing committees may receive a per diem, meeting fees, mileage, and reimbursed expenses as authorized by the county board rules. This shall include members of groups created under Wis. Stats. ch. 46 and county representatives on lake district boards, consortiums, committees, boards, commissions or other bodies where appointments are made by the county administrator, county board chair or county board pursuant to law or intergovernmental agreements. Members of the traffic safety commission who are receiving pay from a governmental entity during such meeting shall not be entitled to a meeting fee or mileage for such traffic safety commission meeting. Members of the fair advisory board shall not receive a per diem, meeting fees, mileage or other expense reimbursement, absent approval of the county board.

(b) Board members attending meetings and conferences in addition to regularly scheduled meetings, including educational meetings and events, shall notify the county administrator not less than 72 hours in advance of said meeting or conference in order to permit the county administrator to give any necessary open meeting notices as may be required. No per diems, meeting fees or expenses shall be paid to board members attending meetings and conferences in addition to regularly scheduled meetings, including educational meetings and events, who have not been authorized to attend by the county board chair.

(c) Requests for payment of all per diems, meeting fees, mileage, and authorized expenses must be submitted to the county clerk within 30 days of the meeting or event for which the payment is authorized by submitting payment requests to the county clerk's office, unless otherwise approved in writing by the county board chair. For example, a member may not receive payment for a meeting attended in March if the request for payment is submitted during the month of May. All requests for payment under this subsection must be submitted using a reimbursement form or other method as directed by the county finance director. All payments shall be paid by direct deposit unless doing so will create a hardship on the payee as determined by the county finance director.

(d) Members of committees shall be authorized to receive compensation for attending meetings up to 120 days in any year. There shall be no limit on the number of meetings attended by the county board chair.

(Ord. No. 2024-01, § 1(3.06(4)), 4-16-2024)

Sec. 2-259. Joint meetings.

Committees meeting with another committee on a particular subject of mutual interest shall retain their independent identity. Each committee shall vote separately and maintain

its own minutes. For voting purposes, all committee members shall vote as a member of either or both committees of which they have been appointed or designated to serve on. The county board chair shall chair the meeting or designate a temporary chair for such purpose, who shall preside over both committees when meeting on the subject of mutual interest. For voting purposes, the board chair or temporary chair shall vote as a member of either or both committees of which the county board chair or temporary chair is a regular member. The county board chair also may vote in accordance with subdivision VI of this division. (Ord. No. 2024-01, § 1(3.06(5)), 4-16-2024)

Sec. 2-260. Subcommittees.

No committee may create a subcommittee or otherwise subdivide committee responsibilities, unless authorized by the whole county board, authorized in the organization's bylaws, or mandated by law. Any committee may rely on its members, county staff, or other individuals or organizations to conduct research and provide additional information to the committee for the purpose of fulfilling its responsibilities. Such research or information gathering, when conducted cooperatively without a quorum of the committee, shall not be considered a subcommittee or governmental body unless creation of a subcommittee has been previously approved by the county board. (Ord. No. 2024-01, § 1(3.06(6)), 4-16-2024)

Secs. 2-261—2-283. Reserved.

Subdivision VIII. Open Meetings

Sec. 2-284. Generally.

(a) The board of supervisors, and any committees, boards and commissions, shall comply with the Open Meeting Law as specified in Wis. Stats. § 19.81.

(b) It is declared to be the policy of the county that the public is entitled to the fullest and most complete information regarding the affairs of county government as is compatible with the conduct of county affairs and the transaction of county business. All meetings of the board of supervisors, committees, boards and commissions shall be held in public buildings or any place reasonably accessible to members of the public and shall be open sessions as provided by Wis. Stats. § 19.83, except as hereinafter provided.

(c) The board of supervisors, or any committee, board or commission, upon motion duly made and carried, may convene in closed session for the reasons provided in this subsection. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific statutory exemption under Wis. Stats. § 19.85(1) by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting.

No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

- (1) Deliberating after any judicial or quasi-judicial trial or hearing;
- (2) Considering dismissal, demotion, licensing or discipline of any county employee, unless an open session is requested by the person charged or otherwise under discussion;
- (3) Considering employment, promotion, compensation or performance valuation data of any county employee;
- (4) Considering strategy for crime detection or prevention;
- (5) Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specific public business, whenever competitive or bargaining reasons require a closed session;
- (6) Considering financial, medical, social or personal histories or disciplinary data of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to;
- (7) Conferring with county legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation;
- (8) Consideration of requests for confidential written advice from the ethics code administrator.

(d) Neither the county board nor any committee, board or commission may convene in closed session and, thereafter, reconvene in open session within 12 hours after completion of the closed session unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session. Notices of meetings shall be given as provided by law and, whenever feasible, the county administrator shall post notices of meetings in the lobby of the courthouse.

(e) The election of county board chair and county board vice-chairs shall be by secret ballot. No other secret ballot may be utilized to determine any election or other decision of county government.

(f) Except as set forth herein, no member of the county board shall be excluded from any closed session of the county board or any standing committee of the board. A county board supervisor may be excluded from a meeting of a subunit of the county board (i.e., committee, commission, board) that he or she is not an appointed member of if that supervisor's attendance at the closed session creates a conflict of interest as determined by the committee chair in consultation with the board chair and corporation counsel. No person attending a closed session shall divulge any information pertaining to such closed session without specific authorization to do so.

(g) The minutes, records, proceedings and papers of a closed session shall be privileged and shall not be made available to the public unless authorized by the county board, committee, board or commission involved until such time as the purpose necessitating such closed session no longer exists.

(Ord. No. 2024-01, § 1(3.07), 4-16-2024)

Secs. 2-285—2-301. Reserved.

ARTICLE III. ETHICS

Sec. 2-302. Declaration of policy.

(a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policies be made in proper channels of the government structure; that public office and employment not be used for improper personal gain; and that the public have confidence in the integrity of its government.

(b) The county board believes that an ethics policy for the guidance of county officials and employees will help them avoid conflicts which are substantial and material between their personal interests and their public responsibilities.

(c) Nothing herein contained is intended to deny to any individual rights granted by state or federal law or by labor agreements negotiated with bargaining representatives.

(Ord. No. 2007-12, 6-12-2007; Ord. No. 2008-28, § 4.02, 12-9-2008)

Sec. 2-303. 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:

Anything of value means any money or property, favor, service, payment, subscription, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the county, speaking fees, honorariums and expenses, political contributions which are properly reported, occasional meals and beverages, unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal value, or hospitality extended for a purpose unrelated to county business by a person other than an organization. It shall be presumed that any item with a value of less than \$25.00 shall not be considered a thing of value.

Employee means all persons filling an allocated position of county employment and all members of boards, committees and commissions not included in the definition of the term "official" in this section.

Immediate family means an individual's spouse and an individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

Official means all county department heads, county supervisors, all other county elected officers, except judges.

Privileged information means written or oral material related to county government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders or custom as privileged.

(Ord. No. 2007-12, 6-12-2007; Ord. No. 2008-28, § 4.03, 12-9-2008)

Sec. 2-304. Disclosure of information.

(a) Not later than April 30 of each even-numbered year, officials shall file with the county clerk a true statement containing information herein determined to be pertinent to public office. Officials elected or appointed after April 30 of any year shall file such statement within ten days after taking office. Such statements shall be public records and open to public inspection.

(b) Every candidate for election to the office of county supervisor or any other county elected office, except judicial office, shall file with the county clerk the required statement within ten days after filing nomination papers or within ten days after any other form of nomination. The statements of candidates shall be public records and open to public inspection until ten days after the election. Thereafter, such statements shall be sealed and designated privileged and subject to examination only upon order of a court of record.

(c) Officials shall file the required statement on forms furnished by the county clerk and shall include:

- (1) The name and address of the official and the names and addresses of the immediate family.
- (2) The nature and source of the principal income of the official.
- (3) The names and addresses of all creditors to whom the official or a member of his immediate family is indebted more than \$5,000.00, excluding the indebtedness on the official's principal residence and excluding the indebtedness to any person, business, corporation or partnership not residing in, located in or conducting business in the county.
- (4) The names and addresses of all corporations, partnerships and sole proprietorships other than religious, political or charitable organizations in which the official or a member of his immediate family holds any office or directorship, excluding any such corporation, partnership or sole proprietorship located outside the county and not conducting business in the county.

- (5) The identity of real property located in the county other than the principal residence in which the official or a member of his immediate family owns an interest. If such interest is a fractional share of not more than one-tenth, it is not necessary to report such interest.

(Ord. No. 2007-12, 6-12-2007; Ord. No. 2008-28, § 4.04, 12-9-2008)

Sec. 2-305. Responsibility of public office.

Officials and employees are agents of public purpose and hold office for the benefit of the public and as such are bound to uphold the state and federal constitutions and to carry out impartially federal, state, and county law and to observe in their official acts the highest standards of conduct and to discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interests must be their primary concern.

(Ord. No. 2007-12, 6-12-2007; Ord. No. 2008-28, § 4.05, 12-9-2008)

Sec. 2-306. Fair and equal treatment.

(a) *Use of public property.* No official or employee shall use or knowingly permit the use of county services or property, including, but not limited to, county-owned vehicles, equipment, materials, county accounts and credit cards for unauthorized nongovernmental purposes or for unauthorized personal convenience or profit unless use of such services or property are available to the general public.

(b) *Obligations to citizens.* No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(Ord. No. 2007-12, 6-12-2007; Ord. No. 2008-28, § 4.06, 12-9-2008)

Sec. 2-307. Conflict of interest.

(a) *Financial and personal interest prohibited.* No person subject to this article may:

- (1) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest; or
- (2) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(b) *Special conflicts enumerated.* Conflicts of interest prohibited under this section shall include, but not be limited to, the following:

- (1) *Incompatible employment.* No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law.

- (2) *Disclosure of privileged information.* No official or employee shall, without lawful authority, knowingly disclose or knowingly permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. No official or employee shall use privileged information to advance the financial or personal interest of himself or his immediate family.
- (3) *Gifts and favors.* No official or employee shall accept, from any person or organization directly or indirectly, anything of value without full payment therefor if it could reasonably be expected to influence his vote, governmental actions or judgment or could reasonably be considered as a reward for any governmental action or inaction. Acceptance of anything with a value less than \$25.00 shall be presumed to not be expected to influence a vote, governmental action or judgment, or reasonably be considered as a reward or for any governmental action or inaction.

(Ord. No. 2007-12, 6-12-2007; Ord. No. 2008-28, § 4.07, 12-9-2008)

Sec. 2-308. State statutes adopted; compliance required.

The following state statute sections are incorporated in this article as though fully set forth in this article. Failure to comply with the enumerated sections constitutes a violation of this article:

- (1) Wis. Stats. § 19.01: oaths and bonds;
- (2) Wis. Stats. § 19.21: custody and delivery of official property and records;
- (3) Wis. Stats. § 19.59: ethics policy for local governmental officials, employees and candidates;
- (4) Wis. Stats. §§ 19.81 through 19.89: open meetings of governmental bodies;
- (5) Wis. Stats. § 946.13: private interest in public contract prohibited.

(Ord. No. 2007-12, 6-12-2007; Ord. No. 2008-28, § 4.08, 12-9-2008)

Sec. 2-309. Administration.

(a) Any person subject to this article may request an advisory opinion from the corporation counsel regarding the propriety of actions regarding any matter to which the person is or may become a part.

(b) In the event the corporation counsel has a potential conflict of interest, the corporation counsel may recommend to the county administrator employment of a disinterested attorney to investigate and evaluate any matter arising out of this article. In the event such investigation reveals probable cause concerning a violation, the investigator may refer this information to the district attorney.

(c) The district attorney is authorized to prosecute violations of this article, seeking a forfeiture, writ of mandamus or injunction, as the case may be, in a proper court of record. In the alternative, the district attorney may direct compliance with the provisions of this article or applicable state law or issue a statement of reprimand which shall constitute a public record for inspection.

(Ord. No. 2007-12, 6-12-2007; Ord. No. 2008-28, § 4.9, 12-9-2008)

Sec. 2-310. Penalties.

(a) Any person violating the provisions of this article shall be subject to reprimand, censure or civil prosecution in a court of record.

(b) Any person violating the provisions of this article and convicted in a court of record shall be indebted and required to pay to the county a forfeiture of not less than \$25.00 nor more than \$500.00, together with taxable costs, and, upon default in the payment of such forfeiture and costs, may be incarcerated in the county jail until such forfeiture and costs are paid, but in no event shall such confinement exceed 30 days.

(Ord. No. 2007-12, 6-12-2007; Ord. No. 2008-28, § 4.10, 12-9-2008)

Secs. 2-311—2-338. Reserved.

ARTICLE IV. PUBLIC RECORDS

Sec. 2-339. 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:

Authority means any of the following having custody of a record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

Record means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority, provided that:

- (1) The term "record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts.
- (2) The term "record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office;

materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(Ord. No. 2015-20, § 10.01, 11-10-2015)

Sec. 2-340. Legal custodians.

(a) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the county clerk or the clerk's designee shall act as legal custodian for the county board of supervisors.

(c) Unless otherwise specified by Wis. Stats. § 19.33, the chair of a committee of elective officials, or the designee of the chair, is the legal custodian of the records of the committee. The chair of a board, commission or other body, or the designee of the chair, is the legal custodian of the records of the board, commission or other body.

(d) The county administrator shall act as legal custodian for all audio and video recordings created or maintained by the county unless another legal custodian has been designated below or by other legal authority.

(e) For every authority not specified in subsections (a) through (c) of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian. This section applies to department heads.

(f) Every legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee. This subsection does not apply to members of the county board of supervisors.

(g) The designation of a legal custodian does not affect the powers and duties of an authority under this article.

(Ord. No. 2015-20, § 10.02, 11-10-2015)

Sec. 2-341. Procedure.

(a) *Adoption and display of records availability policy.* Pursuant to Wis. Stats. § 19.34 and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This section does not apply to members of the county board of supervisors.

(b) *Form of records request; type of response.* The state public records law dictates that certain actions must be taken with regard to oral requests for records and that certain more formal actions are taken in response to written requests for records. However, state law does not expressly prescribe how to respond to the following methods of communication. Therefore, requests made by the following means shall be responded to as follows:

- (1) *E-mail.* A request made by e-mail may be responded to by e-mail or in writing and shall have all of the formalities as though the request was made in writing.
- (2) *Voicemail.* A request made by voicemail shall be responded to as though it were made orally.
- (3) *Instant messaging (IM) and text messaging.* A request made in either such manner shall be responded to as though it were made orally.

(c) *Treatment of certain data as records.* The state public records law provides little or no guidance as to whether the raw and perishable data of the following technologies qualify as records that must be maintained. Therefore, the county board of supervisors determines the following status of these technologies:

- (1) *E-mail.* The data in an e-mail message may constitute a public record and is subject to maintenance as a public record. The data in an e-mail is subject to the same analysis under the public records statutes as an equivalent paper or hard copy record. The information technology manager is responsible for ensuring that all e-mails are properly preserved for such analysis.
- (2) *Voicemail.* A voicemail message is not a public record and voicemail messages do not have to be maintained as public records. These messages are the functional equivalent of telephone conversations. Additionally, voicemail messages share many of the attributes of personal notes which are not public records. Finally, these messages cannot be indexed or maintained in any manner that would allow for their easy classification, searching or retrieval.
- (3) *Instant messaging (IM) and text messaging.* Except as set forth in this subsection and in subsections (c)(12) and (13) of this section, the data involved in IM and text messaging communications is not subject to maintenance as a public record. IM and text messaging has all of the attributes of instantaneous exchange of ideas, as does a regular telephone conversation. Furthermore, the data exchange has the same limitations for capturing and storage of data as voicemail. Therefore, county employees and officials shall refrain from using such services for official communication purposes or for matters that would result in a public record if another format such as e-mail or written communication were employed, unless the employee or official preserves a copy of such communication by either copying to their county e-mail account, downloading the communication to their county computer, making a computer file of the communication or by printing and retaining a hard copy of such communication.

- (4) *Voice over the Internet protocol (VOIP)*. The county does not monitor or record the data associated with the conversations that occur over VOIP. Such conversations are the very same real time voice communications as standard telephone conversations that are not public records. The only difference between these communications is the medium employed in transmitting the voice communications from one participant in the conversation to all others involved in the conversation.
- (5) *Audio, video, data and radio transmissions and communications*. Although audio, video, data and radio transmissions and communications may be processed through county computers, the county does not routinely copy the data or maintain records of such communications. Whenever the county copies, records or maintains copies or recordings of such communications or transmissions, those copies may constitute public records that are subject to records requests and which must be maintained according to the appropriate records retention schedule. The county sheriff's office is the custodian for police and fire radio communications.
- (6) *Audio and video recordings*. Unless otherwise provided herein, audio and video recordings are public records which must be maintained according to the county records retention schedule. All audio and video recordings of the county employees performing their job duties may be reviewed as needed by the human resources director or the county administrator for the purpose of addressing employee performance issues or employee disciplinary matters. All audio and video recordings of judicial proceedings before a circuit court judge or circuit court commissioner, including all audio and video recordings of a courtroom when the court is not conducting judicial proceedings or is in recess, must be approved by the circuit court judge or circuit court commissioner assigned to that courtroom prior to review or release in accordance with the state public records law. All other requests to review or release audio and/or video recordings of the county employees performing their job duties and audio and/or video recordings of areas open to the public within the courthouse or county-owned buildings and property not addressed above shall be approved by the county administrator and corporation counsel prior to review or release in accordance with the state public records law. This includes requests received from the county elected officials, department heads, employees and members of the public. Failure to follow this procedure will subject the county department heads, employees and staff to discipline, up to and including termination of employment.
- (7) *Accessing live or recorded video and audio recordings as part of job duties*. Video cameras have been placed throughout county buildings, including the courthouse and courtrooms, which are accessible by certain county employees and staff in the performance of their duties such as judges, court commissioners, sheriff's deputies, mediators/evaluators, court reporters, judicial assistants and clerk of courts/register in probate staff. Notwithstanding subsection (c)(6) of this section, employees and staff may monitor and access live and recorded courthouse video and audio as necessary for work-related functions, including security purposes. Sensitivity to

privacy and confidentiality concerns must always be exercised. Employees and staff accessing live and recorded video and/or audio for purposes unrelated to the performance of their specified job duties is prohibited. Violation of this section will subject the county department heads, employees and staff to discipline, up to and including termination of employment.

- (8) *Rewritable recording systems.* For those systems where the recordings are routinely overwritten by newer recordings, such as in continuous loop videotape or digital video written to a camera's hard drive or memory, such data does not constitute a record unless it is further downloaded, printed or separately preserved to memorialize some event or proceeding. Until such time as these recordings are downloaded, printed or separately preserved, these recordings do not have to be preserved and, as the recording equipment programs/protocols may dictate, can be overwritten, erased or otherwise destroyed. However, if such data is downloaded, printed, or separately preserved, it shall be treated as a record and shall be retained in accordance with the county records retention schedule.
- (9) *Recordings made for the purpose of preparing minutes of meetings.* In accordance with Wis. Stats. § 19.21(7), any audio or video recording of a meeting, as defined in Wis. Stats. § 19.82(2), by any county body as defined by Wis. Stats. § 19.82(1), to include each county committee, board, commission or other body, may be destroyed, overwritten, or recorded over no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to take minutes of the meeting. Employees and staff may access these recordings as needed to perform their job duties.
- (10) *Electronic document files.* When records, as that term is defined in Wis. Stats. § 19.32(2), exist in an electronic format only, such electronic records shall be maintained according to the appropriate retention schedule. Where both hard copy (i.e., paper) and electronic copies of a record exist, they shall each be subject to public records requests. However, when the custodian has designated, only the electronic copy shall be retained and made available for inspection under the public records laws. Where the custodian has not made such a designation, only the hard copy shall be subject to inspection as a public record and the electronic copies shall be treated and disposed of as draft documents that do not need to be maintained beyond creation of the final hard copy.
- (11) *Electronic logs / temporary data files.* Electronic logs and temporary data files provide detailed information about the design and functionality of the county's computer network. These logs are routinely overwritten on a daily basis due to the high volume of traffic that is being logged. Unrestricted access to these logs and files would constitute a breach of system security and leave the system vulnerable to

exploitation and hacking. In order to ensure network security, these logs are available to the information technology manager and authorized staff only. These determinations apply to the following types of logs and data files:

- a. *Syslogs for network electronic devices.* All logs created by network devices such as firewalls, routers, switches, etc., which are used for monitoring and trending computer network traffic patterns and/or detecting unauthorized network traffic.
 - b. *Network server security, application and event logs.* These logs are used to monitor activity on county network servers including successful/unsuccessful login attempts, file system access, hardware performance, etc. These logs provide detailed information about county network account IDs, file system structure, and hardware profiles.
 - c. *Network security appliance logs.* All logs created by network security devices such as the anti-virus appliance, anti-SPAM appliance, content filtering appliance, etc., which are used to monitor specific types of unauthorized or malicious traffic on the county network. These logs identify specific network traffic patterns and/or protocols that are allowed or disallowed on the county network.
 - d. *Application logs.* These logs are used to monitor activity on various database applications, but do not contain specific audits of database transactions. These logs can contain version information, program variables, and programming logic.
- (12) *Emerging technologies and records retention.* As new information technologies emerge, the information technology manager shall evaluate these technologies and their benefit to county operations. The information technology manager shall consider whether any of these technologies provide the capacity to archive public records created by these technologies. When it is economically and practically feasible to archive records created by such technologies, such archiving shall be incorporated into any deployment of said technologies. When the technologies do not provide for such archiving capabilities, the information technology manager shall consider whether the benefits of employing such technologies outweigh the risks that some public records may not be retained by deployment of such technologies. Where such benefits outweigh these risks, county employees shall refrain from using such technologies for official communication purposes or for matters that would result in a public record if another format such as e-mail or written communications were employed. In the event that such technologies are used for these communication purposes, the employee shall preserve a copy of such communication by either copying them to their e-mail account, downloading the communication to their county computer, making a computer file of the communication or by printing and retaining a hard copy of such communication. The information technology manager

shall also ensure that, as soon as practical and economically feasible, archiving systems are obtained for any information technology that is deployed without an archiving system.

- (13) *Use of technologies to avoid duty to preserve public records prohibited.* No employee or county official shall use or employ any form of communication or information technology with the intent or design to circumvent the records retention requirements of this article. For example, text messaging shall not be used in lieu of e-mail to share or create a public record unless the employee complies with the provisions of subsection (c)(9) of this section.

(Ord. No. 2015-20, § 10.03, 11-10-2015)

Sec. 2-342. Access to records; fees.

(a) The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of Wis. Stats. § 19.35(1).

(b) Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form pursuant to Wis. Stats. § 19.35(1) or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to Wis. Stats. § 19.35(1)(f) with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, photographic, or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

(c) Each authority shall impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by the law.

(d) Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

(e) Except as otherwise provided by law or as authorized to be prescribed by law, an authority shall impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50.00 or more.

(f) Each authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.

(g) An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

(h) Each authority shall require prepayment by a requester of any fees imposed under this section if the total amount exceeds \$5.00.

(i) Each authority in acting upon a request for any record shall respond within the times and according to the procedures set out in Wis. Stats. § 19.35(4).
(Ord. No. 2015-20, § 10.05, 11-10-2015)

Sec. 2-343. Redaction of information.

If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and redact the information that may not be made public from the record before release. Each authority shall consult with the county corporation counsel before releasing any information under this section.
(Ord. No. 2015-20, § 10.06, 11-10-2015)

Chapter 3

RESERVED

Chapter 4

EMERGENCY MANAGEMENT AND SERVICES

Article I. In General

- Sec. 4-1. Authority.
- Sec. 4-2. Purpose and intent.
- Sec. 4-3. Definitions.
- Sec. 4-4. Emergency management committee.
- Sec. 4-5. Emergency management director.
- Sec. 4-6. Duties of emergency management director.
- Sec. 4-7. Utilization of existing services and facilities.
- Secs. 4-8—4-32. Reserved.

Article II. Procedure

- Sec. 4-33. Declaration of emergency.
- Sec. 4-34. Succession to county offices.
- Sec. 4-35. Preservation of public records.
- Sec. 4-36. Obstruction prohibited; penalties.

ARTICLE I. IN GENERAL**Sec. 4-1. Authority.**

The ordinance from which this article is derived is enacted pursuant to the provisions of Wis. Stats. ch. 323.

(Ord. No. 2011-16, § 2, 10-11-2011)

Sec. 4-2. Purpose and intent.

The county has determined it to be necessary to establish an organization for emergency management to prepare the county, and towns, cities and villages within the county, to cope with emergencies resulting from enemy action and natural or man-made disasters.

(Ord. No. 2011-16, § 3(1), 10-11-2011)

Sec. 4-3. 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:

Emergency management means all those activities and measures undertaken by or on behalf of the county designed:

- (1) To minimize the effect upon persons and property of enemy action or natural disasters;
- (2) To deal with the immediate emergency conditions created by enemy action or natural disasters; and
- (3) To effectuate emergency repairs to, or emergency restoration of, vital public utilities and facilities destroyed or damaged by enemy action or natural disasters.

Enemy action means any hostile action taken by a foreign power which threatens the security of the county or a portion thereof.

Natural or man-made disasters includes floods, tornadoes, snowstorms, fires and other extraordinary natural or man-made disasters not included in the term "enemy action."

(Ord. No. 2011-16, § 3(2), 10-11-2011)

Sec. 4-4. Emergency management committee.

(a) *How constituted.* The county has created an emergency management committee. The law enforcement committee of the county board of supervisors, as established by the county board rules, is designated the emergency management committee. As provided in Wis. Stats. § 323.14(1)(3), the board chair shall designate a member of the committee to act as chair when this committee is convened as an emergency management committee.

(b) *Duties.* The emergency management committee is delegated policy-making and rule-making authority for the implementation of Wis. Stats. ch. 323. The committee shall plan and execute activities in accordance with this chapter. Said committee shall be subject to the powers of the county board and shall comply with the personnel, purchasing and budgeting rules established by the board. The committee shall utilize the services of the county administrator and shall exercise general supervision and control over the emergency management director.

(Ord. No. 2010-14, 9-13-2010; Ord. No. 2011-16, § 4, 10-11-2011)

Sec. 4-5. Emergency management director.

(a) *Position created.* The county has created the position of emergency management director. The director shall be the principal executive officer of the emergency management department and shall carry out the powers and duties set forth in Wis. Stats. ch. 323 and also the powers and duties set forth in the job description established by the personnel committee and the emergency management committee.

(b) *Tenure.* The emergency management director shall be a department head and a full-time or part-time county employee as determined by the county board of supervisors. The salary and fringe benefits of the director and his/her staff shall be set from time to time by the county board of supervisors.

(c) *Appointment and term.* The director shall be appointed by the county administrator, subject to confirmation by the county board of supervisors, and shall serve at the pleasure of the county administrator.

(d) *Statutory provisions.* The provisions of Wis. Stats. ch. 323 relating to emergency management personnel shall apply to the director and his/her staff.

(Ord. No. 2010-14, 9-13-2010; Ord. No. 2011-16, § 5, 10-11-2011)

Sec. 4-6. Duties of emergency management director.

(a) *County-wide duties.* The director, in his capacity as county director, subject to the general supervision and rules of the county board of supervisors and subject to the direction and control of the county administrator and the emergency management committee, shall:

- (1) Develop and promulgate emergency plans for the county, including planning for joint action municipalities consistent with the state plan of emergency management.
- (2) Coordinate and assist in the development of non-joint action municipal emergency management plans within the county and integrate such plans with the county plan.
- (3) Direct the county and joint action municipality emergency management planning programs.
- (4) Direct county-wide emergency management planning training programs and exercises.

- (5) Advise the state administrator of the division of emergency management, through the state area director, of all emergency management planning for the county and render such reports as may be required.
- (6) In a state of emergency proclamation by the governor, coordinate the county and joint action municipalities emergency actions and coordinate the non-joint action municipal emergency actions within the county.
- (7) Coordinate county emergency management plans and programs with state and federal emergency plans and programs.
- (8) Perform such other duties related to emergency management as may be required by the county board of supervisors or the emergency management committee.

(b) *Municipal duties.* The director, in his/her capacity as coordinator for a municipality participating in joint action, subject to the general supervision and rules of the county board of supervisors and subject to the direction and control of the county administrator and the emergency management committee, shall:

- (1) Coordinate the municipal emergency management organization.
- (2) Develop, promulgate and integrate into the county plan, emergency plans for the operating services of the county.
- (3) Coordinate participation of the county in such emergency management training programs and exercises as may be required on the county level.
- (4) Direct the municipal emergency management training programs and exercises.
- (5) Perform all administrative duties necessary for the rendering of reports and procurements of matching federal funds for each municipality requesting federal matching funds.
- (6) In a state of emergency proclamation by the governor, coordinate the activities of the municipal emergency management organization.
- (7) Perform such other duties related to emergency management as may be required by the municipal governing body.

(Ord. No. 2011-16, § 6, 10-11-2011)

Sec. 4-7. Utilization of existing services and facilities.

(a) *Policy.* In preparing and executing the emergency management program, the services, equipment, supplies and facilities of the existing departments and agencies of the county shall be utilized to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with the emergency management director and to provide such services and facilities as are needed.

(b) *Responsibility.*

- (1) To make certain the existing county government facilities are fully utilized in the event of an emergency, specific responsibilities are assigned to department heads as follows:

County administrator	Director of supply
Sheriff	Director of police
Highway commissioner	Director of engineering
Human services director	Director of emergency welfare
Medical examiner	Director of mortuary

- (2) Other department heads not specifically named shall fulfill emergency and non-emergency duties as assigned under the county emergency plan.

(c) *Joint action.* Towns, cities and villages entering into joint action with the county shall provide for utilization of existing services by enacting an ordinance comparable to this section of the county ordinance from which this article is derived.

(Ord. No. 2011-16, § 7, 10-11-2011)

Secs. 4-8—4-32. Reserved.

ARTICLE II. PROCEDURE

Sec. 4-33. Declaration of emergency.

(a) The term "emergency" means a natural or man-made disaster that exceeds the capacity of the county to respond to in such a way as to save lives; to preserve property; and to maintain the social ecological, economic, and political stability of the county.

(b) The county board may declare by resolution a state of emergency for the county or any portion thereof in accordance with Wis. Stats. ch. 323. In the event an emergency occurs within the county at a time when the county board of supervisors is unable to meet for the purpose of making such a declaration in order to access state emergency resources, fix liability for emergency response costs or authorize emergency repairs to county facilities, the following persons may declare a state of emergency:

- (1) County board chair.
- (2) In the event the board chair is unavailable, the first vice-chair of the county board of supervisors.
- (3) In the event the board chair and the first vice-chair are unavailable, the second vice-chair of the county board of supervisors.
- (4) In the event the board chair or vice-chairs are unavailable, the county administrator.

(c) Such declaration shall be confirmed resolution of the county board of supervisors at its next regularly scheduled or special meeting. The duration of a declared state of emergency may not exceed the length of time beyond which emergency conditions exist or 60 days unless extended by county board resolution.

(d) The emergency powers conferred herewith include the general authority to order, by article, resolution, or proclamation, whatever is necessary and expedient for the health, safety, welfare and good order of the county during such emergency.

(Ord. No. 2011-16, § 8, 10-11-2011)

Sec. 4-34. Succession to county offices.

(a) All county officers and department heads shall designate persons as emergency interim successors to his/her respective offices as provided by Wis. Stats. § 323.54.

(b) If a county officer or department head is absent or unable to exercise the powers and perform the duties of his/her office because of an emergency, such successor shall have the powers and perform all the duties of the officer or department head.

(Ord. No. 2010-14, 9-13-2010; Ord. No. 2011-16, § 9, 10-11-2011)

Sec. 4-35. Preservation of public records.

During a state of emergency, it shall be the duty of every county officer and department head to take immediate steps to keep and preserve all records customarily in his/her possession.

(Ord. No. 2010-14, 9-13-2010; Ord. No. 2011-16, § 10, 10-11-2011)

Sec. 4-36. Obstruction prohibited; penalties.

(a) It is unlawful for any person willfully to obstruct, hinder or delay the emergency management director or his/her subordinates in the implementation or enforcement of any order, rule, regulation or plan made pursuant to this article or the statutes of the state or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this article.

(b) Any person violating the provisions of this article shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00, together with the costs of prosecution for each violation, and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days.

(Ord. No. 2011-16, § 11, 10-11-2011)

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ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. NONMETALLIC MINING RECLAMATION**DIVISION 1. GENERALLY****Sec. 6-19. 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. (Ord. No. 2007-05, § 2, 5-8-2007)

Sec. 6-20. Statutory authority.

The ordinance from which this article is derived is adopted under authority of Wis. Stats. §§ 295.13(1) and 59.51 and Wis. Admin. Code § NR 135.32. (Ord. No. 2007-05, § 3, 5-8-2007)

Sec. 6-21. Restrictions adopted under other authority.

The purpose of this article is to adopt and implement the uniform statewide standards for nonmetallic mining required by Wis. Stats. § 295.12(1)(a) and contained in Wis. Admin. Code ch. NR 135. This article does not 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. 2007-05, § 4, 5-8-2007)

Sec. 6-22. 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 state law, outside the reclamation requirements for nonmetallic mining sites required by Wis. Stats. ch. 295, subch. I 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 state law 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 state law and Wis. Admin. Code ch. NR 135. (Ord. No. 2007-05, § 5, 5-8-2007)

Sec. 6-23. Overall applicability.

The requirements of this article apply to all operators of nonmetallic mining sites within the county operating on or commencing to operate after August 1, 2001, and as provided in Wis. Admin. Code § NR 135.02(1) and (2) except where exempted in section 6-24 and except 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).

(Ord. No. 2007-05, § 7.10, 5-8-2007)

Sec. 6-24. Exemptions.

This article does not apply to the exempt activities listed in Wis. Admin. Code § NR 135.02(3).

(Ord. No. 2007-05, § 7.20, 5-8-2007)

Sec. 6-25. Administration.

The provisions of this article shall be administered by the county land and water conservation department.

(Ord. No. 2007-05, § 8, 5-8-2007)

Sec. 6-26. Definitions.

All definitions for the purposes of this article are those contained in Wis. Admin. Code § NR 135.03.

(Ord. No. 2007-05, § 10, 5-8-2007)

Sec. 6-27. Standards.

All nonmetallic mining sites subject to this article shall be reclaimed in conformance with the standards contained in Wis. Admin. Code ch. NR 135, subch. II.

(Ord. No. 2007-05, § 11, 5-8-2007)

Secs. 6-28—6-57. Reserved.

DIVISION 2. PERMITTING

Sec. 6-58. Application required; content; submission.

(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 regulations, unless the activity is specifically exempted in section 6-23 or 6-24 or Wis. Adm. Code NR § 135.03(16)(b).

(b) The operator of all nonmetallic mining sites shall apply for a reclamation permit from the county land and water conservation department. All reclamation permit applications under this section shall be accompanied by the information required by Wis. Admin. Code § NR 135.18.

(c) The operator of any nonmetallic mine site shall submit an application that meets the requirements of Wis. Admin. Code § NR 135.18(2) and the submittals required under subsection (b) of this section to the county land and water conservation department prior to beginning operations.

(Ord. No. 2007-05, § 12, 5-8-2007)

Sec. 6-59. Reclamation plan.

(a) *Required.* All operators of nonmetallic mining sites subject to this article shall prepare and submit a reclamation plan that meets the requirements of Wis. Admin. Code § NR 135.19.

(b) *Existing plans and approvals.* To avoid duplication of effort, the reclamation plan may, by reference, incorporate existing plans or materials that meet the requirements of this article. Previous approvals for nonmetallic mining sites that apply in accordance with section 6-58(b) shall satisfy the requirements of subsection (a) of this section if they meet the requirements of Wis. Admin. Code § NR 135.21.

(c) *Approval.* The county shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing as part of permit issuance pursuant to section 6-62. Conditional approvals of reclamation plans shall be made according to section 6-65, and denials of reclamation plans made according to section 6-66. The operator shall keep a copy of the reclamation plan required by this section, once approved by the county under this article, at the mine site or, if not practicable, at the operator's nearest office or place of business.

(Ord. No. 2007-05, § 13, 5-8-2007)

Sec. 6-60. Financial assurance.

(a) *Required.* All operators of nonmetallic mining sites in the county shall prepare and submit a proof of financial assurance sufficient to ensure successful reclamation.

(b) *Private mining.* The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with section 6-58 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 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. 2007-05, § 14, 5-8-2007)

Sec. 6-61. Public notice and right to hearing.

(a) *New mines.* The county shall provide public notice and the opportunity for a public informational hearing as set forth in Wis. Admin. Code § NR 135.20(1) and (2) for any nonmetallic mining site for which a complete reclamation permit application that satisfies section 6-58 is received.

(b) *Existing mines.* No public notice or informational hearing is required on an application for a reclamation permit for an existing mine that satisfies section 6-58(b), except as provided in Wis. Admin. Code § NR 135.20.

(c) *Local transportation-related mines.* No public notice of informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to section 6-63.

(Ord. No. 2007-05, § 15, 5-8-2007)

Sec. 6-62. Permit issuance.

Reclamation permit applications for nonmetallic mining sites that satisfy this article shall be approved or otherwise acted on as provided in Wis. Admin. Code § NR 135.21. The permit shall require compliance with a reclamation plan submitted by the applicant that conforms with section 6-59, and provision by the applicant of financial assurance that conforms with section 6-60 payable to the county prior to beginning mining.

(Ord. No. 2007-05, § 16.20, 5-8-2007)

Sec. 6-63. Automatic permit for local transportation-related mines.

(a) The county land and water conservation department shall issue an automatic permit under this section for any borrow site operated to provide material for a locally administered transportation project that meets the criteria in Wis. Admin. Code § NR 135.23(1)(a). This automatic permit shall be issued according to the provisions of Wis. Admin. Code § NR 135.23(1)(b) through (j).

(b) A reclamation permit is not required under this section for nonmetallic mine sites that are operated to provide materials for construction, maintenance and repair of transportation facilities that are subject to the state department of transportation concerning restoration of the nonmetallic mining site, as provided by Wis. Stats. § 295.16(1)(c). Plan review fees may not be assessed for local transportation-related mines permitted under this section, and the county or municipality may not assess them an annual fee under section 6-95 that is greater than that allowed by Wis. Admin. Code § NR 135.23(1)(fg).

(Ord. No. 2007-05, § 16.30, 5-8-2007)

Sec. 6-64. Expedited review.

Any operator of a nonmetallic mining site may obtain an expedited review of a reclamation permit application by paying the expedited review fee specified in section

6-94(b). The expedited review shall be carried out according to the provisions of Wis. Admin. Code § NR 135.23(2). Such expedited review shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to section 6-61.

(Ord. No. 2007-05, § 16.40, 5-8-2007)

Sec. 6-65. Permit conditions.

Permits issued under sections 6-62 through this section may include conditions as provided in Wis. Admin. Code § NR 135.21(2). One required condition shall be that new mines shall obtain financial assurance prior to beginning mining pursuant to Wis. Admin. Code § NR 135.40.

(Ord. No. 2007-05, § 16.50, 5-8-2007)

Sec. 6-66. Permit denial.

An application for a nonmetallic mining reclamation permit shall be denied if any of the factors specified in Wis. Admin. Code § NR 135.22 exist.

(Ord. No. 2007-05, § 17, 5-8-2007)

Sec. 6-67. Alternative requirements approval.

(a) *Authorized.* An operator of a nonmetallic mining site may request an alternative requirement to any reclamation standard established in section 6-27. Such a request may be made only on the basis of the criteria set forth in Wis. Admin. Code § NR 135.26(1).

(b) *Procedure.* The operator of a nonmetallic mining site requesting an alternate requirement in subsection (a) of this section shall demonstrate all the criteria in Wis. Admin. Code § NR 135.26(1). This shall be submitted in writing to the county zoning board of adjustment.

(c) *Transmittal of decision on request for alternate requirements.* The decision on a request for alternative reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternative requirement was or was not approved.

(d) *Notice to state DNR.* The county shall provide notice to the state department of natural resources as provided in Wis. Admin. Code § NR 135.26(3)(a).

(Ord. No. 2007-05, § 18, 5-8-2007)

Sec. 6-68. Permit duration.

A nonmetallic mining reclamation permit issued under this article shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to section 6-151, or as limited under Wis. Admin. Code § NR 135.27 where the mine operator is not the landowner.

(Ord. No. 2007-05, § 19, 5-8-2007)

Sec. 6-69. Permit transfer.

A nonmetallic mining reclamation permit issued under this article shall be transferred to a new owner or operator upon satisfaction of the conditions in Wis. Admin. Code § NR 135.28.

(Ord. No. 2007-05, § 20, 5-8-2007)

Sec. 6-70. Previously permitted sites.

For any nonmetallic mining site which had a reclamation permit previously issued pursuant to Wis. Admin. Code ch. NR 135 that becomes subject to reclamation permitting authority of the county, the previously issued municipal reclamation permit's terms and conditions shall remain in force until they can be modified by the county pursuant to section 6-72(a).

(Ord. No. 2007-05, § 21, 5-8-2007)

Sec. 6-71. Review.

Any permitting decision or action made by the county under this article may be reviewed as set forth in Wis. Admin. Code § NR 135.30 by the county zoning board of adjustment.

(Ord. No. 2007-05, § 22, 5-8-2007)

Sec. 6-72. Permit modification.

(a) *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 this article. Such modification shall be by an order conforming with the procedures in sections 6-150 through 6-154 and as provided in Wis. Admin. Code § NR 135.24(1).

(b) *At the operator's option.* If 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. The application for permit or plan modification shall be acted on using the standards and procedures of this article.

(c) *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 required under the circumstances set out in Wis. Admin. Code §§ NR 135.24 and 135.27. Such application for permit modification shall be acted on using the standards and procedures of this article.

(d) *Review.* All actions on permit modifications requested or initiated under this section are subject to review under section 6-71.

(Ord. No. 2007-05, § 23, 5-8-2007)

Sec. 6-73. Suspension or revocation.

(a) *Grounds.* The county may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this article if it finds any of the grounds listed in Wis. Admin. Code § NR 135.25(1).

(b) *Procedure.* If the county finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in subsection (a) of this section, it may issue a special order suspending or revoking such permit as set forth in section 6-151.

(c) *Consequences.* The consequences of a reclamation permit suspension or revocation order under subsection (b) of this section shall be as set forth in Wis. Admin. Code § NR 135.25(2) and (3).

(Ord. No. 2007-05, § 24, 5-8-2007)

Sec. 6-74. Annual operator reporting.

(a) *Contents and deadline.* Annual reports shall be submitted by the operators of nonmetallic mining sites that satisfy the requirements of Wis. Admin. Code § NR 135.36. The annual report shall cover activities on the unreclaimed and reclaimed acreage for the previous calendar year and be submitted by January 31 to the county land and water conservation department. Annual reports shall be submitted until reclamation at each nonmetallic mining site is certified as complete under section 6-123.

(b) *Inspection in lieu of report.* The county may, at its discretion, obtain the information required in subsection (a) of this section by written documentation of an inspection it completes during a calendar year, as set forth in Wis. Admin. Code § NR 135.36(4).

(c) *Retention of annual reports.* Annual reports submitted under this section or inspection records that replace them shall be retained by the county for at least ten years after the calendar year to which they apply. These records, or accurate copies of them, shall be made available to the state department of natural resources upon request or during its inspection or audit activities carried out pursuant to Wis. Admin. Code ch. NR 135.

(Ord. No. 2007-05, § 25, 5-8-2007)

Sec. 6-75. Permit termination.

When all final reclamation required by a reclamation plan conforming to section 6-59 and required by this chapter is certified as complete pursuant to section 6-123, the county land and water conservation department shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

(Ord. No. 2007-05, § 30, 5-8-2007)

Secs. 6-76—6-93. Reserved.

DIVISION 3. FEES, REPORTING AND DOCUMENTATION

Sec. 6-94. Plan review fee.

(a) *Amount and applicability.* A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under section 6-58(c) shall submit a nonrefundable plan review fee to the county as set forth in the county fee schedule. No plan review fee may be assessed under this section for any nonmetallic mine site for which an application for an automatic reclamation permit is submitted that meets the requirements of section 6-58(b) or for any local transportation-related mine issued an automatic permit under section 6-63. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to section 6-72.

(b) *Expedited plan review.* A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under section 6-58(c) may obtain expedited reclamation plan review by paying a fee of twice the amount of a regular plan review fee.

(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 6-95.

(Ord. No. 2007-05, § 26, 5-8-2007)

Sec. 6-95. Annual fees.

(a) *Areas subject to fees, procedures, deadline and amount.* Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay an annual fee to the county as set forth in the county fee schedule. These fees shall be calculated based on amount of unreclaimed acres of each site, as defined in Wis. Admin. Code § NR 135.39(1)(a), and according to its provisions. 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 division 4 of this article. Fees shall be paid no later than January 31 for the previous year.

(b) *DNR share of fee.* Fees paid under this section shall include a share for the state department of natural resources equal to the amount specified in Wis. Admin. Code § NR 135.39(3). For sites on which no nonmetallic mining has taken place during a calendar year, fees to be paid under this section for the following year shall be in an amount as set forth in the county fee schedule. The county shall forward fees collected under this subsection to the state department of natural resources by March 31.

(c) *County share of fee.* Fees paid under this section shall also include an annual fee due to the county which shall be determined by the dollar amount specified in the county's fee schedule.

- (1) These fees shall be established on an unreclaimed-acre basis, and equal as closely as possible the county or municipal cost of administering the reclamation program and may be modified based on the program administration costs. This and supporting documentation shall be available for public inspection.

- (2) Wis. Admin. Code § NR 135.39(4)(b) further requires that annual fees must equal as closely as possible the county or municipality's expenses to administer the program, including, but not limited to, the examination and approval of plans, cost to ensure compliance, inspecting nonmetallic mining sites and administering the reclamation program set up under this article.
 - (3) Wis. Admin. Code § NR 135.39(4)(b)1 also provides the county or municipality may use these fees only for reasonable expenses associated with administration of a nonmetallic mining reclamation program.
 - (4) The annual fees collected by the county under this subsection (c) for local transportation-related mines issued permits under section 6-63 may not exceed the amounts set forth in Table 2 of Wis. Admin. Code § NR 135.39 and shall include both a share for the state department of natural resources and the county. This is required by Wis. Admin. Code § NR 135.23(1)(g).
- (Ord. No. 2007-05, § 27, 5-8-2007)

Sec. 6-96. Reporting and documentation.

The county shall send an annual report to the state department of natural resources containing the information required by Wis. Admin. Code § NR 135.37 by March 31 for the previous calendar year. In addition, the county shall, to the best of its ability, maintain the information set forth in Wis. Admin. Code § NR 135.47(3), and make it available to the state department of natural resources for the agency's audit of the county's reclamation program pursuant to Wis. Admin. Code § NR 135.47.

(Ord. No. 2007-05, § 28, 5-8-2007)

Secs. 6-97—6-120. Reserved.

DIVISION 4. COMPLETED RECLAMATION REQUIREMENTS

Sec. 6-121. 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.

(Ord. No. 2007-05, § 29.10, 5-8-2007)

Sec. 6-122. 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 section 6-121.

(Ord. No. 2007-05, § 29.20, 5-8-2007)

Sec. 6-123. Certification of completed reclamation.

The county 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 Wis. Admin. Code § NR 135.40(7)(c). If it is determined that interim or final reclamation is complete, including revegetation as specified in a plan that conforms with section 6-59, the county shall issue the mine operator a written certificate of completion.

(Ord. No. 2007-05, § 29.30, 5-8-2007)

Sec. 6-124. Effect of completed reclamation.

If reclamation is certified by the county as complete under section 6-123 for part or all of a nonmetallic mining site, then:

- (1) No fee shall be assessed under section 6-95 for the area so certified.
- (2) The financial assurance required by section 6-60 shall be released.
- (3) For sites which are reported as interim reclaimed under section 6-122 and so certified under section 6-123, financial assurance amounts for reclaiming the certified area shall be reduced upon certification by the regulatory authority.

(Ord. No. 2007-05, § 29.40, 5-8-2007)

Sec. 6-125. Effect of inaction following report of completed reclamation.

If no written response as required by section 6-123 for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to the county for said area under section 6-95 shall be refunded.

(Ord. No. 2007-05, § 29.50, 5-8-2007)

Secs. 6-126—6-148. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 6-149. Right of entry and inspection.

For the purpose of ascertaining compliance with the provisions of Wis. Stats. ch. 295, subch. I, 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 in Wis. Stats. § 295.17(1) and Wis. Admin. Code § NR 135.42. Under Wis. Admin. Code § NR 135.42(1), persons entering nonmetallic mine sites under this right of inspection shall obtain training and provide their own safety equipment as needed to comply with applicable federal, state and local laws or regulations.

(Ord. No. 2007-05, § 31, 5-8-2007)

Sec. 6-150. 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. Admin. Code ch. NR 135, this article, a permit issued pursuant to this article or a reclamation plan required by section 6-59 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 6-59 and a permit issued under this article shall be considered a violation of Wis. Stats. ch. 295, subch. I and Wis. Admin. Code ch. NR 135.

(Ord. No. 2007-05, § 32.10, 5-8-2007)

Sec. 6-151. 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 6-73, or directing an operator to immediately cease an activity regulated under Wis. Stats. ch. 295, subch. I, Wis. Admin. Code ch. NR 135 or this article until the necessary plan approval is obtained.

(Ord. No. 2007-05, § 32.20, 5-8-2007)

Sec. 6-152. Review of orders.

An order issued under section 6-150 or 6-151 may be reviewed as provided in Wis. Admin. Code § NR 135.43(2).

(Ord. No. 2007-05, § 32.30, 5-8-2007)

Sec. 6-153. Citations.

The county may issue a citation under Wis. Stats. § 66.0113 to collect forfeitures or take any other required action needed to enforce Wis. Stats. ch. 295, subch. I, Wis. Admin. Code ch. NR 135, this article, a permit issued pursuant to this article or a reclamation plan required by section 6-59 and a permit issued under this article. The issuance of a citation under this section 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 section.

(Ord. No. 2007-05, § 32.40, 5-8-2007)

Sec. 6-154. Submission of order to district attorney, corporation counsel, etc.

The county may submit any order issued under sections 6-150 through this section to the district attorney, the corporation counsel, the municipal attorney or the attorney general for enforcement as provided in Wis. Stats. § 295.19(1)(d).

(Ord. No. 2007-05, § 32.50, 5-8-2007)

Sec. 6-155. Penalties.

Any violation of Wis. Stats. ch. 295, subch. I, Wis. Admin. Code ch. NR 135, this article, a permit issued pursuant to this article or a reclamation plan required by section 6-59 and a permit issued under this article may result in forfeitures as provided in Wis. Stats. § 295.19(3) which penalties are adopted herein by reference.

(Ord. No. 2007-05, § 33, 5-8-2007)

Secs. 6-156—6-178. Reserved.**ARTICLE III. FLOODPLAIN MANAGEMENT****DIVISION 1. GENERALLY****Sec. 6-179. Statutory authorization.**

The ordinance from which this article is derived is adopted pursuant to the authorization in Wis. Stats. §§ 59.69, 59.692, and 59.694 and the requirements in Wis. Stats. § 87.30.

(Ord. of 12-9-2014, § 14.1.1)

Sec. 6-180. Finding of fact.

Uncontrolled development and use of the floodplains and rivers of the county would impair the public health, safety, convenience, general welfare and tax base.

(Ord. of 12-9-2014, § 14.1.2)

Sec. 6-181. 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:

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.

AH zone. See *Area of shallow flooding*.

AO zone. See *Area of shallow flooding*.

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.

Alteration means an enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

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.

Basement means any enclosed area of a building having its floor sub-grade (i.e., below ground level) on all sides.

Building. See *Structure*.

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.

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.

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, pickup truck, or tent that is fully licensed, if required, and ready for highway use.

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.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Crawlways or crawlspace 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.

Deck means an unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation.

Department means the state department of natural resources.

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.

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.

Encroachment means any fill, structure, equipment, use or development in the floodway.

Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program.

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:

- (1) The overflow or rise of inland waters;
- (2) The rapid accumulation or runoff of surface waters from any source;
- (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- (4) 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.

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.

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.

Flood insurance rate map (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood insurance study means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It 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.

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.

Flood protection elevation means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (See *Freeboard*.)

Flood storage means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodfringe means that portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

Floodplain means land which has been or may be covered by floodwater during the regional flood. The term "floodplain" includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain island means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

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.

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.

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.

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 streambed.

Habitable structure means any structure or portion thereof used or designed for human habitation.

Hearing notice means a 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.

HEC-RAS means Hydrologic Engineering Center River Analysis System developed by the United States Army Corps of Engineers.

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.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is either:

- (1) 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;
- (2) 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;
- (3) 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
- (4) 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.

Increase in regional flood height means a calculated upward rise in the regional flood elevation greater than 0.00 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.

Land use means any nonstructural use made of unimproved or improved real estate. (See *Development*.)

Lowest adjacent grade means elevation of the lowest ground surface that touches any of the exterior walls of a building.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Maintenance means the act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

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.

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 the term "mobile recreational vehicle."

Mobile / manufactured home park or subdivision means a parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

Mobile / manufactured home park or subdivision, existing, 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.

Mobile / manufactured home park, expansion to existing, 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.

Model, corrected effective, means a hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.

Model, duplicate effective, means a copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

Model, effective, means the hydraulic engineering model that was used to produce the current effective flood insurance study.

Model, existing (pre-project), means a modification of the duplicate effective model or corrected effective model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the corrected effective model or duplicate effective model.

Model, revised (post-project), means a modification of the existing or pre-project conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.

NAVD or North American Vertical Datum means elevations referenced to mean sea level datum, 1988 adjustment.

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.

NGVD or National Geodetic Vertical Datum means elevations referenced to mean sea level datum, 1929 adjustment.

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.)

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).

Obstruction to flow means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official floodplain zoning map means that map, adopted and made part of this article, as described in section 6-183(b)(2), which has been approved by the department and FEMA.

Open space use means those uses having a relatively low flood damage potential and not involving structures.

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.

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 safety and professional services, 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.

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.

Reasonably safe from flooding means base floodwaters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

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.

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. The term "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.

Structure means any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Subdivision has the meaning given in Wis. Stats. § 236.02(12).

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.

Substantial improvement means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term "substantial improvement" does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that

are the minimum necessary to ensure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Unnecessary hardship means 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 this article.

Variance means an authorization by the board of adjustment or 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.

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.

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.

Watershed means the entire region contributing runoff or surface water to a watercourse or body of water.

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.

WSEL means water surface elevation.

Zoning administrator means the director of planning and zoning or designee.
(Ord. of 12-9-2014, § 14.10.0)

Sec. 6-182. 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 buyers 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 12-9-2014, § 14.1.3)

Sec. 6-183. General provisions.

(a) *Areas to be regulated.* This article regulates all areas that would be covered by the regional flood or base flood as shown on the flood insurance rate map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the flood insurance study (FIS) and are shown as AE, A1-30, and AH zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) *Official maps and revisions.* The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the flood insurance study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the flood insurance rate map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see section 6-310) before it is effective. No changes to 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 planning and zoning department. If more than one map or revision is referenced, the most restrictive information shall apply.

- (1) *Official maps based on the FIS.* (<http://store.msc.fema.gov> to access the FEMA map store.)
- a. Flood insurance rate map (FIRM) panel numbers: 55055C0019E, 55055C0066E, 55055C0092E, 55055C0195E, 55055C0210E, 55055C0305E, 55055C0310E, 55055C0407E, 55055C0430E, 55055C0435E, 55055C0460E, dated June 2, 2009.
 - b. Panel numbers: 55055C0017F, 55055C0028F, 55055C0029F, 55055C0033F, 55055C0034F, 55055C0036F, 55055C0037F, 55055C0040F, 55055C0041F, 55055C0042F, 55055C0043F, 55055C0044F, 55055C0053F, 55055C0055F, 55055C0061F, 55055C0063F, 55055C0065F, 55055C0067F, 55055C0068F, 55055C0069F, 55055C0079F, 55055C0083F, 55055C0086F, 55055C0087F, 55055C0088F, 55055C0089F, 55055C0091F, 55055C0093F, 55055C0094F, 55055C0104F, 55055C0108F, 55055C0111F, 55055C0112F, 55055C0113F, 55055C0114F, 55055C0116F, 55055C0118F, 55055C0134F, 55055C0135F, 55055C0142F, 55055C0144F, 55055C0153F, 55055C0154F, 55055C0155F, 55055C0156F, 55055C0157F, 55055C0158F, 55055C0159F, 55055C0161F, 55055C0162F, 55055C0163F, 55055C0167F, 55055C0170F, 55055C0176F, 55055C0177F, 55055C0178F, 55055C0179F, 55055C0181F, 55055C0182F, 55055C0183F, 55055C0184F, 55055C0186F, 55055C0187F, 55055C0188F, 55055C0189F, 55055C0191F, 55055C0193F, 55055C0205F, 55055C0207F,

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 55055C0336F, 55055C0337F, 55055C0338F, 55055C0339F, 55055C0341F,
 55055C0343F, 55055C0345F, 55055C0351F, 55055C0352F, 55055C0353F,
 55055C0354F, 55055C0356F, 55055C0363F, 55055C0364F, 55055C0365F,
 55055C0368F, 55055C0370F, 55055C0382F, 55055C0401F, 55055C0402F,
 55055C0406F, 55055C0432F, 55055C0434F, 55055C0451F, 55055C0452F,
 55055C0453F, 55055C0454F, 55055C0476F, 55055C0477F, dated February 4,
 2015, with corresponding profiles that are based on the flood insurance study
 (FIS) 55055CV001B and 55025CV002B, dated February 4, 2015.

(2) *Official maps based on other studies.* Any maps referenced in this subsection must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development:

- a. Lake Ripley floodplain delineation prepared for the Lake Ripley Management District, dated October 3, 2008, prepared by Montgomery Associates.
- b. Deer Creek floodplain analysis for Jason Dey property, dated September 4, 2008, prepared by Montgomery Associates.
- c. Rock Creek floodplain analysis for the Hooper's Dam Mill Building, dated October 15, 2007, prepared by RSV Engineering, Inc.
- d. Carlin Dam Analysis for reconstruction of Carlin Dam, dated November 26, 2008, prepared by STS.
- e. STH 26 Watertown Bypass and Frontage Road for the state department of transportation project 1390-04-02, dated October 29, 2008, prepared by the state department of transportation.
- f. Carlin Dam (Upper Spring Lake):
 - 1. Floodway map dated November 19, 2009, and titled "Carlin Dam — Condition 1. Dam In-Place, Dam Failure Inundation Map";
 - 2. Flood profile dated September 17, 2009, and titled "Scuppernong Plan: 1) Condition 1. Scuppernong Carlin Dam"; and
 - 3. Floodway data table dated November 19, 2009, and titled "Carlin Dam — Condition 1. Dam In-Place, Dam Failure Inundation Map. HEC-RAS Standard Output Table."

- g. Dam Failure Analysis and Assessment—Blue Spring Lake, dated June 5, 2012, prepared by General Engineering Co. (GEC).
- h. Town of Palmyra on Spring Creek for S and R Egg Farms, dated September 2, 2011, prepared by Hayes Engineering Co. S.C.
- i. Golden Lake LOMR with modified BFE dated April 12, 2010, effective September 3, 2010 (Case #10- 05-0806P).
- j. The county flood storage map, panel number 1-13, dated February 4, 2015.
- k. Whitewater Dam Failure Analysis-Old Stone Mill Hydraulic Shadow, dated November 11, 2013.

(c) *Establishment of floodplain zoning districts.* The regional floodplain areas are divided into four 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 floodwaters and are contained within AE zones as shown on the FIRM.
- (2) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE zones on the FIRM.
- (3) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.
- (4) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(d) *Locating floodplain boundaries.* Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subsections (1) and (2) of this subsection (d). If a significant difference exists, the map shall be amended according to section 6-310. 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 6-306(3) and the criteria in subsections (1) and (2) of this subsection (d). Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to section 6-310.

- (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 for projects, the location of the boundary shall be determined by the map scale.

(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 section 6-310.

(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 state department of transportation are 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. A more restrictive 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 state law. 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 research. Larger floods may occur or the flood height may be increased by man-made 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. This article does not create liability on the part of, or a cause of action against, the county or any officer or employee thereof for any flood damage that may result from reliance on this article.

(k) *Annexed areas for cities and villages.* The county floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the county for all annexed areas until the county adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code ch. NR 116 and 44 CFR 59—72, National Flood Insurance Program (NFIP). These annexed lands are described on the county's official zoning map. County floodplain zoning provisions are incorporated by reference for the

purpose of administering this section and are on file in the office of the zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

(Ord. of 12-9-2014, § 14.1.5)

Sec. 6-184. General standards applicable to all floodplain districts.

(a) The county 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 and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

(b) 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 and all other requirements in section 6-304(b). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damages.

(Ord. of 12-9-2014, § 14.2.0)

Sec. 6-185. Hydraulic and hydrologic analyses.

(a) No floodplain development shall:

- (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (2) Cause any increase in the regional flood height due to floodplain storage area lost.

(b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of section 6-310 are met.

(Ord. of 12-9-2014, § 14.2.1)

Sec. 6-186. 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 standards of section 6-185 must be met and 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 and pursuant to section 6-310, the community shall apply for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.
(Ord. of 12-9-2014, § 14.2.2)

Sec. 6-187. Development requiring state permit.

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 this article are made according to section 6-310.
(Ord. of 12-9-2014, § 14.2.3)

Sec. 6-188. Public or private campgrounds.

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 services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are 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 (4) of this section, to remain in compliance with all applicable regulations, including those of the state department of health services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall 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 county 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 2 or 3 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; and
 - (12) All service facilities, including, but not limited to, refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- (Ord. of 12-9-2014, § 14.2.4)

Secs. 6-189—6-214. Reserved.

DIVISION 2. FLOODWAY DISTRICT (FW)

Sec. 6-215. Applicability.

This division applies to all floodway areas on the floodplain zoning maps and those identified pursuant to section 6-274(d).

(Ord. of 12-9-2014, § 14.3.1)

Sec. 6-216. 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 6-217 and 6-218; and all permits or certificates have been issued according to section 6-304.

- (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 6-217(d).

- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with sections 6-217 and 6-218.
 - (5) Extraction of sand, gravel or other materials that comply with section 6-217(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 6-217(c).
- (Ord. of 12-9-2014, § 14.3.2)

Sec. 6-217. Standards for developments in the floodway.

(a) *Generally.*

- (1) Any development in the floodway shall comply with section 6-183 and have a low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to section 6-185 and 6-304(b)(3):
 - 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 cause any increase in the flood elevations upstream or downstream, 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, does not have a high flood damage potential and is constructed to minimize flood damage;
- (2) The structure shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters;
- (3) The structure must be anchored to resist flotation, collapse, and lateral movement;
- (4) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
- (5) The structure must not obstruct flow of floodwaters 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 6-185.

(d) *Fills or deposition of materials.* Fills or deposition of materials may be allowed by permit, if:

- (1) The requirements of section 6-185 are met;
- (2) No material is deposited in navigable waters 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 all other requirements have been 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 12-9-2014, § 14.3.3)

Sec. 6-218. Prohibited uses.

All uses not listed as permitted uses in section 6-216 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, 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 ch. SPS 383;
- (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 and 812;
- (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); and
- (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;

(9) Any accessory residential structures.
(Ord. of 12-9-2014, § 14.3.4)

Secs. 6-219—6-244. Reserved.

DIVISION 3. FLOODFRINGE DISTRICT (FF)

Sec. 6-245. Applicability.

This division applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to section 6-274(d).
(Ord. of 12-9-2014, § 14.4.1)

Sec. 6-246. Permitted uses.

Any structure, land use, or development is allowed in the floodfringe district if the standards in section 6-247 are met, the use is not prohibited by this article or any other ordinance or regulation and all permits or certificates specified in section 6-304 have been issued.
(Ord. of 12-9-2014, § 14.4.2)

Sec. 6-247. Standards for development in the floodfringe.

Section 6-183 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of division 5 of this article.

- (1) *Residential uses.* Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of division 5 of this article.
 - a. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of subsection (1)b of this section can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
 - b. The basement or crawlway floor may be placed at the regional flood elevation if it is dry 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 county may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 1. The county has written assurance from police, fire and emergency services that rescue and relief will be provided to the structures by wheeled vehicles during a regional flood event; or
 2. The county has a DNR-approved emergency evacuation plan.
- (2) *Accessory structures or uses.* Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (3) *Commercial uses.* Any commercial structure which is erected, altered or moved into the floodfringe 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 shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in section 6-308. 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.
- (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 floodproofed in compliance with section 6-308. Adequate measures shall be taken to ensure that such materials will not enter the water body 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 or repair of such facilities shall only be permitted if they are designed to comply with section 6-308.
 - 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 sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwater into the system, pursuant to section 6-308(c), to the flood protection elevation and meet the provisions of all local ordinances and Wis. Admin. Code ch. SPS 383.

- (8) *Wells.* All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to section 6-308(c), 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 subsections (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 12-9-2014, § 14.4.3)

Secs. 6-248—6-272. Reserved.

DIVISION 4. OTHER DISTRICTS

Sec. 6-273. Authorized.

Other floodplain districts may be established under this article and reflected on the floodplain zoning map. These districts may include general floodplain districts and flood storage districts.

(Ord. of 12-9-2014, § 14.5.0)

Sec. 6-274. General Floodplain District (GFP).

(a) *Applicability.* The provisions for the general floodplain district shall apply to all floodplains mapped as A, AO or AH zones.

(b) *Permitted uses.* It shall be determined pursuant to this section whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the floodway (section 6-216) and floodfringe (section 6-246) districts are allowed within the general floodplain district, according to the standards of subsection (c) of this section, provided that all permits or certificates required under section 6-304 have been issued.

(c) *Standards for developments.* Division 2 of this article applies to floodway areas, division 3 of this article applies to floodfringe areas. The rest of this article applies to either district.

(1) In AO/AH zones, the structure's lowest floor must meet one of the conditions listed below, whichever is higher:

- a. At or above the flood protection elevation; or
- b. Two feet above the highest adjacent grade around the structure; or
- c. The depth as shown on the FIRM.

(2) In AO/AH zones, plans must be provided showing adequate drainage paths to guide floodwaters around structures.

(d) *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 and the flood zone as shown on the FIRM.

(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 hydrologic and hydraulic study as specified in section 6-304(b)(3).
- 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. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(Ord. of 12-9-2014, § 14.5.1)

Sec. 6-275. Flood Storage District (FSD).

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and ensures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

- (1) *Applicability.* The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.
- (2) *Permitted uses.* Any use or development which occurs in a flood storage district must meet the applicable requirements in section 6-247.
- (3) *Standards for development in flood storage districts.*
 - a. Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
 - b. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
 - c. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district, on this waterway, is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per section 6-310.
 - d. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

(Ord. of 12-9-2014, § 14.5.2)

Secs. 6-276—6-298. Reserved.

DIVISION 5. NONCONFORMING USES

Sec. 6-299. Generally.

(a) *Applicability.* If these standards conform with Wis. Stats. § 59.69(10), 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 the ordinance from which this article is derived or any amendment thereto.

(b) 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) 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. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. 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 county shall keep a record 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 equal or 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 6-247(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this section.
- (5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or 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 6-247(1).
- (6) If on a per-event basis the total value of the work being done under subsections (b)(4) and (5) of this section equals or exceeds 50 percent of the present equalized assessed value, the work shall not be permitted 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 6-247(1).

- (7) Except as provided in subsection (b)(8) 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 requirements of this article. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction:
 - a. Residential structures:
 1. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of section 6-308(b).
 2. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
 3. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 4. In A zones, obtain, review and utilize any flood data available from a federal, state or other source.
 5. In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in section 6-274(c).
 6. In AO zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
 - b. Nonresidential structures:
 1. Shall meet the requirements of subsections (b)(8)a.1 through 6 of this section.
 2. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in section 6-308(a) or (b).
 3. In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in section 6-274(c).

(c) 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 6-217(a), flood-resistant materials are used, and construction practices and flood-proofing methods that comply with section 6-308 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of subsection (b)(8)a of this section if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(Ord. of 12-9-2014, § 14.6.1)

Sec. 6-300. Floodway district.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition:

- (1) Has been granted a permit or variance which meets all requirements of this article;
- (2) Meets the requirements of section 6-299;
- (3) Shall not increase the obstruction to flood flows or regional flood height;
- (4) Any addition to the existing structure shall be floodproofed, pursuant to section 6-308, by means other than the use of fill, to the flood protection elevation; and
- (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 floodwaters 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, building access 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 the floodway district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all county ordinances, section 6-308(c) 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 the floodway district. Any replacement, repair or maintenance of an existing well in the floodway district shall meet the applicable requirements of all county ordinances, section 6-308(c) and Wis. Admin. Code chs. NR 811 and 812.
(Ord. of 12-9-2014, § 14.6.2)

Sec. 6-301. Floodfringe district.

(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 county, and meets the requirements of section 6-247 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 board of adjustment/appeals, using the procedures established in section 6-306, 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, shall not be installed;
- (4) Flood depths shall not exceed two feet;
- (5) Flood velocities shall not exceed two feet per second; and
- (6) The structure shall not be used for storage of materials as described in section 6-247(5).

(c) 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, section 6-308(c) and Wis. Admin. Code ch. SPS 383.

(d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this article, section 6-308(c) and Wis. Admin. Code chs. NR 811 and 812.
(Ord. of 12-9-2014, § 14.6.3)

Sec. 6-302. Flood storage district.

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in section 6-275(3) are met.
(Ord. of 12-9-2014, § 14.6.4)

Sec. 6-303. Administration.

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 12-9-2014, § 14.7.0)

Sec. 6-304. 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 provisions of this article, 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 and assess all damaged floodplain structures 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.
 - c. Floodproofing certificates.
 - d. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e. All substantial damage assessment reports for floodplain structures.
 - f. List of nonconforming structures and uses.
- (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 case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (6) Investigate, prepare reports, and report violations of this article to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.
- (7) Submit copies of amendments to the FEMA regional office.

(b) *Land use permit.* A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; 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 divisions 2 and 3 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 6-185. This may include any of the information noted in section 6-217(a).
- (3) *Hydraulic and hydrologic studies to analyze development.* All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the department.
 - a. *Zone A floodplains.*
 1. *Hydrology.* The appropriate method shall be based on the standards in Wis. Admin. Code § NR 116.07(3), Hydrologic Analysis: Determination of Regional Flood Discharge.

2. *Hydraulic modeling.* The regional flood elevation shall be based on the standards in Wis. Admin. Code § NR 116.07(4), Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
 - (i) Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - (ii) Channel sections must be surveyed.
 - (iii) Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - (iv) A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.
 - (v) The most current version of HEC-RAS shall be used.
 - (vi) A survey of bridge and culvert openings and the top of road is required at each structure.
 - (vii) Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - (viii) Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data, such as high-water marks, to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - (ix) The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
3. *Mapping.* A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
 - (i) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - (ii) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and

proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

b. *Zone AE floodplains.*

1. *Hydrology.* If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin. Code § NR 116.07(3), Hydrologic Analysis: Determination of Regional Flood Discharge.
2. *Hydraulic model.* The regional flood elevation shall be based on the standards in Wis. Admin. Code § NR 116.07(4), Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
 - (i) *Duplicate effective model.* The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the floodway data table in the FIS report to within 0.1 foot.
 - (ii) *Corrected effective model.* The corrected effective model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for department review.
 - (iii) *Existing (pre-project conditions) model.* The existing model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project) model or to establish more up-to-date models on which to base the revised (post-project) model.
 - (iv) *Revised (post-project conditions) model.* The revised (post-project conditions) model shall incorporate the existing model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - (v) *Changes to duplicate effective and subsequent models.* All changes to the duplicate effective model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - (vi) *Changes to hydraulic models.* Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised

models matching those in the effective models upstream and downstream of the revised reach as required. The effective model shall not be truncated.

3. *Mapping.* Maps and associated engineering data shall be submitted to the department for review which meet the following conditions:

- (i) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or flood boundary floodway maps (FBFMs), construction plans, bridge plans.
- (ii) Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- (iii) Annotated FIRM panel showing the revised one percent and 0.2 percent annual chance floodplains and floodway boundaries.
- (iv) If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the universal transverse mercator (UTM) projection and state plane coordinate system in accordance with FEMA mapping specifications.
- (v) The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- (vi) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- (vii) Both the current and proposed floodways shall be shown on the map.
- (viii) The stream centerline, or profile baseline used to measure stream distances in the model, shall be visible on the map.

(4) *Expiration.* All permits issued under the authority of this article shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(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 provisions of this article 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 the requirements of section 6-308 are met.

(d) *Other permits.* Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including, but not limited to, 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 12-9-2014, § 14.7.1)

Sec. 6-305. Zoning agency.

(a) The county planning and zoning committee shall:

- (1) Oversee the functions of the office of the zoning administrator; and
- (2) Review and advise the county board on all proposed amendments to this article, maps and text.

(b) The county planning and zoning committee shall not:

- (1) Grant variances to the terms of this article in place of action by the board of adjustment/appeals; or
- (2) Amend the text or zoning maps in place of official action by the county.

(Ord. of 12-9-2014, § 14.7.2)

Sec. 6-306. Board of adjustment/appeals.

The board of adjustment/appeals, created under Wis. Stats. § 59.694, is hereby authorized or shall be appointed to act for the purposes of this article. The board of adjustment shall exercise the powers conferred by state law and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the board.

(1) *Powers and duties.* The board of adjustment/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; and
- c. *Variances.* Hear and decide, upon appeal, variances from the standards of this article.

(2) *Appeals to the board.*

- a. *Generally.* Appeals to the board may be taken by any person aggrieved, or by any officer or department of the county 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 state law, specifying the date, time, place and subject of the hearing; and
 - (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 6-306(3);
 - (ii) Decide variance applications according to section 6-306(4); and
 - (iii) Decide appeals of permit denials according to section 6-307.
 - 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 chair 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; and
 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. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board; and
 - c. If the boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the boundary location to petition the county board for a map amendment according to section 6-310.

(4) *Variance.*

- a. The board of adjustment may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:
 1. Literal enforcement of this article 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 6-182.
- 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 shall 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; and
 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 this 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 maps required in section 6-310; and
 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 risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

(Ord. of 12-9-2014, § 14.7.3)

Sec. 6-307. Review of appeals or permit denials.

(a) The zoning agency (section 6-305) or board shall review all data related to the appeal. This may include:

- (1) Permit application data listed in section 6-304(b);
- (2) Floodway/floodfringe determination data in section 6-274(d);

- (3) Data listed in section 6-217(a)(2) where the applicant has not submitted this information to the zoning administrator; and
 - (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 6-306;
 - (2) Consider zoning agency 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 may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of section 6-310; and
 - (2) Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.
- (Ord. of 12-9-2014, § 14.7.4)

Sec. 6-308. Floodproofing standards for nonconforming structures or uses.

(a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation 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 and submits a FEMA floodproofing certificate.

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

- (1) Certified by a registered professional engineer or architect; or
- (2) Meeting or exceeding the following standards:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate, 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;
 - (4) Minimize or eliminate infiltration of floodwaters; and
 - (5) Minimize or eliminate discharges into floodwaters.
- (Ord. of 12-9-2014, § 14.7.5)

Sec. 6-309. 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) Real estate transfers should show what floodplain district any real property is in.
- (Ord. of 12-9-2014, § 14.7.6)

Sec. 6-310. Amendments.

Obstructions or increases 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 section 6-311.

- (1) In AE zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 6-311. Any such alterations must be reviewed and approved by FEMA and the DNR.
 - (2) In A zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the official floodplain maps, floodway lines, and water surface profiles, in accordance with section 6-311.
- (Ord. of 12-9-2014, § 14.8.0)

Sec. 6-311. General.

The county board shall change or supplement the floodplain zoning district boundaries and this article in the manner outlined in section 6-312. Actions which require an amendment to this article and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in section 6-183(b)(2);

- (4) Any floodplain fill 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;
 - (5) Correction of discrepancies between the water surface profiles and floodplain maps;
 - (6) 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 county; and
 - (7) 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.
- (Ord. of 12-9-2014, § 14.8.1)

Sec. 6-312. Procedures.

Amendments to this article may be made upon petition of any party according to the provisions of Wis. Stats. § 59.69. The petitions shall include all data required by sections 6-274(d) and 6-304(b). The land use permit shall not be issued until a letter of map revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the county board. 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 causing any increase in the regional flood height 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 county board.

(Ord. of 12-9-2014, § 14.8.2)

Sec. 6-313. Enforcement and penalties.

Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the county attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the county a penalty as set forth in section 1-14. 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 county, the state, or any citizen thereof pursuant to Wis. Stats. § 87.30.

(Ord. of 12-9-2014, § 14.9.0)

Secs. 6-314—6-344. Reserved.

ARTICLE IV. ANIMAL WASTE STORAGE AND NUTRIENT MANAGEMENT

DIVISION 1. GENERALLY

Sec. 6-345. Authority.

The ordinance from which this article is derived is adopted under authority granted by Wis. Stats. §§ 59.70(1), 92.15, and 92.16.
(Ord. No. 2014-12, § 1(1.01), 6-10-2014)

Sec. 6-346. Findings and declaration.

The county board of supervisors finds that animal waste storage facilities may not meet current technical design and construction standards. Pollution of the surface and safety of county residents and transients, livestock, aquatic life and other animals and plants, and to the property tax base of the county. The county board of supervisors also finds that improper management of animal waste storage facilities, including improper land application of stored animal waste, may cause pollution of the groundwater and surface water of the county. The county board of supervisors further finds that the technical standards developed by the United States Department of Agriculture, Natural Resources Conservation Service and adopted by the county land and water conservation committee provide effective, practical and environmentally safe standards and specifications of storing and managing animal wastes.

(Ord. No. 2014-12, § 1(1.03), 6-10-2014)

Sec. 6-347. Purpose.

(a) The purpose of this article is to regulate the:

- (1) Location, design, construction, and use of all new animal waste storage facilities;
- (2) Modification or closure of all storage facilities;
- (3) Transfer of wastes into storage facilities; and
- (4) Utilization of wastes from storage facilities in order to prevent water pollution, and thereby protect the health and safety of residents and transients, prevent the spread of disease, and promote the prosperity and general welfare of the citizens of the county.

(b) Additionally, the purpose of this article is to implement state manure management prohibitions and enact setbacks to animal storage facilities. It also is intended to provide for the administration and enforcement of this article and to provide penalties for its violation.
(Ord. No. 2014-12, § 1(1.04), 6-10-2014)

Sec. 6-348. Applicability.

This article applies to the unincorporated areas of the county. Facilities constructed prior to the effective date of the ordinance from which this article is derived shall be exempt, except as indicated in section 6-375.

(Ord. No. 2014-12, § 1(1.05), 6-10-2014)

Sec. 6-349. Interpretation.

The interpretation and application of the provisions of this article shall be minimum requirements, be liberally construed in favor of the county, and not be deemed a limitation or repeal of any other power granted by state law.

(Ord. No. 2014-12, § 1(1.06), 6-10-2014)

Sec. 6-350. 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:

Adequate sod or self-sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

Animal waste or manure means livestock excreta. The term "animal waste" or "manure" includes 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 biosolids and process water; and runoff collected from barnyards, animal lots and feed storage areas.

Animal waste or manure storage facility means one or more manure storage structures. The term "animal waste or 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. The term "animal waste or manure storage facility" includes system components used to transfer milking center waste, barnyard runoff and feed storage leachate to the manure storage. The term "animal waste or manure storage facility" does not include equipment used to apply manure to land.

Animal waste or manure storage structure means a manure storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure.

Applicant means any person applying for a permit under this article.

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.

Closure means removal and proper disposal of accumulated wastes and proper abandonment of a storage facility as in NRCS Technical Standard 360.

DATCP means the state department of agriculture, trade, and consumer protection.

Direct runoff means a discharge of a significant amount of pollutants to waters of the state resulting from any of the following practices:

- (1) Runoff from a manure storage facility.
- (2) Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or man-made conveyance.
- (3) Discharge of leachate from manure pile.
- (4) Seepage from a manure storage facility.
- (5) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with Wis. Admin. Code § NR 154.04(3).

DNR means the state department of natural resources.

Groundwater means any of the waters of the state occurring in a saturated subsurface geological formation of rock or soil.

Idle storage facility means an animal waste storage facility where the operations cease or manure has not been added or removed for 24 months.

Land and water conservation committee means the committee of county board members and others, who, by authority of Wis. Stats. ch. 92, guides soil and water conservation activities of the county land and water conservation department.

Land and water conservation department means the department of the county government which is responsible for administering and enforcing this article.

Livestock means domestic animals such as cattle, horses, sheep, hogs, poultry, fish, etc., or exotic animals such as llamas, ostriches, etc.

Livestock operation means a feedlot or other facility or pasture where animals are fed, confined, maintained, or stabled.

Milking center waste means all wastewater, cleaning ingredients, and waste milk that is discharged from a milkhouse or milking parlor.

Modification means enlargement or reduction to the facility, change in the facility's configuration, addition to the facility (such as ramps, push-off walls, etc.), or repairs that change the facility's configuration or capacity.

Nutrient management plan means any of the following:

- (1) A plan required under Wis. Admin. Code § ATCP 50.04(3) or 50.62(5)(f).

- (2) A farm nutrient plan prepared or approved for a landowner by a qualified nutrient management planner.

A nutrient management plan must comply with Wis. Admin. Code § ATCP 50.04(3).

Overflow means discharge of manure to the environment resulting from flow over the brim of a facility or from flow directed onto the ground through a man-made device including a pump or pipe.

Permit means the signed, written statement issued by the county land and water conservation department under this article authorizing the applicant to construct, install, reconstruct, modify, or close an animal waste storage facility.

Permittee means any person to whom a permit is issued under this article.

Person means any individual, corporation, partnership, joint venture, trust, limited liability corporation, agency, unincorporated association, municipal corporation, county or state agency within the state, the federal government or any combination thereof that owns, rents, leases, or has other interest in land being regulated under this article.

Repair means to restore to sound condition after damage or malfunction of storage facility.

Site that is susceptible to groundwater contamination means any one of the following:

- (1) An area within 250 feet of a private well.
- (2) An area within 1,000 feet of a municipal well.
- (3) An area within 300 feet upslope or 100 feet downslope of a direct conduit to groundwater.
- (4) A channel that flows to a direct conduit to groundwater.
- (5) An area where the soil depth to groundwater or bedrock is less than two feet.
- (6) An area where the soil does not exhibit one of the following soil characteristics:
 - a. At least a two-foot soil layer with 40 percent fines or greater above groundwater and bedrock.
 - b. At least a three-foot soil layer with 20 percent fines or greater above groundwater and bedrock.
 - c. At least a five-foot soil layer with ten percent fines or greater above groundwater and bedrock.

Standards means guidelines that have been adopted by the Natural Resources Conservation Service.

Substantially altered means a change initiated by an owner or operator that results in a relocation of a facility or significant changes to the size, depth or configuration of a facility, including:

- (1) Replacement of a liner in a manure storage facility.

- (2) An increase in the volumetric capacity or area of a facility by greater than 20 percent.
- (3) A change in a facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.

Technical guide means the current state version of the United States Department of Agriculture Natural Resources Conservation Service Technical Guide as adopted by the county land and water conservation committee.

Unconfined manure pile means a quantity of manure that is at least 175 feet in volume and which covers the ground surface to a depth of at least two inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents stormwater access and direct runoff to surface water or leaching to pollutants to groundwater.

USDA NRCS means the Natural Resources Conservation Service, an agency of the United States Department of Agriculture.

Water pollution means contaminating or rendering unclean or impure the groundwater or surface waters 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.

Water quality management area means any of the following:

- (1) The area within 1,000 feet from the ordinary high-water mark of a navigable lake, pond, or flowage other than a glacial pothole.
- (2) The area within 1,000 feet from the high-water mark of a glacial pothole lake.
- (3) The area within 300 feet from the ordinary high-water mark of a navigable river or stream.
- (4) An area that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.

Working day means a calendar day, except Saturdays, Sundays and county, state, and federal recognized legal holidays.

(Ord. No. 2014-12, § 1(2), 6-10-2014)

Secs. 6-351—6-373. Reserved.

DIVISION 2. ACTIVITIES SUBJECT TO REGULATION

Sec. 6-374. General requirement.

Any person who constructs, installs, substantially alters, or closes an animal waste storage facility, or possesses an idle storage facility; or who employs another person to do the same on land subject to this article shall be subject to the provisions of this article.

(Ord. No. 2014-12, § 1(3.0), 6-10-2014)

Sec. 6-375. Compliance with permit requirements.

A person is in compliance with this article if he or she follows the procedures of this article, receives a permit from the county land and water conservation department before beginning activities subject to regulation under this article, and complies with the requirements of the permit. Modification or closure of preexisting facilities requires a permit, subject to all terms of this article.

(Ord. No. 2014-12, § 1(3.02), 6-10-2014)

Sec. 6-376. Manure management prohibitions.

All livestock operations shall comply with the following:

- (1) A livestock operation shall have no overflow of manure storage facilities.
- (2) A livestock operation shall have no unconfined manure pile in a water quality management area.
- (3) A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.
- (4) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. This subsection does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

(Ord. No. 2014-12, § 1(3.03), 6-10-2014)

Sec. 6-377. Existing animal waste storage facilities.

Manure storage facilities that pose an imminent threat to public health, fish and aquatic life, or groundwater shall be upgraded, replaced, or abandoned in accordance with this article. Levels of materials in storage facilities may not exceed the margin of safety level.

(Ord. No. 2014-12, § 1(3.04), 6-10-2014)

Sec. 6-378. Livestock siting.

Facilities that hold a conditional use permit issued by the county planning and zoning committee shall follow additional requirements under section 22-584.

(Ord. No. 2014-12, § 1(3.05), 6-10-2014)

Secs. 6-379—6-399. Reserved.

DIVISION 3. STANDARDS

Sec. 6-400. Animal waste storage facilities.

Standards and specifications for design, construction and management of animal waste storage facilities are those in standard 313 (waste storage facility), and standard 634 (waste transfer) of the technical guide. Construction specifications referenced within the above-listed standards shall be included.

(Ord. No. 2014-12, § 1(4.01), 6-10-2014)

Sec. 6-401. Nutrient management.

The standards for nutrient management of land-applied animal wastes are those in standard 590 of the technical guide. Livestock operations subject to regulations under Wis. Admin. Code ch. NR 243 follow nutrient management requirements contained in Wis. Admin. Code § NR 243.14.

(Ord. No. 2014-12, § 1(4.02), 6-10-2014)

Sec. 6-402. Amendments to standards.

If approved by the DATCP or DNR, future amendments to standards 313, 634, and 590 or the current standards for waste management systems, waste storage facilities, waste transfer, and nutrient management of the Technical Guide are incorporated by reference in this article and made part of this article, unless otherwise acted upon by the county board of supervisors.

(Ord. No. 2014-12, § 1(4.03), 6-10-2014)

Sec. 6-403. Variances.

Variances from these standards and Wis. Admin. Code ch. NR 151 agricultural performance standards can only be granted through an appeal by the applicant in accordance with division 6 of this article unless otherwise acted upon by the land and water conservation committee.

(Ord. No. 2014-12, § 1(4.04), 6-10-2014)

Sec. 6-404. Human wastewater.

Human wastewater shall not be discharged into animal waste storage facilities unless permitted by applicable federal, state, or local regulations for the disposal of human wastewater.

(Ord. No. 2014-12, § 1(4.05), 6-10-2014)

Sec. 6-405. Animal waste storage facility closure.

Standards for closure of an idle storage facility are those in standard 360 of the technical guide.

(Ord. No. 2014-12, § 1(4.06), 6-10-2014)

Secs. 6-406—6-423. Reserved.

DIVISION 4. PERMITS

Sec. 6-424. Required.

Except as herein provided, no person shall undertake an activity subject to this article without first obtaining an animal waste storage facility permit or animal waste storage facility closure permit from the county land and water conservation department. The requirement of this article shall be in addition to any other ordinance or administrative rule regulating animal waste storage or applicable technical standards. In the case of conflict, the most restrictive provision shall apply.

(Ord. No. 2014-12, § 1(5.01), 6-10-2014)

Sec. 6-425. Exception to permit requirements.

Emergency repairs for broken pipes or equipment, leaking dikes or removal of obstructions may be performed without an animal waste storage facility permit. Emergency repairs shall not result in increased capacity to the animal waste storage facility. The responsible person (owner or tenant) shall contact the county land and water conservation department on the first working day following emergency repairs for a determination by the department on whether a permit will be required for any additional modification or repair to the facility.

(Ord. No. 2014-12, § 1(5.02), 6-10-2014)

Sec. 6-426. Fee.

(a) All applicants, except those applying for an animal waste storage facility closure permit, shall be required to pay a nonrefundable fee at the time of permit application in the amount provided in the county fee schedule. Application fees may be waived by the land and water conservation committee upon finding of economic hardship.

(b) If the application is submitted after the commencement of activities requiring a permit, the fee will be doubled. All applicable federal, state, and local standards and ordinance provisions still apply. Applications received after the commencement of activities requiring a permit do not preclude the land and water conservation department from taking enforcement action.

(Ord. No. 2014-12, § 1(5.03), 6-10-2014)

Sec. 6-427. Application.

(a) An application for an animal waste storage facility permit or animal waste storage facility closure permit shall be filed with the land and water conservation department on forms supplied by the land and water conservation department. The land and water conservation department shall mail a copy of the approved permit application to the

appropriate town board. In addition, the land and water conservation department may mail a copy of the approved permit to other agencies or units of government that may have jurisdiction over the proposed activity.

(b) Each application for an animal waste storage facility permit under this article shall include an animal waste storage facility plan and a nutrient management plan. In addition, all animal waste storage facility plans shall include the following:

- (1) A plan map showing location of the facility with regard to buildings, roads, lot lines and homes within 500 feet of the proposed facility. The map shall be drawn to scale no smaller than one inch equals 100 feet. The plan map shall include a north arrow.
- (2) A complete set of detailed construction plans, including, but not limited to, facility dimensions, cross section views, profile views, storage facility liners, concrete thickness of floors and/or walls, steel reinforcement plans, water stops and expansion joints, material specifications, and fencing. Preparation of detailed construction plans may likely require the applicant to hire a registered professional engineer or be designed by federal, state, or local agency staff with appropriate NRCS job approval.
- (3) Worksheet 1 (Animal Units) of Wis. Admin. Code ch. ATCP 51 will be included. If the type of animal that the facility is to be used for is not on Worksheet 1, then the number and kinds of animals for which waste storage is to be provided.
- (4) Planned duration of storage, expressed in days and/or months, and volume of storage, expressed in cubic feet or gallons.
- (5) The location of any wells within 300 feet of the facility.
- (6) The location and elevation of all soil tests pits, including a detailed soil description of each pit, to a depth of at least three feet below the planned bottom elevation of the facility. Soil test pits, which are acceptable to the county land and water conservation department, shall be dug within the outermost boundaries of planned waste storage facility bottom area and shall consist of a minimum of four pits located in four different quadrants of the planned facility.
- (7) The location of drain tiles, sinkholes, and drainage ditches.
- (8) The elevation of seasonably high groundwater or bedrock if encountered in the soil profile and the date of any such determination.
- (9) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. This shall include plans for erosion control of disturbed areas and soil stockpiles if the site is in a water quality management area.
- (10) The location of and distance to any navigable body of water within 300 feet of the proposed facility must be shown.
- (11) A description of how waste will be delivered to and removed from the facility.
- (12) A proposed time schedule for construction of the facility.

(13) A Wis. Admin. Code ch. NR 151 evaluation form completed by the land and water conservation department.

(14) Any other additional information required by the county land and water conservation department to determine compliance with this article.

(c) Nutrient management plans will be required at the time of permit application for an animal waste storage facility permit. All nutrient management plans shall conform to the NRCS standards and specifications for nutrient management (590) and, if applicable, Wis. Admin. Code § NR 243.14 as specified in section 6-401. All nutrient management plans shall comply with Wis. Admin. Code § ATCP 50.04(3) and the following: When the livestock operation that is applying for a permit is proposing to spreading animal waste on another landowner's fields, and that other landowner also spreads animal waste, then a nutrient management plan accounting for nutrients from all sources must be provided to the land and water conservation department.

(d) All applicants' land must be in compliance with the agricultural performance standards and prohibitions contained in Wis. Admin. Code ch. NR 151 if cost sharing is made available and is applicable.

(e) Animal waste storage facility closure requirements.

(1) Closure of an animal waste storage facility shall occur when an operation where the facility is located ceases operations, or manure has not been added or removed from the facility for a period of 24 months. Manure facilities shall be closed in a manner that will prevent future contamination of groundwater and surface waters.

(2) The owner or operator may retain the facility for a longer period of time by demonstrating to the department that all of the following conditions are met:

a. The facility is designed, constructed and maintained in accordance with the applicable standards.

b. The facility is designed to store manure for a period of time longer than 24 months.

c. Retention of the facility is warranted based on anticipated future use.

(3) Each application for an animal waste storage facility closure permit under this article shall include a site-specific design for closure as specified in standard 360.

(Ord. No. 2014-12, § 1(5.04), 6-10-2014)

Sec. 6-428. Review of application.

(a) The county land and water conservation department shall receive and review all permit applications, including the animal waste storage facility construction plans and the nutrient management plan, or the animal waste storage facility closure design, and shall determine if the proposed facility or closure will comply with the requirements of this article. In making this determination, the department may require a site inspection and/or may consult with an outside agency.

(b) Prior to issuance of a permit, the NRCS or DATCP engineer or designee, or a registered professional engineer, shall verify that plans meet the applicable standards.

(c) Within 30 working days after receiving the completed application and fee, the county land and water conservation department shall inform the applicant in writing whether the permit application is approved, disapproved, or if more information is needed. If additional information is required, the county land and water conservation department shall so notify the permit applicant.

(d) The county land and water conservation department has 30 working days from the receipt of the additional information to approve or disapprove the application. If, in addition to the applicant's information, the department required comment from an outside agency, the department has 15 working days from receipt of the comments from the referral agency to approve or disapprove the application.

(e) If the land and water conservation department fails to approve or disapprove the permit application in writing within 30 working days of the receipt of the permit application, within 30 working days of receipt of additional applicant information, or within 15 working days of receipt of referral agency comments, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

(f) Nothing herein shall authorize construction, maintenance, or closure of a facility that does not meet the requirements of this article and technical guide standards.
(Ord. No. 2014-12, § 1(5.05), 6-10-2014)

Sec. 6-429. Conditions.

All permits issued under this article shall be issued subject to the following conditions and requirements:

- (1) Animal waste storage design, construction, modification, closure, and application shall be carried out in accordance with the construction plan or closure plan and applicable standards specified in division 3 of this article.
- (2) Any person applying for an animal waste storage facility permit under this article must develop a nutrient management plan as part of the application process to demonstrate their ability to utilize the animal waste in an environmentally safe manner. This condition may require the applicant to hire a crop consultant to prepare the nutrient management plan. All recipients of animal waste storage facility permits are required to provide annual updates of their nutrient management plans to the county land and water conservation department.
- (3) An existing storage that is located within 350 feet of a property line or public road right-of-way cannot be expanded toward that property line or public road right-of-way.
- (4) A new waste storage facility may not be located within 350 feet of any property line, or within 350 feet of the nearest point of any public road right-of-way, unless the

waste storage facility is a single new waste storage facility constructed no closer to the relevant property line or public road than a waste storage facility that existed on the same tax parcel prior to January 2014, provided that the new structure is no larger than the existing facility and is located within 50 feet of the existing facility. The 350-foot setback does not apply to waste storage completely contained under a building used to house livestock. However, all the county zoning regulations setbacks for buildings are applicable.

- (5) The permittee certifies in writing that all other local, city, county, state or federally required permits shall be obtained from the appropriate authorities. The department may require proof of any permit known to be needed prior to issuing an animal waste storage facility permit or animal waste storage facility closure permit.
- (6) Any change to an approved animal waste storage facility plan or closure design shall be approved in writing by the county land and water conservation department. Written approval by the department shall occur only after the DATCP engineer or designee, registered professional engineer, or state, federal, or local agency staff person, having the appropriate engineering certification, has reviewed and approved the proposed modifications.
- (7) The permittee shall give no less than three working days' advance notice to the county land and water conservation department before starting any construction activity authorized by the permit.
- (8) Activities authorized by permit shall be completed within two years from the date of issuance after which time such permit shall expire.
- (9) The permittee shall certify in writing, by a professional engineer or a person with appropriate engineering job approval according to NRCS standards, that the animal waste storage was installed or closed as planned. A copy of the signed certification sheet shall be given to the land and water conservation department within one month of completion of installation or closure. Any approved changes made to the animal waste storage facility plan or closure design shall be specified in the certification. Land and water conservation department personnel may conduct site inspections during and following construction to determine that the facility was installed or closed as planned and designed.
- (10) Before any waste facility is put into use, the structure must be fully constructed as designed, including the marking of the maximum operating level and implementing all safety design features.

(Ord. No. 2014-12, § 1(5.06), 6-10-2014)

Secs. 6-430—6-456. Reserved.

DIVISION 5. ADMINISTRATION AND ENFORCEMENT

Sec. 6-457. Delegation of authority.

The county board hereby designates the county land and water conservation department to administer and enforce this article.

(Ord. No. 2014-12, § 1(6.01), 6-10-2014)

Sec. 6-458. Administrative duties.

In the administration and enforcement of this article, the county land and water conservation department shall:

- (1) Keep an accurate record of all permit applications, animal waste storage facility plans, nutrient management plans, closure designs, permits issued, inspections made, closure extension requests, extensions issued, and other official actions.
- (2) Review permit applications and issue permits in accordance with division 4 of this article.
- (3) Periodically inspect animal waste storage facility construction to ensure the facility is being constructed or closed according to plan specifications.
- (4) Investigate complaints relating to compliance with this article.
- (5) Perform other duties as specified in this article.

(Ord. No. 2014-12, § 1(6.02), 6-10-2014)

Sec. 6-459. Inspection authority.

The county land and water conservation department is authorized by Wis. Stats. § 92.07(14) to enter upon any lands affected by this article to inspect the site prior to and after permit issuance to determine compliance with this article. If permission cannot be received from the applicant or permittee, entry shall be according to Wis. Stats. § 66.0119. Refusal to grant permission to enter lands affected by this article for purposes of inspection may be grounds for denial of a permit or revocation thereof.

(Ord. No. 2014-12, § 1(6.03), 6-10-2014)

Sec. 6-460. Enforcement authority.

(a) The county land and water conservation department is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this article. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster 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 or be brought into compliance.

(b) Any permit revocation or order stopping work shall remain in effect until retracted by the county land and water conservation department, or by a court of general jurisdiction. The county land and water conservation department is authorized to refer any violation of this article or of an order stopping work issued pursuant to this article to the county corporation counsel for commencement of further legal proceedings.

(Ord. No. 2014-12, § 1(6.04), 6-10-2014)

Sec. 6-461. Penalties.

Any person who violates, or fails, neglects, or refuses to comply with any of the provisions of this article shall, upon conviction thereof, forfeit up to \$500.00 and costs of prosecution for each violation. Each day a violation exists or continues to exist shall constitute a separate offense. An unlawful violation includes failure to comply with any standard of this article or with any condition or qualification attached to the permit, or any failure to comply with notice of a permit revocation or stop work order.

(Ord. No. 2014-12, § 1(7.01), 6-10-2014)

Sec. 6-462. Enforcement by injunction.

As a substitute for, or in addition to forfeiture actions, the county may seek enforcement of any part of this article by court actions seeking injunctions or restraining orders.

(Ord. No. 2014-12, § 1(7.02), 6-10-2014)

Secs. 6-463—6-492. Reserved.

DIVISION 6. APPEALS

Sec. 6-493. Authority.

Under the authority of Wis. Stats. ch. 68, the county land and water conservation committee, created under Wis. Stats. § 59.70 and acting as an appeal authority under Wis. Stats. § 68.09(2), is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the county land and water conservation department in administering this article.

(Ord. No. 2014-12, § 1(8.01), 6-10-2014)

Sec. 6-494. Who may appeal.

Appeals may be taken by any person having a substantial interest that is adversely affected by the order, requirement, decision, or determination made by the county land and water conservation department.

(Ord. No. 2014-12, § 1(8.02), 6-10-2014)

Sec. 6-495. Limitations of appeal.

Only one appeal on a particular concern can be made of an order, requirement, decision, or determination made by the county land and water conservation department.

(Ord. No. 2014-12, § 1(8.03), 6-10-2014)

Sec. 6-496. Procedure.

(a) Any appeal shall be made by written request mailed or delivered to the county land and water conservation department within 30 days of the date notice was provided to the person aggrieved by the determination being appealed. The request shall state the grounds upon which it is contended that the order, requirement, decision, or determination should be modified or reversed, and/or the grounds upon which a variance is sought. The county land and water conservation committee shall schedule a hearing within 15 working days of the filing of the appeal, unless otherwise agreed by the person aggrieved. The hearing shall be conducted in accordance with Wis. Stats. ch. 68. A copy of the hearing notice shall be sent to the applicant and the appropriate town board.

(b) The final decision on an appeal shall be made within 20 working days of completion of the hearing and shall be in the form of a written determination signed by the chair or secretary of the land and water conservation committee. The determination shall state the specific facts, which are the basis for the committee's decision, and shall affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part; deny the appeal for lack of justification; or grant or deny the application for a variance.

(c) The reasons or justifications for granting an appeal, which were demonstrated by the applicant in the case of a variance, shall be clearly stated in the recorded minutes of the committee meeting. If a final decision on an appeal is not made within 20 working days, the appeal shall be deemed approved and the applicant may proceed with activities that were requested in the appeal.

(Ord. No. 2014-12, § 1(8.04), 6-10-2014)

Sec. 6-497. Variances.

The land and water conservation committee may, upon appeal, authorize a variance from the requirements of this article.

- (1) The granting of a variance shall be consistent with the spirit and purpose of this article as stated in sections 6-345 and 6-347.
- (2) The committee may not grant a variance solely on the basis of economic hardship or gain.
- (3) The variance shall not permit an activity or practice that may fail structurally or otherwise cause significant water pollution or other off-site impacts.
- (4) The variance shall be due to unique circumstances and not to the general conditions of the area.

- (5) The variance shall not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons.
- (6) The variance shall 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.
- (7) The land and water conservation committee may authorize a variance from the requirements of this article contingent on the applicant receiving a variance from the technical standards through the natural resources conservation service. If public funds are involved, this may be a program requirement.
- (8) The committee shall not grant a variance to Wis. Admin. Code ch. NR 151 agricultural performance standards without following Wis. Admin. Code § NR 151.097.
- (9) The committee may grant a variance only if all of the following conditions are met:
 - a. Compliance with the standard is not feasible due to site conditions. This condition does not apply to research activities conducted as part of a planned agricultural research and farming curriculum.
 - b. The landowner or operator will implement best management practices or other corrective measures that ensure a level of pollution control that will achieve a level of water quality protection comparable to that afforded by the performance standards located in Wis. Admin. Code ch. NR 151.
 - c. The conditions for which the variance is requested are not created by the landowner or operator or their agents or assigns. This condition does not apply to research activities conducted as part of a planned agricultural research and farming curriculum.
- (10) The committee shall use the following process when administering a variance request:
 - a. The landowner or operator shall submit the variance request to the committee or the land and water conservation department within 60 days of receiving notice that their operation is not in compliance with this article.
 - b. The land and water conservation department shall forward any variances that it receives to the committee. The committee may consider a recommendation from the governmental unit concerning acceptance of the variance request.
 - c. The committee shall make its determination based on the factors in subsection (9) of this section.
 - d. The committee shall notify the landowner or operator and the land and water conservation department of its determination. If the variance is granted, the committee or land and water conservation department shall send a notice to the landowner or operator and to the appropriate town board.

- e. The period of time required to make a ruling on a variance request does not extend the compliance periods allowed under Wis. Admin. Code §§ NR 151.09 and 151.095.

The committee may consider decisions made by the land and water conservation department, in accordance with local ordinance provisions, when making its determination whether to accept or deny the variance.

(Ord. No. 2014-12, § 1(8.05), 6-10-2014)

Secs. 6-498—6-517. Reserved.

ARTICLE V. HAZARDOUS MATERIALS CONTROL

Sec. 6-518. Purpose.

The purpose of this article is to prohibit dangerous material discharges and to enable the county to require reimbursement from those responsible who possess or control a hazardous substance that is released or who causes the release of a hazardous substance thereby resulting in the response to and incurring of costs by the responding agencies.

(Ord. No. 2013-28(2), § I, 3-11-2014)

Sec. 6-519. 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:

Entity means any firm, corporation, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity.

Hazardous substance means a hazardous substance is any substance regulated under this article the release of which creates a hazard, potential hazard, public nuisance or has a deleterious effect on the environment.

Responsible party means a person or entity who was, at the time of the release, responsible for, or in possession of, or in a position of control of a dangerous or hazardous substance, or any vehicle, container, or property used for the transport, conveyance, holding or storage of the same and, furthermore, including any person or entity in control of property onto which or from which the dangerous or hazardous substance matter was or may be released.

(Ord. No. 2013-28(2), § III, 3-11-2014)

Sec. 6-520. Prohibited discharges.

(a) *Generally.* No person shall discharge or cause to be discharged, leaked, leached, or spilled upon any public street, alley, or public property, or onto the groundwaters, surface waters, sub-surface waters, or aquifers, or on any private property within the county, except those areas specifically licensed for waste disposal or landfill activities and to receive such

materials, any explosive, flammable, toxic, or combustible solid, liquid, or gas, any radioactive material at or above nuclear regulatory commission restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.

(b) *Containment, clean-up and restoration.* Any person in violation of the above section shall, upon direction of the appropriate federal or state agency and the emergency management director or the county hazardous materials response team, begin immediate actions to contain, clean up, and remove to an approved repository the offending materials and restore the site to its original condition, with the offending person being responsible for all expenses incurred. Should any person fail to engage the necessary staff and equipment to comply or to complete the requirements of this section, the emergency management director may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the county and its cooperating agencies.

(c) *Site access.* Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency management officers and staff and to county sheriff's department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean-up, and restoration activities.

(d) *Public protection.* Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, where the situation is so critical that immediate steps must be taken to protect life or property, the incident commander or unified command on the scene of the emergency may order a shelter in place order, or an evacuation of the area or take other appropriate protective steps for a period of time until the county board of supervisors, state department of natural resources, or other appropriate federal or state agency can take appropriate action.

(Ord. No. 2013-28(2), § II((1)—(4)), 3-11-2014)

Sec. 6-521. Enforcement and penalties.

(a) *Enforcement.* The director of emergency management and his or her designees, as well as the sheriff's department officers, shall have authority to issue citations or complaints under this section.

(b) *Legal action to affect payment.* The county corporation counsel shall be empowered to pursue any and all legal action to affect payment, as herein provided, including representation of non-county agency members of the Level B team. In the event of a conflict of interest, a non-county agency shall be represented by its municipal attorney.

(c) *Civil liability.* Any person in violation of this section shall be liable to the county for any expenses incurred by the county including costs and expenses incurred by county Level B team member agencies or loss or damage sustained by the county by reason of such violations.

(d) *Penalties.* Any person in violation of this section shall forfeit to the county, upon conviction thereof, a forfeiture as set forth in section 1-14, plus the costs of prosecution, and in default of payment thereof, such alternate as the court may order. Each day of violation shall constitute a separate offense. If a spill is voluntarily reported to the county emergency management director, the forfeiture shall be not less than \$25.00 nor more than \$200.00. (Ord. No. 2013-28(2), § II((5)—(7)), V, 3-11-2014)

Sec. 6-522. Financial responsibility.

The cost of hazardous material responses shall be the responsibility of the party, agency, entity, or person which created the condition requiring the hazardous materials response. The actual cost of the response shall be charged to the party, agency, entity, or person according to the following schedule:

- (1) Staff time, including the hourly rate for fringe benefits, of the staff involved in the response.
- (2) A charge for response by the hazmat vehicle and or the county mobile command post, in an amount to be determined annually by the local emergency planning committee based on the cost to operate the vehicle, depreciation and other factors bearing on the cost of activating the equipment. If the county has to utilize outside agencies to respond, the cost of those services shall be reimbursed by the party that created the condition requiring the hazardous materials response.
- (3) The replacement cost of all consumable supplies used in the response and the actual cost of any charges incurred by the team.
- (4) A use charge for reusable equipment, in an amount determined annually by the local emergency planning committee based on the operating cost of the equipment, its depreciation and other factors bearing on its cost.

(Ord. No. 2013-28(2), § IV, 3-11-2014)

Chapter 7

RESERVED

Chapter 8

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ARTICLE I. IN GENERAL**Sec. 8-1. Funds collected by county personnel to be deposited with county treasurer.**

All fees and collections received by county officials and employees, including all fees for serving papers, executions and foreclosure sales, are deposited with the county treasurer and properly budgeted as anticipated revenue.

(Res. No. 1971-13)

Sec. 8-2. Clerk or treasurer to sign county checks.

On county checks issued for an amount of \$5,000.00 or more, the original signature of the county clerk or the county treasurer shall be required.

(Res. No. 1994-23, 6-21-1994)

Sec. 8-3. Finance committee approval of county bank accounts.

County departments and employees shall obtain finance committee approval before opening a bank account in the name of the county.

(Res. No. 99-02, 4-20-1999)

Sec. 8-4. Payments to vendors.

(a) The finance department is authorized to make payments on all invoices, contracts, and claims against the county, provided the county establishes a system of sound internal controls, which includes requiring internal approvals from the departments whose budgets are to be charged and any other approvals considered necessary by the finance department and county administration, are established and followed.

(b) The finance department shall, at a minimum, make vendor payments weekly.

(c) The finance department shall provide a list of all checks and electronic fund transfers made by the county to the finance committee each month for review and retroactive approval.

(Ord. No. 2008-12, 6-10-2008; Ord. No. 2009-26, § 1, 2-16-2010)

Sec. 8-5. Authority of county administrator to settle claims.

The county administrator shall have authority to settle claims against the county in amounts up to \$25,000.00 after consulting with the county's insurance carrier and corporation counsel. All settlements shall be reported to the finance committee.

(Ord. No. 2020-13, § 3.05, 12-8-2020)

Secs. 8-6—8-28. Reserved.

ARTICLE II. FUND BALANCE**Sec. 8-29. Findings and policy.**

The county finds it essential to maintain an adequate level of fund balance to adapt to revenue shortfalls and unanticipated expenditures, to help ensure stable tax rates, and to provide a measure of liquidity for normal operation, all while keeping the county's long-range investments intact. The county has, therefore, implemented this article, guided by Best Practice: Fund Balance Guidelines for the General Fund, adopted by the executive board of the government finance officers association on September 30, 2015.

(Res. No. 2022-XX, intro. ¶, 3-14-2023)

Sec. 8-30. Scope, standards, and intent; definitions.

(a) The county has implemented Governmental Accounting Standards Board (GASB) Statement No. 54, fund balance reporting and fund balance type definitions. All definitions within this article will be in agreement with GASB Statement No. 54.

(b) GASB Statement No. 54 pertains only to governmental funds. Business-type funds, such as the highway department, shall be assumed to follow GASB Statement No. 54 for the purposes of this policy only.

(c) The county's initial investment into Wisconsin Municipal Mutual Insurance Company (WMMIC) is recorded in nonspendable fund balance but, for the purpose of this policy, shall be recognized as part of the working capital.

(d) The county's intent is to hold investments long term in order to lessen the impacts of market fluctuation. To more accurately represent fair market value on investments, an adjustment for the fair market value will be taken out of the calculation for unassigned fund balance.

(Res. No. 2022-XX, §§ 1—4, 3-14-2023)

Sec. 8-31. Maintaining working capital.

(a) The county shall maintain a minimum of two months of budgeted expenditures within the general fund for working capital. This working capital shall be maintained to help cover revenue shortfalls, unanticipated expenditures, stabilize the tax rate, and provide liquidity.

(b) The county shall maintain a minimum of two months of budgeted expenditures within the health department for working capital. This working capital shall be maintained to help cover revenue shortfalls, unanticipated expenditures, and stabilize the tax rate.

(c) The finance committee shall strive to maintain three months of budgeted expenditures within the general fund for working capital.

- (1) Should a budget proposed for adoption seek to utilize a portion of this additional month of working capital, the reasoning for the usage of working capital shall be included in the budget document.

- (2) In the event of an emergency situation and all other means of funding the emergency have been exhausted, the county board may utilize the working capital as needed.
 - (3) Within three months after the adoption of the proposed budget, or use due to an emergency situation, unless already included in the budget document, the county board shall be informed by the finance committee and/or the county administrator as to either:
 - a. A plan to restore the three months of working capital and related timeframe; or
 - b. The rationale for remaining between two and three months' working capital.
- (Res. No. 2022-XX, §§ 5—7, 3-14-2023)

Sec. 8-32. Budgeted expenditures.

- (a) *General fund.* Budgeted expenditures for the general fund shall be defined as:
 - (1) Total budgeted expenditures for the entire county in all governmental and business type funds for the immediate prior year (i.e., most recently adopted budget), less total budgeted expenditures for the health department for the immediate prior year.
 - (2) Total budgeted expenditures shall include operating, debt expenditures, and capital expenditures that typically reoccur annually. Non-reoccurring capital expenditures greater than \$100,000.00 shall be excluded from budgeted expenditures as defined by this section.
 - (3) Expenditures related to one-time grants that exceed \$100,000.00 shall be excluded from budgeted expenditures as defined by this section.
 - (4) Any budgeted capital or debt expenditures funded through bond proceeds shall be excluded.
- (b) *Health department.* Budgeted expenditures for the health department shall be defined as total budgeted expenditures for the immediate prior year (i.e., most recently adopted budget).
- (c) *Unassigned fund balance.* Any amount above three months of budgeted expenditures for both the general fund and health department shall be considered as the fund's unassigned fund balance. During the preparation of the budget for the subsequent year, the finance committee shall recommend to the county board its plan for usage of this unassigned fund balance. This usage shall be limited to:
 - (1) Fund capital outlay, being specific on purpose and timing of said outlay.
 - (2) Repayment of debt.
 - (3) Reduction of tax levy.
- (d) *Health department's working capital.* The finance committee shall determine by vote whether the health department shall retain at least two months of budgeted expenditures but no more than three months of budgeted expenditures as working capital during the

budget process. In the event that the health department's working capital does not meet the minimum required amount of two months of budgeted expenditures, or a maximum amount of three months of budgeted expenditures, as determined by the finance committee:

- (1) The health department's budget shall be methodically adjusted to bring the working capital to required levels within a maximum of five years.
- (2) The budget document shall include a recap of the methodology being used.
- (3) The calculation for unassigned funds within the general fund shall be based upon total budgeted expenditures for all funds including the health department.

(e) *Departments to transfer remaining balances.* All departments shall transfer all remaining balances at year end to the general fund, unless these balances are requested and approved to be non-lapsing. All funds within the health department shall automatically be retained by the health department. All remaining balances relating to the Jefferson County Economic Development Consortium (JCEDC), including provisions for vested benefits relating to employees in the economic development department, shall automatically be retained by the economic development department within the general fund.

(Res. No. 2022-XX, §§ 8—12, 3-14-2023)

Sec. 8-33. Non-lapsing discretionary and non-discretionary requests.

(a) Non-lapsing requests, both discretionary and non-discretionary, are defined below. Examples are included, but it should be noted that these lists are not all inclusive.

- (1) Non-discretionary:
 - a. Non-spendable, because of their form. Examples include:
 1. Inventory.
 2. Delinquent property taxes.
 3. Prepaid expenditures.
 - b. Restricted, because of externally enforceable limitations on use. Examples include:
 1. Statutory limitations.
 2. Specific donor limitations.
 3. Signed contracts and/or purchase orders with vendors.
 4. Specific state agency limitations.
 5. Unspent bond proceeds.
- (2) Discretionary, which are classified as committed under GASB Statement No. 54. Examples include:
 - a. Balances that result from funded depreciation, not already affected by signed contracts and/or purchase orders with vendors.
 - b. Available departmental surpluses desired to be used for future appropriations.

c. Special circumstances that shall be considered by the finance committee.

(b) Final written requests for both discretionary and non-discretionary non-lapsing items from all departments are due to the finance department in mid-February of the succeeding year. Thereafter, the finance committee will propose a resolution to the county board with its recommendations concerning carrying over of discretionary items. The resolution will, in the fiscal note, show the various categories.

(Res. No. 2022-XX, §§ 13, 14, 3-14-2023)

Sec. 8-34. Funding liability for employee vested benefits.

(a) The county specifically intends that all liability reflecting employee vested benefits shall include:

- (1) 100 percent of the calculated liability for vested vacation pay;
- (2) 65 percent of the calculated liability for vested sick pay;
- (3) 100 percent of the calculated liability for vested holiday pay; and
- (4) 100 percent of the calculated liability for vested compensatory time pay with all categories designated as assigned fund balances as defined under GASB Statement No. 54.

(b) While it may be argued that the county does not have to accrue these liabilities for governmental funds, the county has elected to fully fund these liabilities with an assigned fund balance.

(Res. No. 2022-XX, § 15, 3-14-2023)

Sec. 8-35. Funding liability for unreported insurance claims.

The county shall fully fund its liabilities related to insurance claims incurred but not reported (IBNR) for its general liability, auto and workers compensation claims as determined by the most recent actuarial study available when the county board of supervisors approves its non-lapsing requests.

(Res. No. 2022-XX, § 16, 3-14-2023)

Secs. 8-36—8-58. Reserved.

ARTICLE III. PURCHASING

Sec. 8-59. Purpose.

The purpose of this article is to provide for the fair and equitable treatment of all persons involved in public purchasing by the county, to maximize the purchasing value of public funds, and to provide a framework of internal controls to achieve these objectives.

(Ord. No. 2018-05, § 2, 4-17-2018)

Sec. 8-60. Application.

(a) This article applies to contracts for the procurement of supplies, services, and construction entered into by the county after the effective date of the ordinance from which this article is derived. It shall apply to every expenditure of public funds by a public agency for public purchasing, regardless of its source, with the exceptions noted in this section. When the procurement involves purchase from another governmental entity of the expenditure of federal or state assistance or contract funds, the procurement shall be conducted in accordance with any applicable federal or state laws or regulations which are not reflected in this article. Nothing in this article shall prevent any public agency from complying with the terms and conditions of any grant, gift or bequest which are otherwise consistent with law.

(b) The highway department shall not be governed by the provisions of this article for purchases of repair parts and for repair work involving highway machinery or equipment, but the highway department shall comply with the provisions of Wis. Stats. §§ 59.52(29) and 66.0901.

(Ord. No. 2018-05, § 3, 4-17-2018)

Sec. 8-61. 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:

Brand name or equal specification means a specification limited to one or more items by manufacturers' names or catalog numbers to describe the standard or quality, performance or other important characteristics needed to meet county requirements and which provides for the submission of equivalent products.

Brand name specification means a specification limited to one or more items by manufacturers' names or catalog numbers.

Business means any corporation, partnership, individual, sole proprietorship, joint stock company, limited liability company, joint venture or any other private legal entity.

Change order means a written order approved and issued by the purchasing agent, directing a business to make changes to a contract and project.

Confidential information means any information which is available to an employee only because of the employee's status as an employee of the county and is not a matter of public knowledge or is not available to the public on request.

Construction means the process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. The term "construction" does not include the routine operation, routine repair or routine maintenance of existing structures, buildings, or real property.

Contract means all types of county agreements, regardless of what they may be called, for the procurement of supplies, services, or construction or any other agreement that legally binds the county.

Contract modification means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity or other provision of any contract accomplished by mutual action of the parties to the contract.

Contractor means any person having a contract with a public agency of the county.

Cost data means factual information concerning the cost of labor, material, overhead and other cost elements which are expected to be incurred or which have actually been incurred by the contractor in performing the contract.

Cost reimbursement contract means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this article and a fee or profit, if any.

Direct or indirect participation means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation or auditing or in any other advisory capacity.

Employee means an individual drawing a salary from the county, whether elected or not, and any noncompensated individual performing personal services for the county or any department, agency, commission, council, board, of any other entity established by the executive or legislative branch of the county.

Financial interest means:

- (1) Ownership of any interests or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, any amount that is prohibited by county or state law;
- (2) Ownership of any property, or business; or
- (3) Holding a position in a business such as an officer, director, trustee, partner, employee or the like, or holding any position of management.

Gratuity means a payment, loan, subscription, advance, deposit of money, services or anything of value, present or promised, unless consideration of substantially equal or greater value is received.

Immediate family means a spouse, children, parents, brothers and sisters.

Invitation for bids means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids. No confidential or proprietary data shall be solicited in any invitation for bids.

Lease means a contract for use of equipment or other supplies or real property under which title will not pass to the county at any time.

Person means any person, individual, union, committee, club, other organization or group of individuals.

Public agency means a public entity subject to or created by local ordinance.

Qualified products list means an approved list of supplies, services or construction items described by model or catalogue numbers which, prior to competitive solicitation, the county has determined will meet the applicable specification requirements.

Request for proposals means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible bidder or offeror means a person who has the capability in all respects to perform fully the contract requirements with the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which will ensure good faith performance.

Responsive bidder means a person who has submitted a bid which conforms in all material respects to the invitation for bids.

Small purchases means any purchase not exceeding \$25,000.00 when made according to the small purchase procedures in this article.

Specification means any description of the physical or functional characteristics, or the nature of a supply, service, or construction item. The term "specification" may include a description of any requirement for inspecting, testing or preparing a supply, service or construction of an item for delivery.

(Ord. No. 2018-05, § 4, 4-17-2018)

Sec. 8-62. Purchasing agent.

(a) *Appointment.* The purchasing agent shall be the county administrator or his or her designee.

(b) *Authority and duties.* The purchasing agent shall serve as the principal public purchasing official for the county and shall be responsible for the procurement of supplies, services, equipment, and construction in accordance with this article as well as the management and disposal of supplies, materials and equipment. The purchasing agent shall purchase or supervise the purchase of all supplies, materials, equipment and construction needed by the county, shall sell, trade or otherwise dispose of supplies, materials, and equipment, and shall establish and maintain programs for the specifications development, contract administration, and inspection and acceptance of supplies, services, materials and construction. The purchasing agent may establish operational procedures relating to the execution of the purchasing agent's duties.

(Ord. No. 2018-05, § 5, 4-17-2018)

Sec. 8-63. Source selection and contract formation.

- (a) *Competitive sealed bidding.*
- (1) *Conditions for use.* All contracts of the county shall be awarded by competitive sealed bidding, except as otherwise provided in subsections (b) through (h), and (o) of this section.
 - (2) *Proof of responsibility.* Proof of responsibility may be required of all bidders under Wis. Stats. § 66.0901(2), (3) and (4).
 - (3) *Invitation for bids.* An invitation for bids shall be issued and shall include specifications and all contractual terms applicable to the procurement.
 - (4) *Notice.* Adequate notice of the invitation for bids shall be given a reasonable time prior to the date set forth therein for the opening of bids. Notice shall be given no later than 14 calendar days prior to the bid opening. Such notice shall, when required by state statute, include publication in a newspaper of general circulation. The notice shall state the date, time, and place of the bid opening.
 - a. *Legal notice.* Any public works contract or procurement greater than or equal to \$25,000.00 shall be noticed by publication in a newspaper that is circulated within the county.
 - b. *Public notice.* Any public works contract or procurement greater than or equal to \$25,000.00 shall be noticed by publication on the county's website.
 - (5) *Questions and clarifications.* The invitation for bids shall designate persons who may respond to questions or clarifications on the invitation. Solicitation of information from sources other than the designated individuals may result in rejection of bid. Any modification to the invitation shall be issued as an addendum to the invitation and be made to all known responsible bidders.
 - (6) *Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and other such relevant information as the purchasing agent deems appropriate shall be recorded.
 - (7) *Bid evaluation and acceptance.* Bids shall be evaluated based on the requirements set forth in the invitation for bids. The invitation for bids shall set forth the evaluation criteria to be used for selection. Nothing herein shall prevent the purchasing agent from standardizing property, inventory, supplies, and equipment if by doing so it is determined by the purchasing agent to be in the best interest of the county.
 - (8) *Withdrawal or modification of bids.* Bids may be modified or withdrawn any time prior to the time of opening bids. No bid may be withdrawn or modified after the time of opening bids has passed; however, correction in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake was made, the nature of the mistake and the bid price actually intended. However,

downward correction of a bid, which would displace the apparent low bidder, shall only be permitted if the error made and intended bid price can be determined solely from the bid documents.

- (9) *Rejection of bids.* The county reserves the right to reject any or all bids or parts thereof and to award to the bidder who, in the judgment of the county, will best serve the county. Reasons for rejecting bids shall be documented and transmitted to the bidder with reasonable promptness.
- (10) *Award.* The contract shall be awarded with reasonable promptness by written notice to the responsible and responsive bidder whose bid provides the best value for the county. The county board of supervisors shall approve all awards, except that the county board of supervisors may delegate this approval authority to a standing committee.
- (11) *Request for qualifications.* The county may issue an invitation for potential bidders to submit qualifications, followed by an invitation to bid to those bidders whose qualifications have been determined to be acceptable.
- (12) *Specifications.*
 - a. *Maximum practicable competition.* All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage free and open competition in satisfying the county's needs and shall not be unduly restrictive. This policy applies to all specifications, including, but not limited to, those prepared for the county by architects, engineers, designers and draftsmen.
 - b. *Qualified products list.* A qualified products list may be maintained by the purchasing agent.
 - c. *Brand name or equal specification.*
 1. *Use.* Brand name or equal specifications may be used when the purchasing agent determines that:
 - (i) No other design or equal specification or qualified products list is available;
 - (ii) Time does not permit the preparation of another form of purchase description, not including a brand name specification;
 - (iii) The nature of the product or the nature of the county's requirements makes use of a brand name or equal specification suitable for the procurement; or
 - (iv) Use of a brand name or specification is in the county's best interest.
 2. *Designation of several brand names.* Brand name or equal specifications shall seek to designate three or as many different brands as are practicable as "or equal" references and shall further state that substantially equivalent products to those designated will be considered for award.

3. *Required characteristics.* Unless the purchasing agent determines in writing that the essential characteristics of the brand names included in the specifications are commonly known in the industry, he or she shall provide a description of the required design, function, or performance characteristics.
 4. *Nonrestrictive use of brand name or equal specifications.* Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics and is not intended to limit or restrict competition.
- d. *Brand name specification.*
1. *Use.* Since use of a brand name specification is restrictive of product competition, it may be used only when the purchasing agent makes a determination that only the identified brand name item will satisfy the county's needs. The purchasing agent must be prepared to substantiate the basis for the selection of the chosen material.
 2. *Competition.* The purchasing agent shall seek to identify sources from which the designated brand name item can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under subsection (d) of this section.
- (b) *Competitive sealed proposals.*
- (1) *Conditions for use.* When the purchasing agent determines that the use of competitive sealed bidding is either not practicable or not advantageous to the county, a contract may be entered into by use of the competitive sealed proposals method described herein.
 - (2) *Request for proposals.* Proposals shall be solicited through a request for proposals.
 - (3) *Notice.* Adequate notice of the request for proposals shall be given in the same manner as provided in subsection (a)(4) of this section, provided the minimum lead time shall be 14 calendar days.
 - (4) *Receipt of proposals.* No proposals shall be handled so as to permit disclosure of the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.
 - (5) *Evaluation factors.* The request for proposals shall set forth the evaluation factors to be used with the county reserving the right to accept or reject proposals if deemed in the best interest of the county.

- (6) *Questions and clarifications.* The request for proposals shall designate persons who may respond to questions or clarifications on the request. Solicitation of information from sources other than the designated individuals may result in rejection of proposals. Any modification to the proposals shall be issued as an addendum to the request for proposals and be made to all known responsible offerors.
- (7) *Award.* Award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the county, taking into consideration past performance, price and evaluation factors set forth in the request for proposals.
- (c) *Small purchases.* Any purchase not exceeding \$25,000.00 may be made in accordance with small purchase procedures; however, purchases shall not be artificially divided so as to constitute a small purchase under this subsection.
- (1) Purchases less than \$5,000.00 do not require a quote, bid, requisition, or purchase order.
- (2) Purchases between \$5,000.00 and \$25,000.00 shall be approved through a requisition process by the purchasing agent or his or her designee. Once a requisition is approved by the purchasing agent, a purchase order shall be generated as evidence of approval for the purchase. Except as otherwise provided for by subsections (d) through (f) of this section, written quotations from at least three vendors, if available, shall be required for all purchases between \$5,000.00 and \$25,000.00. The name of the vendor and date and amount of quotation shall be recorded and maintained as a public record. If a purchase qualifies as a public works project, the requirements of subsection (p)(1) of this section shall be followed.
- (d) *Sole source procurement.* A contract may be awarded without competition when the purchasing agent determines in writing, after conducting a good faith review of the available sources, that there is only one source for the required supply, service or construction item and when allowed by law.
- (e) *Emergency procurements.* Upon declaration of an emergency in accordance with Wis. Stats. ch. 323, the purchasing agent may make or authorize others to make emergency procurements of supplies, services, or construction items when there exists a threat to public health, welfare, or safety, if allowed by law, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the vendor or contractor shall be included in the contract file and forwarded to the purchasing agent.
- (f) *Cooperative and group purchasing.* Where feasible, the purchasing agent may elect to forego the requirements of this section in favor of participating in a cooperative purchase with other units of government. In order to forego these requirements, the sponsoring agency must be able to demonstrate that it has performed the due diligence necessary to satisfy the requirements of this section and have a current contract in place with the selected contractor. The purchasing agent will retain documentation evidencing these requirements have been met as a public record.

(g) *Highway department.*

- (1) *Maintenance and construction commodities.* Where feasible, annual written quotes will be solicited for road construction and maintenance-related commodities such as asphalt, asphaltic emulsions, gravel, concrete, and other aggregate materials. Vendors providing quotes will provide a not-to-exceed price per unit for the upcoming year to be approved by the county board. The purchasing agent may authorize the selection of any vendor that provides the best value for the county based on the circumstances of the individual project, provided that the basis for the authorization is documented and that documentation is retained in the county's authorized retention system.
- (2) *Subcontractors.* Where feasible, the highway department will seek quotes for labor and equipment rates annually. Prospective vendors will provide not-to-exceed rates for labor and equipment for the upcoming year to be approved by the county board. The purchasing agent may authorize the selection of any vendor that provides the best value for the county based on the circumstances of the individual project, provided that the basis for the authorization is documented and that documentation is retained in the county's authorized retention system.

(h) *Fair park contracts.* The purchasing agent may negotiate and authorize contracts regarding fair park activities for amounts up to \$100,000.00, provided that the contracted activities are approved in the annual budget adopted by the county board of supervisors. All contracts shall be approved by the county's corporation counsel or his or her designee, and signed by the county administrator. The county clerk shall be the custodian of all contracts entered into by the county.

(i) *Contracts.* All purchases procured under subsections (a), (b) and (d) of this section, where purchases under subsection (d) of this section do not meet the requirements of subsection (c) of this section, shall require a contract setting forth, at a minimum, the duties and responsibilities of all interested parties. The use of cost-plus-a-percentage-of-cost or cost-plus-a-percentage-of-construction-cost contracts are prohibited. All contracts shall be approved by the county's corporation counsel or his or her designee, and signed by the county administrator. The county clerk shall be the custodian of all contracts entered into by the county.

(j) *Lease or rental contracts.* A lease or rental agreement may be entered into, provided it is determined to be in the best interest of the county, and all conditions for renewal and costs of termination are set forth in the lease. Where the county has an option to lease, rent, or purchase an item, a written analysis will be prepared supporting the county's decision to lease, rent, or purchase. Lease or rental agreements shall follow the procurement requirements of this section.

(k) *Changes to contracts.* If, during the term of a contract, any party wishes to change the contract terms, the changes must be agreed to in writing and signed by all interested parties. The purchasing agent shall approve all contract changes on behalf of the county. Once all

changes are approved in writing by all parties, the purchasing agent shall approve a change order to be processed for any purchase that exceeds the lesser of \$500.00 or ten percent of the original purchase order. Changes to contracts that affect the county budget shall cause adjustments to the county budget in accordance with the county's budget adjustment request policy.

(1) *Environmentally preferable purchasing policy.* The county purchasing procedure shall include review of proposed purchases in light of the guidelines set forth in the environmentally preferable purchasing policy approved by the solid waste and air quality committee. Department heads, the county administrator and committees shall, when fiscally feasible, consider purchases that are in accord with such policy. Consideration of environmentally preferable factors may be a reason to accept other than the low bid for a particular product or project not required by law to be let to the lowest bidder.

(m) *Contracts with no funds involved.* Any contract which does not require the expenditure of county funds, but which creates legally binding obligations for one year or less on the part of the county, shall not be executed until approved by the purchasing agent. Such contracts exceeding one year shall be approved by majority vote of the county board of supervisors.

(n) *Renewal of contracts.*

(1) Except as provided for in subsection (n)(2) of this section, contracts for procurement may be bid for a duration not in excess of three years where costs for years after the first year are specified or are established on a percentage basis over the first year. The finance committee, on a case-by-case basis, can authorize contracts in excess of three years.

(2) Contracts for employee benefits and insurance coverages shall not be subject to the provisions of subsection (n)(1) of this section; however, these contracts shall be reviewed with the appropriate standing committees on an annual basis. The purchasing agent, with approval from the standing committees, shall be authorized to renew contracts for employee benefits and insurance coverages annually without a procurement process if it is determined to be in the best interest of the county.

(o) *Service contracts; human services department.* The human services department shall purchase services in accordance with the procedures set forth in Wis. Stats. § 46.036. The human services department shall circulate rules and procedures governing purchases of service for the human services department and shall submit such procedures to the human services board for approval. The human services department shall submit all contracts to corporation counsel for review and approval prior to entering into contracts.

(p) *Public works contracts.*

(1) If the estimated cost of any public work is between \$5,000.00 and \$25,000.00, the department or agency head that is initiating the contract shall inform the purchasing agent and the agent shall give a Class 1 notice under Wis. Stats. ch. 985 before contracting for the work or shall contract with a person qualified as a bidder under Wis. Stats. § 66.0901. The county administrator shall establish written criteria

concerning contracts, payment and performance bonds for public work projects between \$10,000.00 and \$100,000.00, in accordance with Wis. Stats. § 779.14(1)(d).

- (2) As provided in Wis. Stats. § 59.52(29), all public work, including any contract for the construction, repair, remodeling or improvement of any public work, building or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000.00, shall be let by contract to the lowest responsible bidder, provided such bid complies with the specifications. The contract shall be let and entered into pursuant to Wis. Stats. § 66.0901 except the board may, by a three-fourths vote of all the members entitled to a seat, provide that any class of public work or any part thereof may be done directly by the county without submitting the same for bids.

(q) *Revenue contracts.* Provided that revenue is approved by the county board of supervisors in the county's annual budget, county department heads may authorize contracts for the provision of county services, including fees for service and grant contracts, or receipt of contributions or donations for a designated purpose, of up to \$5,000.00 annually. Contracts more than \$5,000.00 and less than \$25,000.00 annually may be approved by the purchasing agent. Contracts more than \$25,000.00 annually shall be approved by the board of supervisors.

(r) *Competition.*

- (1) The county will not place unreasonable requirements on firms in order for them to qualify to do business.
- (2) The county will not require unnecessary experience or excessive bonding.
- (3) The county will not engage in noncompetitive pricing practices between firms or between affiliated companies.
- (4) The county will not engage in noncompetitive contracts to consultants that are on a retainer basis.
- (5) The county will not specify only a brand name product instead of allowing a brand name or equal to product for reasons of contracting with a specific vendor.
- (6) The county will not impose geographical preferences in its selection of contractors except where required by federal law, or where contractors require certain state licenses.

(Ord. No. 2018-05, § 6, 4-17-2018)

Sec. 8-64. Debarment or suspension.

(a) The county will not select any contractor that is suspended or debarred from doing business with any federal agency. The purchasing agent will search the System for Award Management (SAM) website, or any other federally endorsed website to determine eligibility for contract award prior to recommending the award.

(b) The county may also maintain a list of contractors that it chooses to suspend or debar. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the purchasing agent, after consulting with the appropriate county boards, committees and commissions and corporation counsel, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three years. The purchasing agent is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person engaged in any activity which might lead to debarment. The causes for debarment include:

- (1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in performance of such contract or subcontract.
 - (2) Conviction under state and federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or other offense indicating a lack of business honesty which currently, seriously and directly affects responsibility as a county contractor.
 - (3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.
 - (4) Violation of contract provisions, as set forth below, of a character which is regarded by the purchasing agent to be so serious as to justify debarment action:
 - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of contractor shall not be considered basis for debarment.
 - (5) Any other cause the purchasing agent determines to be so serious and compelling as to affect responsibility as a county contractor.
 - (6) For violation of the county's ethics regulations.
- (Ord. No. 2018-05, § 7, 4-17-2018)

Sec. 8-65. Ethics in public contracting.

(a) *Criminal penalties.* To the extent that violations of the ethical standards of conduct set forth in this section constitute violations of state criminal law, they shall be punishable as provided therein. Such penalties shall be in addition to the civil sanctions set forth in this section. Criminal, civil, and administrative sanctions against employees or nonemployees which are in existence on the effective date of the ordinance from which this article is derived shall not be impaired.

(b) *Elected official and employee conflict of interest.* In accordance with the county's ethics regulations, any elected official or appointed employee of the county shall not participate directly or indirectly in a procurement when:

- (1) The elected official, employee, or any member of the employee's immediate family has a financial interest pertaining to the procurement; or
- (2) Any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

(c) *Gratuities and kickbacks.*

- (1) *Gratuities.* In accordance with the county's ethics regulations, an elected official or employee may not solicit, demand, accept, or agree to accept from another person a gratuity greater than \$25.00 of value or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation or any part of a program requirement or purchase request influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement in a contract or subcontract, or to any solicitation or proposal therefor.
- (2) *Kickbacks.* It shall be unethical for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

(d) *Contingent fees.* It shall be unethical for a person, or to retain a person, to solicit or secure a county contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

(e) *Contemporaneous employment.* It shall be unethical for any employee who is participating directly or indirectly in the procurement process to become or to be, while such an employee, the employee of any person contracting with the county.

(f) *Use or disclosure of privileged information.* In accordance with the county's ordinance on ethics, it shall be unethical for any employee or elected official to use or disclose privileged information for actual or anticipated gain of the employee or any member of the employee's immediate family.

(g) *Personal purchases.* Elected officials and employees are prohibited from purchasing items for personal use.

(h) *Sanctions.*

(1) *Employees.* The county board, in the case of the county administrator, or the county administrator, in the case of county employees, may impose sanctions on employees for violation of the ethical standards in this section up to and including termination and, further, may seek additional damages or criminal prosecution if warranted.

(2) *Nonemployees.* The county board may impose sanctions on any nonemployee for violations of the ethical standards herein, up to and including termination of contract or debarment or suspension as provided in section 8-64 and, further, may seek additional damages or criminal prosecution if warranted.

(Ord. No. 2018-05, § 8, 4-17-2018)

Sec. 8-66. Record retention.

The county will maintain records sufficient to document the history of each procurement. Retention of any bid documents, proposals, specifications, responses to requests for bids or proposals, contracts, requisitions, purchase orders, quotations written or verbal, invoices for payment, and any documentation supporting the aforementioned documents and documented approval of any of these items shall be retained according to the county's designated county records retention system and in accordance with the county's records retention schedule.

(Ord. No. 2018-05, § 9, 4-17-2018)

Sec. 8-67. Individual charge accounts.

The county shall favor the use of procurement or credit cards over the use of individual vendor charge accounts.

(Ord. No. 2018-05, § 10, 4-17-2018)

Sec. 8-68. Unauthorized purchases.

Any county purchases which do not adhere to this article may be considered void. The individual responsible for the purchase may be held personally liable for the cost of the purchase.

(Ord. No. 2018-05, § 11, 4-17-2018)

Sec. 8-69. Sale of surplus property.

When personal property owned by the county no longer serves any useful purpose in the department in which it is located, the purchasing agent shall first determine whether any other county department or agency needs such property. In the event such property can no longer be used by any department or agency of the county, the purchasing agent shall determine if such property should be offered for sale, and sell such property if sale is determined to be appropriate. If the purchasing agent determines that the property has no resale value or that the resale value may be less than the costs associated with selling the property, the purchasing agent may authorize that the property be properly disposed of as trash, refuse or recycled material. The purchasing agent shall determine a method of sale or

disposition for each item. Sale proceeds, net of related sales costs, shall be deposited by the authorized selling employee, with the county treasurer, in the fund through which the original purchase was made. For surplus property originally acquired through state or federal grants, due diligence shall be required to determine whether those net sale proceeds must be returned to the state or federal government.

(Ord. No. 2018-05, § 12, 4-17-2018)

Sec. 8-70. Abandoned or unclaimed property.

(a) Pursuant to Wis. Stats. § 66.0139, property which has been abandoned or remains unclaimed in the possession of any county officer or employee for 30 days after such officer or employee took possession is deemed abandoned property and is subject to disposal. The purchasing agent shall determine whether disposal is to be by public sale or other commercially reasonable means. If such abandoned property is not saleable, it shall be disposed of as trash, refuse or recycled material in any reasonable manner. Where disposal is by any means other than public sale, the purchasing agent shall maintain a record of the following facts for two years after disposal:

- (1) Inventory of property.
- (2) Date of disposal.
- (3) Method of disposal.
- (4) Price received, if any.
- (5) The name and job assignment of the person who took possession of the property.

(b) The cost of keeping and selling such property shall be charged against any resulting money. Any remaining amounts shall become the property of the county and shall be deposited with the county treasurer in the general fund of the county. For abandoned/unclaimed property originally acquired through state or federal grants, due diligence shall be required to determine whether those net sale proceeds must be returned to the state or federal government.

(Ord. No. 2018-05, § 13, 4-17-2018)

Secs. 8-71—8-98. Reserved.

ARTICLE IV. INVESTMENTS

Sec. 8-99. Introduction.

(a) The timely deposit and investment of public funds is an important and integral part of any cash management program. In order to maximize cash available for investments, all county departments shall remit funds at least weekly to the county treasurer's office.

(b) This article is intended for the use and guidance of the designated officials with investment authority.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-100. Delegation of authority.

(a) Responsibility for the operation of the investment program is hereby delegated to the investment team, which consists of the county treasurer, county administrator and the county finance director, and which shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. At least two of the three members of the team must agree before any decision can be made. Pursuant to Wis. Stats. § 59.62(1), the county board of supervisors has the authority to invest and reinvest money of the county, to sell or exchange securities so purchased and to provide for the safekeeping of such securities.

(b) This article shall be periodically reviewed by the finance committee, and recommendations to amend this article shall be presented to the county board for its consideration.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-101. Statement of purpose.

The purpose of this article is to establish guidelines for investments which are broad enough to allow the investment team to function properly within the parameters of its responsibility and authority. It is also intended to be specific enough to establish a prudent set of basic procedures to ensure that investment assets are adequately safeguarded. It ensures that the fundamental principle concerning any investment program involving public monies has four basic ingredients: legality, safety, liquidity and yield.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-102. General objectives.

The primary objective, in priority order, of investment activities shall be:

- (1) *Safety.* Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal will be to mitigate credit risk and interest rate risk.
- (2) *Liquidity.* The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.
- (3) *Return.* The investment portfolio shall be designed with the objective of attaining a market rate of return through budgetary and economic cycles, taking into account the investment risk constraints of safety and liquidity needs.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-103. Standards of care.(a) *Prudence.*

- (1) *Generally.* The standard of prudence to be used by investment officials shall be the prudent person rule standard and shall be applied in the context of managing an overall portfolio.
- (2) *Prudent person rule.* Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(b) *Ethics and conflicts of interest.*

- (1) Investment officials and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
- (2) Investment officials and employees involved in the investment process shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-104. Overall responsibility for cash management and investments.

Effective cash management involves controlling cash from the time it is received until it is disbursed. It requires the availability of accurate information on a timely basis. One person shall be delegated the day-to-day responsibility for the overall financial operation to determine cash availability and needs.

- (1) *Internal controls.* The investment team shall establish a system of internal controls which shall be reviewed by the independent auditor on an annual basis. The controls shall be designed to prevent loss of public funds due to fraud, error and misrepresentation by another party or imprudent actions by an employee of the county.
- (2) *Investment.*
 - a. The investment team may purchase securities that are permissible investments from money in the investment team's custody, which is not required for the immediate needs of the county, as the investment team deems wise and expedient. The investment activity of the state public funds is governed by Wis. Stats. § 66.0603(1m) and other sections of the Wisconsin Statutes as follows: "A county, city, village, town, school district, drainage district, technical college district or other governing board other than a local professional football stadium district board created under subch. IV of ch. 229, may invest any of its funds ..." in accordance with Wis. Stats. § 66.0603(1m).

- b. The finance committee shall consult quarterly with the investment team regarding such investments. The investment team shall provide the committee with a quarterly detailed list of all the investment portfolio holdings.
 - c. The investment team shall communicate with financial institutions and/or investment advisors and avail itself of other financial information on current or pending market conditions in making its decision on rates and maturities as well as the securities to be purchased. In making all investment decisions, the investment team shall endeavor to achieve the overall investment objectives of the county.
- (3) *Redemption.* The investment team shall periodically redeem the securities in which county money has been invested pursuant to subsection (2) of this section so that the proceeds may be applied to the purpose for which the original purchase money was designated or placed in the county treasury.
 - (4) *Deposits.* Any federal or state chartered bank or credit union with offices located in the City of Jefferson, in the county, shall be the working financial institutions.
 - (5) *Investment advisors.* The investment team may utilize investment advisors/brokers as approved by the finance committee.
 - (6) *Safekeeping.* For portfolios with outside investment advisors, the county will use an independent third party custodian, in order to segregate the functions of choosing investments from physical custody and recordkeeping. The custodian shall keep possession of all funds and securities; collect income and the proceeds of sales, maturities and redemptions; transact purchases; and distribute funds as directed by the county.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-105. Accounts and records.

It shall be the responsibility of the designated investment team in consultation with the finance committee to establish sufficient records and accounts to:

- (1) Detail each investment as to purchase date, cost, maturity date, yield and market value;
- (2) Provide any necessary internal controls;
- (3) Any other records that may be required to accurately reflect all investment transactions.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-106. Collateralization of funds.

(a) With the passage of Wisconsin Act 25, effective August 1, 1985, there is no longer the overall guarantee of public funds by the state. In effect, Act 25 abolished the state deposit guarantee fund. It will continue to pledge general purpose revenues under Wis. Stats. § 20.144(1)(a) for the payment of losses of public deposits until the balance of the

appropriation is exhausted. However, no payment for a loss in excess of \$400,000.00 for any one public depositor in any individual public depository may be made above current FDIC (Federal Deposit Insurance Corporation) levels for deposits in any one institution.

(b) Wis. Stats. § 34.07 provides that a surety bond or other security may be required of a given public depository for any public deposit that exceeds the \$400,000.00 amount guaranteed by the state. The county will not require this collateral for any deposit that exceeds the amounts guaranteed by the state and the FDIC. The rationale for not requiring collateralization shall be to either maximize investment returns and/or reduce bank fees. The finance committee shall periodically review the need for collateralization.

(c) Should the policy change regarding collateralization, certificates of deposits or other investments exceeding the amounts currently insured by the state and the FDIC shall be fully secured by obligations of the United States government or its agencies. Such securities shall be delivered to the county or held by an independent third party chosen by the county. Substitution of collateral by the independent third party shall only be allowed with the written approval of the county's investment team. The market value of the collateral shall at all times equal or exceed the principal amount of the certificate of deposit. Value of the collateral shall be monitored and market value shall be at or near the bid or closing price of the security as quoted in the Wall Street Journal or other recognized pricing source. The investment team shall be authorized to sign agreements with the custodial bank and sign for the receipt of any pledged securities.

(d) Responsibility for the administration of the foregoing rests with the investment team. (Res. No. 2009-24, 5-12-2009)

Sec. 8-107. Custodial related risks.

(a) *Custodial credit risk for deposits, when collateralization is required.*

(1) *Definition.* The term "custodial credit risk for deposits" means risk that, in the event of the failure of a depository financial institution, the county will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party.

(2) *Related policy.* For those institutions which the county holds deposits and investments:

a. Ensure that security interest in collateral pledged to secure deposits and investments are enforceable against the receiver of a failed financial institution via:

1. An agreement in writing;
2. An agreement that was approved by the board of directors of the depository or its loan committee; and
3. An agreement that has been continuously kept as an official record of the depository institution since the time of execution.

- b. All pledged collateral shall be held at an independent third party institution, and evidenced by a written agreement in an effort to satisfy the uniform commercial code (UCC) requirement for control.

(b) *Custodial credit risk.*

- (1) *Definition.* The term "custodial credit risk" means risk that, in the event of the failure of a party to a transaction, the county will not be able to recover the value of investment or collateral securities that are in the possession of an outside party.
- (2) *Related policy.* Accomplished through the same policy as custodial credit risk for deposits as set forth in subsection (a)(2) of this section.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-108. Eligible, authorized investments.

Subject to restrictions as may be imposed by Wis. Stats. § 66.0603(1m), funds will only be invested in the following securities:

- (1) *U.S. Treasury obligations and government agency securities.* Obligations of the United States of America, its agencies and instrumentalities, provided that the payment of the principal and interest is fully guaranteed by the issuer.
- (2) *Certificates of deposit.* Certificates of deposit and other evidence of deposits from credit unions, banks, savings banks, trust companies or savings and loan associations which are authorized to transact business in the state, which time deposits mature in not more than one year. Any certificate of deposit invested in excess of the Federal Deposit Insurance Corporation and state deposit guaranteed fund insured amount of \$500,000.00, whichever is less, are to be fully collateralized under the specific requirements of section 8-106.
- (3) *General obligation bonds or securities.* General obligation bonds or securities of any county, city, drainage district, vocational, technical and adult education district, village, town or school district of the state.
- (4) *State investment board.* State investment board's local government investment pool.
- (5) *Repurchase agreements.* Investment agreements pursuant to which a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, mutual savings bank, or national bank in the state agrees to repay funds advanced to it by the issuer, plus interest. Repurchase agreements are to be secured by investment securities fully guaranteed by the U.S. government.
- (6) *Open ended money market funds.* Restricted to investments permitted by Wis. Stats. § 66.0603(1m)5, limited to a maximum average maturity of 120 days or less. This limit will not apply to the state investment board's local government investment pool.
- (7) *Highly rated commercial paper.* Commercial paper which may be tendered for a purchase at the option of the holder within not more than 270 days of the date

acquired as permitted by Wis. Stats. § 66.0603(1m)4. These securities must be rated in the highest or second highest rating category assigned by Standard and Poor's Corporation, Moody's Investors Service, Inc., or other similar nationally recognized rating agency; or senior to or on parity with a security of the same issuer which has such a rating. No more than five percent of the investment portfolio shall be commercial paper from a single issuer.

- (8) *Out-of-state general obligation bonds or securities.* General obligation bonds or securities of any county, city, drainage district, vocational, technical and adult education district, village, town or school district, if the bond or security has a maturity of seven years or less from the date on which it was acquired and if the bond or security is rated in one of the two highest rating categories assigned by Standard and Poor's Corporation, Moody's Investors Service, Inc., or other similar nationally recognized rating agency.
- (9) *Corporate bonds or securities.* Any bond or security issued by a corporation which has a maturity of seven years or less on the date on which it is acquired and if that bond or security has a rating which is in the highest or second highest rating category assigned by Standard and Poor's Corporation, Moody's Investors Service or other similar nationally recognized rating agency. No more than five percent of the investment portfolio shall be corporate securities from a single issuer.

Important note: If the credit rating of a security is subsequently downgraded below the minimum rating level for a new investment of that security, the investment team shall evaluate the downgrade on a case-by-case basis and, if applicable, shall obtain the recommendation of the assigned investment advisor in order to determine if the security should be held or sold. The investment team will apply the general objectives of safety, liquidity, yield and legality in order to make its decision.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-109. Performance standards/evaluation.

The investment portfolio will be managed in accordance with the parameters specified within this article. The portfolio should obtain a market average rate of return during a market environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis. The benchmarks shall be reflective of the actual securities being purchased and risks undertaken and the benchmarks shall have a similar duration and credit profile as the portfolio. In order to manage interest rate risk, the investment portfolios shall be required to keep an effective duration, which is defined as the present value of the lifetime cash flows of the county's investments, in close proximity to the assigned benchmark or less if economic conditions merit.

(Res. No. 2009-24, 5-12-2009)

Sec. 8-110. Reports.

(a) The investment team shall provide the county board a monthly written report on the general condition of the county's cash and investments.

(b) The investment advisor shall provide a 12-month (August 1 through July 31) report to the finance committee on the county's investment activity for the reporting period and recommendations for improvement to the county's investment strategy for the next reporting period. The report shall be presented at the regular finance committee meeting in August to aid in the subsequent year budget preparation.

(Res. No. 2009-24, 5-12-2009)

Secs. 8-111—8-133. Reserved.**ARTICLE V. BUDGET AMENDMENTS****Sec. 8-134. Purpose.**

The purpose of the budget amendment and adjustment policy, as set forth in this article, is to set forth divisions of responsibility for authorizing changes to the annual budget adopted by the board of supervisors in a manner that allows for the appropriate oversight, as defined by Wisconsin Statutes, combined with the proper responsiveness needed to allow departments to make sound and timely financial decisions.

(Res. No. 2018-XX, 2-13-2018)

Sec. 8-135. 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:

Appropriations means revenues or expenditures approved by the board of supervisors.

Budget adjustment means a transfer of expenditures or revenues of equal amount between line items within a department's budget.

Budget amendment means a supplemental appropriation of budgetary revenues and expenditures.

Budgetary function means a set of departments that serve a shared programmatic purpose.

Cost center means a department or other unit within an organization to which costs may be charged for accounting purposes.

Department means a set of programs that serve a shared purpose; or a set of programs within departmental divisions that serve a shared purpose.

Organization code means a designation within the accounting system that tracks the budgetary activity of a program or cost center.

(Res. No. 2018-XX, 2-13-2018)

Sec. 8-136. Policy.

(a) The county adopts an annual budget by budgetary function as defined in the state department of revenue county chart of accounts. The annual budget is monitored at the cost center (organization code) level. A cost center can be a department or a program within a department. Management can make transfers within a department, or a program within a department, without approval of the finance committee or county board. These changes are referred to herein as budget adjustments.

(b) To supplement the appropriation for a department, the finance committee can approve transfers from contingency funds. Transfers may not exceed in aggregate the amount set up in the contingency fund and may not for any one department exceed ten percent of the funds originally appropriated for that department. Transfers in excess of ten percent must follow the budget amendment process and be approved by the county board. These changes are referred to herein as budget amendments.

(c) The county is required to publish budget amendments as a Class 1 notice within ten days after the budget amendment is approved.

(d) Proposed amendments to the budget are prepared by the requesting department, reviewed by the county administrator for approval or denial, and forwarded to the county board based on the level of adjustment (see subsection (f) of this section).

(e) County board approval requires a two-thirds vote of the entire membership (20 votes of the 30-member county board).

(f) It shall be policy that budget adjustments/amendments require approval at the following levels:

- (1) Level 1 adjustments are adjustments of operating appropriations up to \$4,999.99 from one account to another within the department's budget. Level 1 adjustments may be made at the discretion of the department head.
- (2) Level 2(a) adjustments are adjustments of operating appropriations \$5,000.00 and over from one account to another within a department's budget. Level 2(b) adjustments are for substitutions of capital items or adjustment of operating to capital appropriations up to \$24,999.00 from one account to another within the department's budget. Level 2(c) adjustments are transfers between departments within a budgetary function as defined by the state department of revenue county chart of accounts of up to \$24,999.00. Level 2(a), (b), and (c) adjustments shall require approval of the county administrator.
- (3) Level 3 amendments are adjustments of operating or capital appropriations needing additional funding from contingency funds that are under ten percent of the total

funds originally appropriated for an additional department. Level 3 amendments shall require approval of the finance committee following review and approval by the county administrator.

- (4) Level 4(a) amendments are for adjustments of operating or capital appropriations needing additional funding from contingency funds that are over ten percent of the funds originally appropriated for an individual department. Level 4(b) amendments are for new programs in a department that were not originally budgeted through an increase in expenditures with an offsetting increase in revenue for that program (such as grant funding or donations). Level 4(c) amendments are for substitutions of capital items or adjustment of operating to capital appropriations \$25,000.00 and over from one account to another within a department's budget. Level 4(d) amendments are for adjustments of operating or capital appropriations needing funding from the general fund balance. Level 4(a), (b), (c) and (d) amendments shall require approval of the county administrator, respective department standing committee and a two-thirds vote of the county board.

(Res. No. 2018-XX, 2-13-2018)

Sec. 8-137. Procedure.

(a) Level 1 adjustments shall be made at the discretion of the department head to assist with budget monitoring. At this level it is also at the discretion of the department head to forward a copy of a budget amendment request form to the finance department for monitoring of budgets and assist in the development of future budgets.

(b) Level 2 adjustments shall be requested by the department head to the county administrator for approval or denial. The county administrator will notify the department of the decision and forward the budget amendment request form to the finance department.

(c) Level 3 amendments shall be requested by the department head to the county administrator for approval or denial. The county administrator will notify the department of the decision and forward the budget amendment request to the finance department. If the request is approved by the county administrator, the finance department will add it as an agenda item for review by the finance committee. The department requesting the amendment shall have a representative present at the finance committee meeting who can answer questions.

(d) Level 4 amendments shall be requested by the department head to the county administrator for approval or denial. The county administrator will notify the department of the decision and forward the budget amendment request to the finance department. If the request is approved by the county administrator, the finance department will add it as an agenda item for review by the finance committee. If the request is approved by the finance committee, the request will be added as an agenda item for review by the county board. The department requesting the amendment shall have a representative present at the county board meeting who can answer questions.

(Res. No. 2018-XX, 2-13-2018)

Sec. 8-138. Administration.

This article is for use in guiding financing decisions of the county and can be interpreted by the county administrator related to budget amendments and adjustments. It is administered in conjunction with the county's other fiscal policies and may be amended or revised from time to time as determined by the county board.

(Res. No. 2018-XX, 2-13-2018)

Secs. 8-139—8-159. Reserved.**ARTICLE VI. DEBT SERVICE****Sec. 8-160. Policy.**

The county may borrow money only to finance its capital improvement program and other capital assets, assist other community partners with capital financing, or to pay off previously issued debt that bears a higher cost of borrowing. The county's ability to achieve the lowest possible financing costs is tied directly to its fiscal management, including the existence and adherence to formal fiscal policies. Because of the significant annual and long-range cost of debt service, and to assure both taxpayers and bond rating agencies that debt levels and ability to pay debt service are actively managed, the county adopts policy as set forth in this article.

Sec. 8-161. Purpose.

The purpose of this article is to provide the county with a guide to manage debt levels by evaluating the need for capital investments against the capacity to pay for financing the costs of meeting that need. The goal of this article is to equip the county board, administration, and taxpayers with guidelines and information that can inform good decisions on borrowing money to accomplish the fiscal and program missions of the county.

Sec. 8-162. Governing factors.

(a) By state statute, the county's debt obligation cannot exceed five percent of the equalized value of all property in the county, including tax increment financing districts.

(b) By state statute, there is a separate property tax levy rate limit for general obligation debt service.

(c) The county cannot issue debt to fund current or ongoing operations of the county or any other entity.

(d) Maturity of debt obligations must be no more than the useful life of the capital investment being financed, or than the final maturity of refunding debt.

(e) Refunding opportunities will be evaluated when they arise to achieve future interest costs savings.

(f) The county shall not use debt-related derivative products such as interest rate swaps, futures, options contracts, or other hedging mechanisms.

Sec. 8-163. Types of debt.

The types of debt are as follows:

- (1) *General obligation bonds/promissory notes.* Bonds or notes that are secured by the full faith and credit of the county. These debts are secured by the county's pledge to use all available resources, including tax revenues, to repay the holders of the debt.
- (2) *Revenue bonds.* Revenue bonds are bonds that are secured with a pledged revenue source and, therefore, are not general obligation bonds. Since they are not secured by the full faith and credit of the county, revenue bonds typically are riskier and, as such, typically carry a higher interest rate than general obligation bonds. The county may consider issuing revenue bonds where determined feasible.
- (3) *Conduit debt.*
 - a. A conduit debt obligation is an obligation that has the following characteristics:
 1. At least three parties are involved: an issuer, a third-party obligor, and a debt holder;
 2. The issuer and third-party obligor are not within the same financial reporting entity;
 3. The debt obligation is not a parity bond of the issuer, nor it is cross-collateralized with the issuer;
 4. The third-party obligor or its agent, not the issuer, receives the proceeds from issuance; and
 5. The third-party obligor is primarily responsible for the payment of all amounts associated with the issuance.
 - b. The county shall be prudent when considering the issuance of conduit debt, and shall, among other things, approve and monitor the borrower's creditworthiness, including a minimum credit rating, and the purpose of the borrowing issue.
- (4) *Short-term debt.* The county may issue short-term debt but never for the purpose of funding ongoing operating costs, except as provided in section 8-164(c). The aggregate of the county's short-term debt issuances shall never exceed \$5,000,000.00.
- (5) *Variable rate debt.* The county may issue variable rate debt where it considers variable rate debt to be the only feasible financing option.

Sec. 8-164. Debt limitations.

(a) The county's capital improvement plan includes projections for replacement of assets as well as anticipating investment in new assets that may be needed. The plan is expected to be updated periodically to reflect additions, deletions and other changes in assets or

circumstances. It is expected that investment in operating equipment, fleet and technology will be transitioned such that acquisitions will be made through annual budget appropriations when applicable, as determined by management and the county board.

(b) Bond proceeds should be limited to financing the costs of planning, design, land acquisition, buildings, permanent structures, attached fixtures or equipment, and movable pieces of equipment, or other costs as permitted by law. Acceptable uses of bond proceeds can be viewed as items which can be capitalized. Non-capital furnishings and supplies will not be financed from bond proceeds. Refunding bond issues designed to restructure currently outstanding debt are an acceptable use of bond proceeds.

(c) The county will not use short-term borrowing to finance operating costs except in the case of extreme financial emergency which is beyond its control or reasonable ability to forecast.

(d) Borrowing capacity will be evaluated first by the governing principles, and then using a number of factors, specifically:

- (1) Demand (what is the need for borrowing). Demand is measured by the needs presented by the capital plan. It can also be based on opportunities that arise from time to time which require capital investment by the county.
- (2) Capacity (what is the maximum amount to borrow). The maximum amount to be borrowed at any given time will be determined by evaluating the following factors:
 - a. Current and projected annual debt service level.
 - b. Market conditions.
 - c. Economic conditions.
 - d. Opportunity for participating in low interest financing, grant opportunities and other situations beneficial to the county.
- (3) Affordability (what is the fiscal impact). A projection of annual debt service impact for each borrowing will be done, incorporating the elements of capacity. It will include budgetary impact, as well as a projection of tax impact. Debt service will be calculated as the annual amount needed to satisfy principal and interest payments.
- (4) Term (length of payback period).
- (5) Payment (structure how payments are applied).
- (6) Advance (refunding bond issuance used to pay off another outstanding bond that bears a higher rate of interest).

Sec. 8-165. Bond ratings.

(a) Debt issuance is rated by agencies specializing in the analysis of organizations' ability to pay off their debt. The county is rated for each bond issue.

(b) It is the goal of the county to maintain and, if possible, to improve these ratings, as it allows easy entry into the bond sale market and favorable interest rates. This policy, in conjunction with other fiscal policies of the county and overall good fiscal management, are critical in rating maintenance.

Sec. 8-166. Debt issuance.

(a) The county relies on the sale of bonds for its capital financing needs. These sales shall be conducted through the use of a financial advisory firm and recognized bond counsel. This allows the county continued access to the bond market and ensures compliance with all Federal Securities and Exchange Commission (SEC), Municipal Securities Rulemaking Board (MSRB) and IRS regulations.

(b) The finance director will review all preliminary official statements and report any corrections to bond counsel in a timely manner that allows for changes to be made prior to the printing of the final official statement. The finance director will participate in ratings and due diligence meetings as necessary.

(c) Bonds will be sold on a competitive basis.

Sec. 8-167. Reporting.

(a) The county's debt information is part of the annual comprehensive financial report (ACFR). Annual debt service requirements are budgeted as part of the annual budget approval process. Bond ratings received by rating agencies are published and available for public review.

(b) The finance department shall be responsible for ensuring that all required continuing disclosures are filed accurately and timely.

(c) The county shall cause an arbitrage study to be performed when required.

Sec. 8-168. Investment of bond proceeds.

The county shall seek the advice of an investment manager when considering how best to invest the proceeds from bond issuance. The county shall maintain every effort to ensure that bond proceeds are spent within the proper period so that any earnings on bond proceeds are retained by the county.

Sec. 8-169. Budgeting.

The county shall budget all debt service payments that are required for the upcoming year during its annual budget process.

Sec. 8-170. Administration.

This article is for use in guiding financing decisions of the county and can be interpreted by the county board as part of overall discussions related to debt issuance. It is administered in conjunction with the county's other fiscal policies. It may be amended or revised from time to time as determined by the county board.

Secs. 8-171—8-193. Reserved.**ARTICLE VII. FORECLOSURE OF TAX LIENS****Sec. 8-194. Foreclosure of tax liens by action in rem.**

The county has elected to adopt the provisions of Wis. Stats. § 75.521 for the purpose of enforcing tax liens in the county in the cases where the statutory procedure is applicable. (Ord. of 7-9-1968)

Sec. 8-195. Sale of properties acquired by tax foreclosure.

The finance committee is authorized to sell properties held by the county by virtue of tax foreclosure in accordance with state law and the county's real estate tax foreclosure policy. The county clerk is authorized to execute deeds upon approval of sale terms by the finance committee, which terms shall be reported to the county board of supervisors. (Res. No. 2002-16, 5-14-2002)

Sec. 8-196. Prior owner may be permitted to repurchase property foreclosed for tax delinquency.

(a) At the option of the county, former owners or surviving spouses or children of former owners may be granted the right to repurchase lands to which the county has taken title through delinquent tax enforcement collection, by payment of:

- (1) All delinquent taxes together with interest thereon to the date of payment;
- (2) Specific costs attributable to the property, including special assessments, interest and foreclosure costs; and
- (3) An additional sum equal to 125 percent of the foregoing year's taxes.

(b) Any sale made under the provisions of this section shall be exempt from all of the requirements of Wis. Stats. § 75.69.

(c) The finance committee is authorized to approve sales in accordance with this article, and the county clerk is authorized to execute deeds as approved by the committee. (Ord. No. 2002-12, § 3, 7-9-2002)

Secs. 8-197—8-215. Reserved.

ARTICLE VIII. CLEAN ENERGY FINANCING**Sec. 8-216. 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. 2016-11, § 2(1), 10-11-2016)

Sec. 8-217. Statutory authority.

This article is enacted pursuant to Wis. Stats. § 66.0627, 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. 2016-11, § 2(2), 10-11-2016)

Sec. 8-218. 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:

Annual installment means the portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.

Borrower means the property owner or lessee of the subject property that borrows the proceeds of a PACE loan.

Default loan balance means the outstanding balance, whether or not due, of a PACE loan at the time that the county receives foreclosure proceeds.

Foreclosure proceeds means the proceeds received by the county from the disposition of a subject property through an in rem property tax foreclosure.

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.

PACE means property assessed clean energy.

PACE commission means the state 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 PACE commission.

PACE default provisions means:

- (1) The delinquent annual installments due when the county initiates the in rem property tax foreclosure on the subject property;
- (2) Any additional annual installments 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;
- (3) Any default interest charges applied to unpaid annual installments referenced in subsections (1) and (2) of this definition, as provided in the supplemental agreement; and
- (4) Any default loan balance.

PACE lender means any person that makes a PACE loan, and which may include an affiliate of the borrower.

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.

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.

Program administrator means the person retained by the PACE commission as provided in subsection 8-220(b).

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.

Supplemental agreement means a written agreement among a borrower, a PACE lender and the county, as provided for in section 8-222.

(Ord. No. 2016-11, § 2(3), 10-11-2016)

Sec. 8-219. 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.

(Ord. No. 2016-11, § 2(4), 10-11-2016)

Sec. 8-220. PACE commission.

(a) Any of the powers and duties of the county under this article, except for those under section 8-224, may (but are not required to) be delegated to the PACE commission.

(b) The 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.
(Ord. No. 2016-11, § 2(5), 10-11-2016)

Sec. 8-221. 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. 2016-11, § 2(6), 10-11-2016)

Sec. 8-222. 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;
- (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 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 holders 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.

(Ord. No. 2016-11, § 2(7), 10-11-2016)

Sec. 8-223. 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.

(Ord. No. 2016-11, § 2(8), 10-11-2016)

Sec. 8-224. Remittance of special charges.

The county shall promptly remit to the PACE commission any payments 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.

(Ord. No. 2016-11, § 2(9), 10-11-2016)

Sec. 8-225. 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 state law, unless the county determines that subject property is a brownfield (as defined in Wis. Stats. § 75.106) 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. 2016-11, § 2(10), 10-11-2016)

Sec. 8-226. 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. 2016-11, § 2(11), 10-11-2016)

Sec. 8-227. Distribution of foreclosure proceeds.

The county treasurer shall follow the procedures set forth in Wis. Stats. § 75.36 to distribute the proceeds from the sale of a subject property.

(Ord. No. 2016-11, § 2(12), 10-11-2016)

Chapter 9

RESERVED

Chapter 10

LAW ENFORCEMENT

Article I. In General

Secs. 10-1—10-18. Reserved.

Article II. Inmate Fees

- Sec. 10-19. Authority and intent.
- Sec. 10-20. Jail processing fee.
- Sec. 10-21. Daily inmate fee.
- Sec. 10-22. Huber prisoners.
- Sec. 10-23. Electronic monitoring program.
- Sec. 10-24. Medical expenses.
- Sec. 10-25. Warrant fee.
- Sec. 10-26. Prisoner reimbursement.
- Sec. 10-27. Institutional accounts.
- Sec. 10-28. Prisoner cooperation.

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. INMATE FEES**Sec. 10-19. Authority and intent.**

(a) Pursuant to the authority provided by Wis. Stats. §§ 302.372, 302.381, 302.425, and 303.08, it is the intent of these provisions that incarcerated persons be held responsible for paying some or all of the cost of incarceration and any related expenses, to the extent permitted by law.

(b) The sheriff, or his designee, shall choose, for each prisoner, whether to seek reimbursement under this article as provided by law.

(c) Any money collected under this article shall be accepted by the county jail and deposited in the county treasury to help offset the costs of operating the county jail.

(d) All fees provided herein shall be set forth in the county's fee schedule adopted with its annual budget. The county shall not recover the same expenses twice.
(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, §§ 1, 11, 11-12-2014)

Sec. 10-20. Jail processing fee.

(a) A processing fee will be charged for inmates each time they are initially booked into the jail on a sentence (circuit court, municipal sentence) or probation hold.

(b) A jail processing fee will be deducted from the account of a pretrial detainee who is sentenced while incarcerated.
(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, § 2, 11-12-2014)

Sec. 10-21. Daily inmate fee.

For expenses incurred by the county in relation to the crime for which a person was sentenced to a county jail, or for which the person was placed on probation and confined in jail, the county board of supervisors hereby sets a daily per person jail rate for each day or any part of a day, pursuant to Wis. Stats. § 302.372. Reimbursement may be sought from each person who is or was a prisoner sentenced to the county jail.
(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, § 3, 11-12-2014)

Sec. 10-22. Huber prisoners.

(a) Every prisoner who is sentenced to the county jail under the provisions of Wis. Stats. § 303.08(4) (Huber Law), and is gainfully employed, and receives unemployment insurance or employment training benefits while in custody in the jail, shall be liable to the county for per capita maintenance and board costs and shall reimburse the county for the same in accordance with the law.

(b) Inmates granted release for purposes of child care or attending the needs of a person's family shall be liable to the county for each day released from the jail and shall reimburse the county for the same in accordance with the law.

(c) Inmates granted release to pursue educational studies, other than required high school attendance, shall be liable to the county for each day released from the jail and shall reimburse the county for the same in accordance with the law.

(d) Inmates subject to drug screening, initially, randomly or with cause, during incarceration shall be charged for each test.

(e) The sheriff may require prepayment of the expenses set forth herein as a requirement for participation in the program.

(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, § 4, 11-12-2014)

Sec. 10-23. Electronic monitoring program.

Inmates placed in the electronic monitoring program under Wis. Stats. § 302.425 shall be liable to the county and charged a daily fee as provided by law. The sheriff may require prepayment of the expenses set forth herein as a requirement for participation in the program.

(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, § 5, 11-12-2014)

Sec. 10-24. Medical expenses.

Inmates shall be responsible for the actual costs of medical expenses incurred by the county, as set forth in Wis. Stats. § 302.38, and the county may seek reimbursement for same in accordance with law. The sheriff may establish a system of co-payments for the services of the jail nurse and jail doctor.

(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, § 6, 11-12-2014)

Sec. 10-25. Warrant fee.

The sheriff may impose a fee for all criminal, ordinance and civil warrants, together with mileage at the federal Internal Revenue Service rate.

(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, § 7, 11-12-2014)

Sec. 10-26. Prisoner reimbursement.

(a) Every person confined to the county jail shall complete a financial disclosure form containing the information set forth in Wis. Stats. § 302.372(2)(b).

(b) Within 12 months after the release of a prisoner from jail, the county may commence an action in circuit court to recover the expenses for daily incarceration under this article plus the costs to investigate the financial status of the prisoner and the expenses of collection not otherwise recovered or be barred, pursuant to Wis. Stats. § 302.372(6).

(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, § 8, 11-12-2014)

Sec. 10-27. Institutional accounts.

(a) The sheriff may charge a prisoner the expenses set forth in this article, while he/she is a prisoner, plus the costs to investigate the financial status of the prisoner and the expenses of collection.

(b) If the sheriff maintains an institutional account for a prisoner's use for payment of items from canteen, vending, commissary or similar services, the sheriff may make deductions from the account to pay for the expenses set forth in this article. If the prisoner has a balance due for expenses under this article, from prior incarcerations, any institutional account created as part of a subsequent incarceration may be used to recover the sums due from the prior incarceration.

(c) If the sheriff maintains an account of a Huber prisoner pursuant to Wis. Stats. § 303.08(3), the sheriff may make deductions from the account to pay for the expenses set forth in this article subject to the limitation of Wis. Stats. § 303.08(5).

(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, § 9, 11-12-2014)

Sec. 10-28. Prisoner cooperation.

A prisoner in a jail shall cooperate with the county in seeking reimbursement under this article for expenses incurred by the county. A prisoner who intentionally refuses to cooperate may not earn good time credit under Wis. Stats. § 302.43 or diminution of sentence under Wis. Stats. § 303.19(3).

(Ord. No. 2009-05, 4-21-2009; Ord. No. 2014-27, § 10, 11-12-2014)

Chapter 11

RESERVED

Chapter 12

PARKS AND RECREATION

Article I. In General

Secs. 12-1—12-18. Reserved.

Article II. Parks

- Sec. 12-19. Purpose.
- Sec. 12-20. Parks committee.
- Sec. 12-21. Park and trail hours.
- Sec. 12-22. Permits.
- Sec. 12-23. Group meetings.
- Sec. 12-24. Sales and solicitation; distribution of advertising material.
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Article III. Boating

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Article IV. All-Terrain and Utility Vehicles

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ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. PARKS**Sec. 12-19. Purpose.**

The county owns and maintains land in the county designated as county parks and recreation trails for the use and enjoyment of residents and visitors as well as other property acquired and held by the county for flood mitigation purposes with such property identified and described by a recorded deed in the county register of deeds office. This article provides rules to protect such parks, county recreation trails, and property held for flood mitigation purposes, and to enable and regulate use in a manner consistent with their intended purpose.

(Ord. No. 2023-23, § 8.02, 2-13-2024)

Sec. 12-20. Parks committee.

The county parks committee shall perform duties as established by the county board of supervisors rules of order, as amended. Said committee shall have charge and supervision of all county parks, recreation trails, and other property subject to this article as referenced in section 12-19, and all lands heretofore or hereafter designated by the county board for park and recreational purposes or held for flood mitigation purposes. The county parks committee shall establish rules for an Adopt-A-Trail Program for county recreation trails, which program shall be administered by the department director.

(Ord. No. 2023-23, § 8.03, 2-13-2024)

Sec. 12-21. Park and trail hours.

(a) All parks, park roads, park trails, bike paths, and parking areas shall be closed to the public and vehicular traffic, except police and emergency vehicles, from 10:00 p.m. until 5:00 a.m. and no person shall remain in parks during said hours, unless authorized by the issuance of a permit therefor by the parks director.

(b) Any person launching a boat at Rock River County Park, Cappies Landing, Highway 16 Wayside County Park, or Burnt Village County Park during normal operating hours may utilize the park boat launches at any time outside of normal operating hours for egress purposes.

(c) The parks director may grant permits to groups for park usage outside of normal park hours for events consistent with the mission of the parks department and shall report issuance of any such permit promptly to the parks committee.

(Ord. No. 2023-23, § 8.13, 2-13-2024)

Sec. 12-22. Permits.

Applications for permits shall be in writing and shall be addressed to the county parks committee and delivered to the office of the parks director. Permits shall be issued by a duly authorized representative of the parks committee. The county parks committee may establish a schedule of fees for the issuance of such permits.

(Ord. No. 2023-23, § 8.14, 2-13-2024)

Sec. 12-23. Group meetings.

Public meetings, assemblies, music festivals, rock festivals, political events involving an anticipated attendance of more than 20 persons are prohibited within any park, recreation trail, or any other property subject to this article unless a written permit of the parks committee has been first granted and then only in areas designated by the parks committee. Prior to issuance of a permit, the applicant shall disclose the anticipated number of persons expected to attend, arrangements for sanitation and garbage disposal, whether an electrically amplified sound system will be used, and, if so, its output. The parks committee will review the application to determine whether such use can be accommodated after consideration of existing facilities, traffic access, parking availability, adequate sanitation and waste disposal, adjacent uses, and the effects of the proposed use on other lawful users of the park. The parks committee may establish conditions for issuance of the permit, including reasonable security for costs which may result due to such use.

(Ord. No. 2023-23, § 8.04, 2-13-2024)

Sec. 12-24. Sales and solicitation; distribution of advertising material.

(a) No person shall sell, or offer for sale, any article, merchandise, or thing or solicit for any trade, occupation, business or profession within any park, recreation trail, or other property subject to this article without a written permit from the parks committee.

(b) No person shall distribute, post, or display any handbill, sign, placard, or advertisement of any kind within any park, recreation trail, or other property subject to this article without a written permit of the parks committee. The term "distribute" includes the scattering of printed material from aircraft.

(Ord. No. 2023-23, § 8.05, 2-13-2024)

Sec. 12-25. Hunting, trapping, firearms, fireworks, fires and rubbish.

(a) No person may take, catch, kill, hunt, trap, disturb or pursue any wild animal or bird, discharge any firearm, or have in his or her possession or under his or her control any firearm or air gun as defined in Wis. Stats. § 932.22, unless it is unloaded and enclosed in a carrying case, or any bow, slingshot or spring-loaded device designed for shooting a projectile unless the same is unstrung or enclosed in a carrying case while in any park, recreation trail, or other property subject to this article except in connection with a hunting activity or event where specifically allowed by written permit issued by the parks director or designee, and then only in strict conformity with the conditions stated in the written permit. The

prohibition of possession of a firearm shall not apply to a licensee as defined by Wis. Stats. § 175.60(1)(d) or (g). No person shall discharge any fireworks of any description in a park without a written permit authorized by the parks committee and any other authority required by law. The parks committee may establish conditions for issuance of the permit, including reasonable security for costs which may result due to such use.

(b) No person shall make or maintain a fire for any purpose except in places provided or in portable metal grills. Notwithstanding the foregoing, no person shall make or maintain any fire of any kind, including fireworks, smoking, grilling, disposing of matches, ashes, charcoal or otherwise when the parks director has given notice of a burning ban within the parks, recreation trails, or any other property subject to this article.

(c) No person shall deposit on or within any park, recreation trail, or other property subject to this article cans, bottles, food, garbage, personal property, waste, junk, salvage material or other discarded material except in the waste containers provided.

(d) No person shall deposit trash not related to the use of parks, recreation trails, or other property subject to this article in waste containers provided by the county for depositing waste.

(e) The parks committee is authorized to adopt rules regulating hunting and trapping on or within parks, recreation trails, and all other property subject to this article. Such rules shall require the issuance of written permits for persons authorized and may assess an appropriate fee for the permit. Violation of any rule or permit condition shall constitute a violation of this article and be subject to the penalties set forth herein.

(Ord. No. 2023-23, § 8.06, 2-13-2024)

Sec. 12-26. Animals in or on parks, recreation trails, or other property subject to this article.

(a) No person having the control or care of a dog shall permit such dog to enter or remain in or on a park or recreation trail unless it is on a leash not longer than six feet. Dogs shall not be allowed on other property subject to this article without written permission from the parks director. Dogs found running at large in or on a park, recreation trail, or other property subject to this article may be impounded by a humane officer or a deputy sheriff. No person having the control or care of a dog shall fail to remove and properly dispose of excrement.

(b) No person having the control or care of a horse shall permit such horse to enter or remain in or on a park, recreation trail, or other property subject to this article.

(c) Notwithstanding subsection (a) of this section, pets of any kind shall be prohibited in Lower Rock Lake Park, being that portion of the park between County Trunk Highway B and Park Lane Road.

(1) Notwithstanding subsection (a) of this section, dogs may be off leash in areas so designated in Bicentennial Park, which shall also be known as the county dog park.

- (2) The parks committee may adopt rules for the use of the dog park. Such rules shall be posted on signs at the park. Violation of any rule so posted shall constitute a violation of this article and subject the violator to the penalties set forth herein.
 - a. The parks director may bar an individual or their dog from the dog park when such individual or dog has been involved in repeated rule violations or incidents harming people or their pets.
 - b. Violation of an order by the parks director barring use of the dog park shall constitute a violation of this article.
 - c. An order by the parks director barring use of the dog park shall be appealable to the parks committee, which shall hear such appeal in accordance with Wis. Stats. ch. 68.11.
- (3) No dog shall be allowed into the dog park without a municipal license and county dog park permit. Dog park permit fees shall be as set forth in the county budget adopted each November.

(d) Domestic animals or animals that have been live captured may not be relocated or released to any county park, recreation trail, or other property subject to this article.
(Ord. No. 2023-23, § 8.07, 2-13-2024)

Sec. 12-27. Geocaching.

(a) No person shall place a geocache in or on any park, recreation trail, or other property subject to this article without a written permit therefor in compliance with all rules established by the parks committee.

(b) The parks committee is authorized to establish rules and may charge a permit fee in an amount as provided in the county fee schedule for geocaching. Violation of any rule or permit condition shall constitute a violation of this article and be subject to penalties set forth herein.

(Ord. No. 2023-23, § 8.075, 2-13-2024)

Sec. 12-28. Motor vehicle.

(a) No person shall operate or drive any motor vehicle on or within a recreation trail, park, or other property subject to this article except on roads and in parking areas designated for vehicular travel. For purposes of this article, the term "motor vehicle," without limitation by enumeration, means an automobile, truck, van, bus, motorcycle, minibike, go-cart, golf cart or all-terrain vehicle.

(b) No person shall operate or drive an all-terrain vehicle or motorized three-wheel vehicle not licensed for use on a public highway on or within a recreation trail, park, or other property subject to this article.

(c) No person shall park any bus, large truck, boat trailer or other vehicle in a manner substantially obstructing the use and enjoyment of any park, recreation trail, or other property subject to this article. No person shall leave an unoccupied motor vehicle on or within a recreation trail, park, or other property subject to this article if such property is closed to the public.

(d) No person shall operate a snowmobile on or within a recreation trail, park, or other property subject to this article other than on a trail marked for snowmobiling.

(e) No person shall operate a motor vehicle in excess of the posted speed limit or 15 miles per hour, whichever is less, on a park road or in a parking area. The parks committee may, by posting proper signs, designate areas with reduced speed limits.

(Ord. No. 2023-23, § 8.08, 2-13-2024)

Sec. 12-29. Non-motorized vehicle use; dogsledding.

(a) *Park trails.*

- (1) No person shall operate or drive any motorized or non-motorized vehicle on a bike path or within a park except on trails designated and marked for their defined use.
- (2) An individual with a physical disability may operate a personal assistive mobility device on any trails that are open to other pedestrian traffic.
- (3) Dogsledding is prohibited in all county parks, trails, and paths unless otherwise authorized by issuance of a special use permit.
- (4) Fatbikes are only allowed on park trails where the posted park rules allow and, when trails are snow covered, groomed, and listed as open by the county parks department.
- (5) No person may hike or walk dogs on designated cross-country ski trails when the trails are snow covered and groomed in any park.

(b) *Bike paths.*

- (1) All county bike paths are considered multiuse paths and open to pedestrians, bicycles, e-bicycles, inline skates, play vehicles, and electric scooters as defined in subsection (c) of this section unless otherwise posted.
- (2) Electric vehicle users shall comply with Wis. Stats. §§ 346.77 through 346.82 at all times while on county bike paths.
- (3) It shall be unlawful for any person operating a bicycle, e-bicycle, e-scooter, or other vehicle on a bike path to pass another person or vehicle traveling in the same direction on the path without providing a warning to the person being passed either verbally or with a bike horn, bell, or other device and making it evident that the person being passed is aware of the passing person's approach.

- (4) Pedestrians shall at all times have the right-of-way upon any bike paths; and, if necessary, the person operating such bicycle, e-bicycle or e-scooter shall dismount and exit the traveled portion of the bike path to the extent necessary to prevent a collision.
- (5) Bicycle riders shall proceed in their extreme right-hand side of the trail at all times, in a single file only.
- (6) Any such person operating a bicycle, e-bicycle, e-scooter, or other vehicle upon a bike path must have the bicycle, e-bicycle, e-scooter, or other vehicle under control at all times.
- (7) All e-bicycles, e-scooters, and other electric powered vehicles shall be restricted to 15 miles per hour at all times when on county bike paths that allow their use.
- (8) All other temporary regulations, restrictions, and closures posted by the county parks department at trail heads and trail crossings shall be adhered to at all times.

(c) *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:

Bicycle means a vehicle propelled by feet or hands acting upon pedals or cranks and having wheels any two of which are not less than 14 inches in diameter.

Bike path means all paved or graveled off-road trails managed by the county parks department, including the Glacial River Bike Trail, Jefferson Interurban Trail, and the Korth Park Connector Trail.

Electric bicycle (e-bike, e-bicycle) means a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less and as defined by Wis. Stats. § 340.01.

Electric personal assistive mobility device means a self-balancing, two-nontandem-wheeled device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

Electric scooter (e-scooter) means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. The term "electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

Fatbike means a bicycle with oversized tires 3.5 inches or wider, designed for riding off-road, particularly on soft terrain such as snow or sand.

In-line skates means skates with wheels arranged singly in a tandem line rather than in pairs.

Mountain bike means an all-terrain bicycle with wide knobby tires, strong frame, and straight handlebars that is used for riding over rough ground.

Mountain bike trail means an off-road, unpaved trail designated and designed for use by mountain bikes.

Pedestrian means any person afoot or any person operating a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person, but does not include any person using an electric bicycle, electric scooter, or an electric personal assistive mobility device.

Play vehicle means a coaster, skateboard, roller skates, sled, toboggan, unicycle, or tow vehicle upon which a person may ride and does not include in-line skates or electric scooters. (Ord. No. 2023-23, § 8.09, 2-13-2024)

Sec. 12-30. Destruction or removal of property.

(a) No person shall intentionally cut down, break, injure or destroy any tree, shrub, flowers, turf, building, signs, tables, or other property on or within a recreation trail, park, or other property subject to this article.

(b) No person shall intentionally take or remove any county property, including, but not limited to, signs and notices, from any recreation trail, park, or other property subject to this article.

(Ord. No. 2023-23, § 8.10, 2-13-2024)

Sec. 12-31. Foraging.

(a) In order to preserve the natural beauty for future visitors to enjoy, no person shall destroy, molest, deface or remove any natural growth or natural or archaeological feature from any recreation trail, park, or other property subject to this article except the harvesting of edible plants for personal consumption such as edible fruits, edible nuts, wild mushrooms, wild asparagus and watercress. Harvesting of edible plants is limited to a single one-gallon pail per person, per day. Foraging in areas designated as a state natural area is prohibited.

(b) Collecting seeds from herbaceous plants such as grasses and wildflowers is prohibited without written authorization from the county parks director or designee.

(Ord. No. 2023-23, § 8.11, 2-13-2024)

Sec. 12-32. Camping or lodging forbidden.

No person shall use a recreation trail, park, or other property subject to this article for overnight sleeping, camping, lodging, or use overnight equipment customarily associated with campsites, or recreational vehicles without a permit. The parks committee may establish conditions for issuance of a permit, including reasonable security for costs which may result due to such use.

(Ord. No. 2023-23, § 8.12, 2-13-2024)

Sec. 12-33. Other property subject to this article.

All property subject to this article not designated as a park, recreation trail, park road, or parking area, including county flood mitigation property, shall be closed to the public unless such property is posted for public use or there is written authorization issued for use by the county parks director.

(Ord. No. 2023-23, § 8.131, 2-13-2024)

Sec. 12-34. Penalties.

(a) Any person violating any provision of this article shall, upon conviction, be subject to a forfeiture as set forth in section 1-14, in addition to penalty assessments and costs of prosecution, and in default of payment of such forfeiture, penalty assessments and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid, such imprisonment not to exceed 90 days. Enforcement may be by commencement of a civil action with each day of violation being a separate offense.

(b) In addition to issuing citations or other methods of forfeiture enforcement, the parks director or designee or a county law enforcement officer may also issue a violation notice to a person violating any provision of this article. The notice fee shall be in an amount as provided in the county fee schedule. If the notice fee is not paid within five days of issuance of the notice, a citation or other method of forfeiture collection shall be used.

(Ord. No. 2023-23, § 8.15, 2-13-2024)

Secs. 12-35—12-58. Reserved.**ARTICLE III. BOATING****Sec. 12-59. Applicability and enforcement; citations authorized.**

The provisions of this article shall apply to the rivers and streams in the county as described herein and shall be enforced by the county sheriff's office which is authorized to issue citations in accordance with Wis. Stats. § 66.0113 for violations of this article.

(Ord. of 7-9-2019)

Sec. 12-60. Intent.

The intent of this article is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

(Ord. of 7-9-2019)

Sec. 12-61. State boating and safety laws adopted.

Wis. Stats. §§ 30.50 through 30.71 are incorporated herein and adopted by reference, including all changes and amendments hereafter made thereto.

(Ord. of 7-9-2019)

Sec. 12-62. Boat launching at Rock River County Park and Cappies Landing.

No person may launch a boat using the boat launches at Rock River County Park or Cappies Landing without first paying a boat launch fee in an amount as provided in the county fee schedule to the county parks department.

(Ord. No. 2020-12, § 8.135, 10-12-2021; Ord. No. 2023-23, § 8.135, 2-13-2024)

Sec. 12-63. Slow-no-wake restrictions.

(a) 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:

Slow-no-wake means the speed at which a boat moves as slowly as possible while still maintaining steering control.

Slow-no-wake area means an area within which boats or watercraft must be operated at the slowest speed at which the boat or watercraft can be operated and still maintain forward motion and steering control.

(b) Slow-no-wake areas shall be designated by buoys and notices posted at points of public access. No person shall operate a boat or watercraft at greater than slow-no-wake speed in areas so designated, including specifically, without limitation, the following:

(1) *Slow no-wake during high water.*

- a. No person shall operate a boat or watercraft at greater than slow-no-wake speed on any portion of the Rock River downstream from the Dodge/Jefferson County lines to the West Milwaukee Street Bridge when the water level at the USGS gauge 0542550 (Rock River at Watertown) is 3.5 feet above datum gauge height of 792.38 feet.
- b. No person shall operate a boat or watercraft at greater than slow-no-wake speed on any portion of the Rock River downstream from the West Milwaukee Street Bridge (Watertown) to Lake Koshkonong when the water level at the USGS gauge 05427235 (Lake Koshkonong near Newville) is eight feet above datum gauge height of 769.77 feet.

(2) *Designated slow no-wake areas.* No person shall operate a boat and/or watercraft faster than slow-no-wake speed in the waters of the Rock River between the following coordinates at any time:

- a. Latitude 42.893815°N, longitude -88.905639°W and latitude 42.895962°N, longitude -88.903109°W.
- b. Latitude 42.894193°N, longitude -88.905856°W and latitude 42.896203°N, longitude -88.903582°W.

(Ord. of 7-9-2019; Ord. No. 2023-03, § 7, 5-9-2023)

Sec. 12-64. Public notice.

The county shall place and maintain a synopsis of this article at all public access points within the jurisdiction of the county pursuant to the requirements of Wis. Admin. Code § NR 5.15.

(Ord. of 7-9-2019)

Sec. 12-65. State penalties adopted and amended.

For violations of the incorporated statutory sections in this article, the penalties shall be as provided in Wis. Stats. § 30.80 and deposits shall be as stated in the state uniform deposit and bail schedule which penalties are adopted by reference, provided that "fines" is amended to read "forfeitures" and all references to imprisonment are deleted.

(Ord. of 7-9-2019)

Secs. 12-66—12-88. Reserved.

ARTICLE IV. ALL-TERRAIN AND UTILITY VEHICLES

Sec. 12-89. Authority.

Following due consideration of the recreational and economic value to access businesses and residences and to make trail connections, weighed against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks, this article has been created pursuant to county board authority under Wis. Stats. §§ 23.33 and 59.02, and the provisions of the Wis. Admin Code. ch. NR 64 regulating ATV operation.

(Ord. No. 2024-09, § 1, 8-12-2024)

Sec. 12-90. Applicability and enforcement.

This article is enacted under the authority of Wis. Stats. §§ 23.33 and 59.02, and the provisions of Wis. Stats. § 23.33 and Wis. Admin. Code ch. NR 64 regulating ATV operations are hereby incorporated and adopted. The provisions of this article shall apply to all county highways and state highways within the jurisdiction of the county and the provisions of this article shall be enforced by the county sheriff's office. Adoption of the ordinance from which this article is derived shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed under this article.

(Ord. No. 2024-09, § 2, 8-12-2024)

Sec. 12-91. Limitations.

The following limitations apply on all areas designated in this article:

- (1) Operators and passengers of all ATVs/UTVs shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including, but not limited to, Wis. Stats. § 23.33 and Wis. Admin. Code ch. NR 64.

- (2) ATVs/UTVs shall be operated on the extreme right side of the roadway on the paved surface. ATVs/UTVs may be operated on paved surfaces only, unless yielding the right-of-way.
 - (3) ATV/UTV operators are required to have applicable liability insurance. ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.
 - (4) ATVs/UTVs may not be operated on any county highway route without fully functional headlights, taillights, and brake lights.
 - (5) ATVs/UTVs may not be operated on any county highway route between the hours of 10:00 p.m. and 5:00 a.m.
 - (6) No person under the age of 16 years may operate an ATV/UTV on any county highway route.
 - (7) No person shall operate an ATV/UTV on any county highway route without a valid driver's license and shall display the license upon demand from any law enforcement officer or official described in Wis. Stats. § 23.33(12).
- (Ord. No. 2024-09, § 3, 8-12-2024)

Sec. 12-92. County highway ATV/UTV routes.

(a) County highway routes designated for ATV/UTV use shall be established and approved by the county highway committee. Any modification to the routes designated for ATV/UTV use shall be approved by the county highway committee.

(b) The routes designated as an ATV/UTV vehicle route shall be as follows:

(1) County route: All county highways.

(c) The county highway committee shall have the authority to suspend operation on any county highway segment due to hazards, construction, emergency conditions, road damage, or any other issue deemed appropriate for traffic safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the county website and signed for ATV/UTV closure on the route.

(d) County highway segments through cities and villages with jurisdictional responsibility can close those segments to ATV/UTV use.

(Ord. No. 2024-09, § 4, 8-12-2024)

Sec. 12-93. Authorization of state highway ATV/UTV routes.

(a) Under Wis. Stats. § 23.33(4)(d)3.g., and (11)(am)3., the county authorizes the operation of the following state highway segments to cross bridges that are 1,000 feet or less:

- (1) State Highway 19 over the Maunasha River (35/45 miles per hour speed limit transition — Heil Street), City of Waterloo;
- (2) State Highway 19 over the Crawfish River (County Highway G — East Hubbleton Road), Town of Milford;

- (3) State Highway 106 over unnamed tributary (Black Hawk Island Road — Sinnissippi Drive), Town of Koshkonong;
- (4) State Highway 59 over Mud River (25/40 miles per hour speed limit transition — Zion Road), Village of Palmyra.

(b) Operators crossing authorized bridges on all ATV or UTV state routes shall do all of the following:

- (1) Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing;
 - (2) Stay as far to the right of the roadway or shoulder as practicable;
 - (3) Stop the vehicle prior to crossing;
 - (4) Yield the right-of-way to other vehicles, pedestrians, electric scooters, and electric personal assistive mobility devices using the roadway or shoulder;
 - (5) Exit the highway as quickly and safely as practicable after crossing the bridge.
- (Ord. No. 2024-09, § 5, 8-12-2024)

Sec. 12-94. Route signs.

(a) All initial required route signs will be installed and maintained by the county highway department.

(b) All signs shall be in compliance with the federal Manual on Uniform Traffic Control Devices (MUTCD).

(c) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the county highway department in writing.

(d) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

(Ord. No. 2024-09, § 6, 8-12-2024)

Sec. 12-95. Penalties.

(a) This article shall be enforced by the county sheriff's office or any law enforcement official as set forth in Wis. Stats., § 23.33(12), including the issuance of a citation under Wis. Stats., § 66.0113.

(b) The penalties set forth in Wis. Stats., § 23.33(13), are adopted and incorporated by reference. Unless otherwise designated by statute, the penalty for violating any provision of this article shall be a forfeiture of not less than \$25.00 nor more than \$250.00, plus court costs and fees.

(Ord. No. 2024-09, § 7, 8-12-2024)

Sec. 12-96. Maintenance.

Designation of segments of the county highway system as ATV/UTV routes does not impose upon the county highway department a greater duty of care or responsibility for maintenance of those segments than for any other segment of county highway. Operators of ATV/UTVs on county highways assume all the usual and normal risks of ATV/UTV operation.

(Ord. No. 2024-09, § 9, 8-12-2024)

Chapter 13

RESERVED

Chapter 14

PEACE AND ORDER

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Secs. 14-87—14-115. Reserved.

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- Sec. 14-118. Publication of annual notice.
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Division 3. Rabies Prevention and Control

- Sec. 14-137. Purpose and intent.
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ARTICLE I. IN GENERAL

Secs. 14-1—14-20. Reserved.

ARTICLE II. OFFENSES

DIVISION 1. GENERALLY

Sec. 14-21. Construction.

Sections of this chapter for which statutory counterparts exist shall be construed as if the entire statutory counterpart were adopted herein by reference as such statutory counterpart may be amended from time to time.

(Ord. No. 2013-06, § 9.17, 6-11-2013)

Secs. 14-22—14-44. Reserved.

DIVISION 2. SPECIFIC OFFENSES

Sec. 14-45. Trespass on county-owned farmland.

(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:

County-owned farmland includes the open land owned by the county located south of County Highway J and Collins Road, east of State Highway 89, west of Business 26, and north of Business 26 in the county. A map of the subject property is available at the county land and water conservation department.

Trespass refers to entering or remaining on county-owned farmland without the express written permission of the county. The term "trespass" does not include accessing Potter's Field via the walking trail or utilizing the adjacent bike trails.

(b) *Prohibition.*

- (1) No person shall trespass on any county-owned farmland.
- (2) The director of the county land and water conservation department and/or the county administrator are authorized to grant permission to access county-owned farmland to any person upon request.
- (3) This section does not prohibit county staff from accessing county-owned farmland for official county business, provided advance notice is given to the director of the county land and water conservation department so the current tenant can be consulted.

(c) *Penalties.*

- (1) Any person found to be in violation of this section shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00, plus any applicable penalty assessments and costs of prosecution.
 - (2) Each day that a violation continues shall be deemed a separate offense.
- (Ord. No. 2024-02, § 1, 4-16-2024)

Sec. 14-46. Battery.

Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.01, 6-11-2013)

Sec. 14-47. Damage to property.

Whoever intentionally causes damage to any physical property of another without the person's consent may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.02, 6-11-2013)

Sec. 14-48. Trespass to land.

(a) Whoever does any of the following may be penalized as provided in section 1-14:

- (1) Enters any enclosed, cultivated or undeveloped land of another, other than undeveloped land specified in subsections (a)(4) and (5) of this section, without the express or implied consent of the owner or occupant.
- (2) Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.
- (3) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.
- (4) Enters or remains on undeveloped land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.
- (5) Enters undeveloped private land from an abutting parcel of land that is owned by the United States, the state or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.

(b) A person has received notice from the owner or occupant if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this subsection under either of the following procedures:

- (1) If a sign at least 11 inches square is placed in at least two conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if

the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this subsection were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this subsection.

- (2) If markings at least one foot long, including in a contrasting color the phrase "private land" and the name of the owner, are made in at least two conspicuous places for every 40 acres to be protected.

(Ord. No. 2013-06, § 9.03, 6-11-2013)

Sec. 14-49. Trespass to dwellings.

Whoever intentionally enters the dwelling of another without the consent of some person lawfully on the premises, under circumstances tending to create or provoke a breach of the peace, may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.04, 6-11-2013)

Sec. 14-50. Theft.

Whoever intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another, having a value not in excess of \$2,500.00, without his consent and with intent to deprive the owner permanently of possession of such property may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.05, 6-11-2013)

Sec. 14-51. Retail theft.

(a) Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise may be penalized as provided in section 1-14.

(b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

(c) A merchant, a merchant's adult employee or a merchant's security agent who has reasonable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be

permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. The merchant, merchant's adult employee or merchant's security agent may release the detained person before the arrival of a peace officer or parent or guardian. Any merchant, merchant's adult employee or merchant's security agent who acts in good faith in any act authorized under this section is immune from civil or criminal liability for those acts.

(d) In any action or proceeding for violation of this section, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

(e) A merchant or merchant's adult employee is privileged to defend property as prescribed in Wis. Stats. § 939.49.

(Ord. No. 2013-06, § 9.051, 6-11-2013)

Sec. 14-52. Issue of worthless check.

Whoever issues any check or other order for the payment of money less than \$2,500.00 which, at the time of issuance, he or she intends shall not be paid, may be penalized as provided in section 1-14. In addition to the money forfeiture penalty set forth in section 1-14, the court may order a violator to pay restitution to a victim, as set forth in Wis. Stats. § 943.24.

(Ord. No. 2013-06, § 9.06, 6-11-2013)

Sec. 14-53. Disorderly conduct.

Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.07, 6-11-2013)

Sec. 14-54. Carry a weapon in the county courthouse.

(a) No person, except a peace officer or other person authorized by the county sheriff, shall possess any knife or other dangerous weapon while in the county courthouse. In this section, the term "dangerous weapon" means any device designed as a weapon and capable of producing bodily harm or any other device, substance or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm, but does not include firearms, possession of which are regulated by state criminal law. Any person violating this section may be penalized as provided in section 1-14.

(b) Property possessed in violation of this section is subject to immediate seizure and shall be returned or disposed of in accordance with the procedures set forth in Wis. Stats. § 968.20 using the definition of the term "dangerous weapon" contained herein.

(Ord. No. 2013-06, §§ 9.075, 9.19, 6-11-2013)

Sec. 14-55. Tire squealing.

Whoever operates a motor vehicle in such a manner that excessive and unnecessary noise is emitted by the tires of such vehicle may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.08, 6-11-2013)

Sec. 14-56. Excessive speed at Fair Park.

Whoever operates a motor vehicle within Jefferson County Fair Park at a speed in excess of ten miles per hour may be penalized as set forth in section 1-14. This section shall not apply to the operators of county vehicles performing maintenance duties or the operators of vehicles engaged in an authorized program at the park such as a demolition derby, pursuit driver training, or similar programs, while such operator is engaged in such program in the area authorized for the program.

(Ord. No. 2013-06, § 9.085, 6-11-2013)

Sec. 14-57. Resisting/obstructing an officer.

(a) Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority may be penalized as provided in section 1-14.

(b) 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:

Obstructs includes, without limitation, knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty, including the service of any summons or civil process.

Officer means a peace officer or other public officer or a public employee having the authority by virtue of the officer's or employee's office or employment to take another into custody.

(Ord. No. 2013-06, § 9.09, 6-11-2013)

Sec. 14-58. Harboring runaway.

Whoever knowingly allows, permits or boards any minor child at his or her residence, property or place of business, where the person knows or should have known the child to be a runaway from his or her parent, guardian or legal custodian, may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.091, 6-11-2013)

Sec. 14-59. False alarm.

Whoever intentionally gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise, may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.092, 6-11-2013)

Sec. 14-60. Alcohol beverage restrictions.

(a) *Underaged persons.* Wis. Stats. § 125.07(1), (3), (4) and (5) and Wis. Stats. § 125.09(2) describing and defining offenses with respect to sale of alcohol beverages to minors or possession of alcohol beverages by minors, inclusive of the penalty provisions stated therein, are adopted and by reference made a part of this section as if fully set forth herein.

- (1) Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section.
- (2) Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section.
- (3) This section does not apply within any municipality in the county that has adopted or adopts an ordinance under Wis. Stats. § 125.10(2).
- (4) Any person who violates the provisions of this section shall be penalized pursuant to the incorporated statutory penalties.

(b) *County fairgrounds.* No user of, or visitor to, the county fairgrounds may bring or cause to be brought any alcoholic beverage onto the fairgrounds, with the exception of lessees whose contract authorizes sale or dispensing of such beverages. Such lessees shall be subject to all state, county and local regulations as are applicable. In addition:

- (1) The purchase, possession or consumption of any alcoholic beverage is prohibited outside the beer stand area, the designated grandstand area, the designated entertainment tent area or such other areas as designated by the Fair Park committee.
- (2) Adequate signs shall be present to notify the public of the permitted and prohibited areas for possession and consumption of alcohol beverages.
- (3) All state, county or local restrictions consistent with this article are also applicable on the fairgrounds.

(c) *Penalties.* Any person who violates this section shall be subject to the general penalties of section 1-14.

(Ord. No. 2013-06, §§ 9.10, 9.105, 6-11-2013)

Sec. 14-61. Possession of marijuana.

No person shall possess 25 grams or less of marijuana, as defined in Wis. Stats. § 961.01(14), subject to the exceptions in Wis. Stats. § 961.41(3g). No person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in the state, shall be prosecuted under this section. Any person violating this section may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.11, 6-11-2013)

Sec. 14-62. Possession and delivery of drug paraphernalia.

(a) In this section, the term "drug paraphernalia" has the meaning given in Wis. Stats. § 961.571. Wis. Stats. § 961.572 shall apply when determining whether an object is drug paraphernalia.

(b) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Wis. Stats. ch. 961.

(c) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Wis. Stats. ch. 961.

(d) Any person violating this section shall, upon conviction thereof, be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.115, 6-11-2013)

Sec. 14-63. Fireworks.

Wis. Stats. § 167.10 describing and defining offenses with respect to sale, possession or use of fireworks as defined therein, are adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by the statute sections incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section. Any person violating this section may be penalized as provided in section 1-14.

(Ord. No. 2013-06, § 9.16, 6-11-2013)

Secs. 14-64—14-84. Reserved.**ARTICLE III. ANIMAL CONTROL****DIVISION 1. GENERALLY****Sec. 14-85. Livestock running at large.**

Any person owning or keeping livestock who negligently or intentionally permits the livestock to trespass on lands of another or upon highways except as otherwise permitted by

law may be penalized as provided in section 14-145. For purposes of this section, the term "livestock" means a horse, cow, pig, sheep, goat, buffalo, llama, rhea, ostrich, emu, any other domestic or exotic fowl, and any animal raised in captivity.

(Ord. No. 2013-06, § 9.12, 6-11-2013)

Sec. 14-86. Noisy animals.

No person shall harbor or keep a dog or other animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making other noises, shall cause serious annoyance or disturb two or more persons in the area where the animal is kept. The owner or keeper of such animal may be penalized as provided in section 14-145.

(Ord. No. 2013-06, § 9.15, 6-11-2013)

Secs. 14-87—14-115. Reserved.

DIVISION 2. DOG LICENSING

Sec. 14-116. Dogs to be licensed.

(a) Except as provided in Wis. Stats. § 174.054, the owner of a dog five months of age or over must annually pay the dog license tax and obtain a license. Licenses are obtained from the local municipality.

(b) It is unlawful for any person to keep an unlicensed dog over the age of five months in the county. For purposes of this section, the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of five days is presumed to be the keeper of the dog. Any person violating this section may be penalized as provided in section 14-145.

(c) A penalty, as provided in Wis. Stats. § 174.505(5), shall be assessed per dog license paid by persons purchasing required dog licenses after April 1 of each license year. The penalty shall be retained by the cities, towns and villages as partial reimbursement for local efforts made to collect delinquent dog license taxes.

(Res. No. 1976-22, 5-11-1976; Ord. No. 2013-06, § 9.13, 6-11-2013)

Sec. 14-117. Proof of vaccination required before issuance of license.

No collecting official, as defined in Wis. Stats. § 174.065(1), shall issue a dog license unless the owner of the dog presents an unexpired certificate of rabies vaccination.

(Ord. No. 83-10, § 24.9, 9-13-1983)

Sec. 14-118. Publication of annual notice.

(a) The county clerk shall cause a Class 1 notice under Wis. Stats. ch. 985 to be published between January 1 and January 15 of each year in a newspaper having general circulation in the county, notifying the public that rabies vaccinations and dog licenses are required under state law.

(b) The county clerk shall cause a Class 1 notice under Wis. Stats. ch. 985 to be published between March 1 and March 15 of each year in a newspaper having general circulation in the county, notifying the public that rabies vaccinations and dog licenses are required under state law and that late fees will be assessed after April 1.

(Ord. No. 83-10, § 24.14, 9-13-1983)

Sec. 14-119. Dogs running at large and untagged dogs subject to impoundment; penalties.

(a) This section shall not apply in any city, village, or town that has enacted an ordinance under Wis. Stats. § 60.23(30).

(b) A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person. 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. Designated animal control officers shall capture and restrain any dog running at large or untagged.

(c) If the owner of a dog negligently or otherwise permits the dog to run at large or be untagged, the owner may be penalized as set forth in section 14-145. In addition, any person who violates this section shall be penalized pursuant to Wis. Stats. § 174.042(4).

(Ord. No. 2013-06, § 9.14, 6-11-2013)

Secs. 14-120—14-136. Reserved.

DIVISION 3. RABIES PREVENTION AND CONTROL

Sec. 14-137. Purpose and intent.

Medical science has established that a number of small animals, including dogs and cats, carry an infection commonly referred to as "rabies" which can be transferred to humans. The ordinance from which this division and sections 14-117 and 14-118 is derived is enacted as a public health measure to protect persons from infection as a result of a dog or cat bite.

(Ord. No. 83-10, § 24.2, 9-13-1983)

Sec. 14-138. 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:

Bite means the breaking, tearing or puncturing of the skin by the teeth of an animal.

Humane society means the county humane society or the Watertown Humane Society.

Immediate family means the owner's spouse and dependents as defined for federal income tax purposes.

Isolation facility means a humane society shelter, veterinary hospital, or municipal pound.

Officer means a peace officer, full-time health officer, humane officer, warden, or other person designated by the governing body of a city, village or town.

Owner means a person who owns, harbors, keeps or controls any cat or dog, and includes the parent, guardian or custodian of any minor who owns a cat or dog.

Peace officer has the meaning designated under Wis. Stats. § 939.22(22).

Veterinarian has the meaning designated under Wis. Stats. § 89.02(7).

Warden has the meaning designated under Wis. Stats. § 24.01.
(Ord. No. 83-10, § 24.3, 9-13-1983)

Sec. 14-139. Duty of owner.

(a) The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the county after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the county, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from another county within 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.

(b) The owner of any dog or cat which bites any person other than the owner or the owner's immediate family shall make a report of the bite incident to the county sheriff, giving the date, place and name of the dog or cat bite victim. The owner shall make such report immediately upon gaining personal knowledge of such bite, or immediately after receiving reliable information of such bite from the sheriff or any other person.

(c) The owner shall attach a rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a show dog during competition, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under subsection (a) of this section.

(d) The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.
(Ord. No. 83-10, § 24.4, 9-13-1983)

Sec. 14-140. Duty of veterinarians.

(a) A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the state department of agriculture, trade and consumer protection, stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the U.S. Centers for Disease Control and the city, village or town where the dog is required to be licensed.

(b) The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

(c) After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

(d) The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

(e) Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the local health department, the officer involved and, if the animal is suspected to have bitten a person, that person's physician.

(Ord. No. 83-10, § 24.5, 9-13-1983)

Sec. 14-141. Duty of sheriff.

(a) If the county sheriff has cause to believe that any animal has bitten a person other than the owner or the owner's immediate family, the sheriff shall investigate the incident and if such animal can be identified and located, the sheriff shall take action in accordance with this article.

(b) If the owner of such animal can be located, the sheriff shall supply the owner with information concerning the animal bite incident.

(c) Except as provided in Wis. Stats. § 95.21(4)(d), the sheriff, or any other officer, shall order an animal quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies, or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(d) If the sheriff or any officer kills an animal pursuant to this article, the officer shall deliver the carcass to a veterinarian or local health department immediately. The veterinarian or local health department shall thereafter follow the procedures set forth in Wis. Stats. § 95.21(6).

(e) The sheriff shall complete the procedure for each bite incident by reporting the results of quarantine or sacrifice of the suspected animal to the victim and the owner, if known. (Ord. No. 83-10, § 24.6, 9-13-1983)

Sec. 14-142. Quarantine of animal.

(a) An officer who orders an animal to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible, but no later than 24 hours after the original order is issued, or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

(b) The custodian of an isolation facility or the owner shall keep an animal which is ordered to be quarantined in strict isolation under the supervision of a veterinarian for at least ten days. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the tenth day and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the animal has not exhibited any symptoms of rabies, the animal may be released from quarantine at the end of the ten-day observation period.

(c) Extended observation may be ordered for an animal not currently immunized against rabies if the animal is suspected to have been in contact with a rabid animal. An officer may order the owner to keep the animal in strict isolation for an additional 180 days, during which time the owner shall have the animal vaccinated against rabies between 155 and 165 days after the beginning of the original observation period. If a veterinarian certifies that the animal has not exhibited any symptoms of rabies during the extended observation period, the animal may be released from quarantine at the end of that period.

(d) If a veterinarian determines that an animal exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the animal is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician. Following such sacrifice of the animal, the carcass shall be prepared and delivered to the state laboratory of hygiene as set forth in Wis. Stats. § 95.21(6). (Ord. No. 83-10, § 24.7, 9-13-1983)

Sec. 14-143. Duty of isolation facilities.

(a) Isolation facilities shall receive and quarantine any animal known or suspected to have bitten a person for a ten-day period of observation for symptoms of rabies, as set forth in section 14-142.

(b) All expenses incurred by the isolation facility, including supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the laboratory examination fee shall be charged to the animal's owner. In the event the owner is unknown, the county shall reimburse the isolation facility for the above-stated charge from the dog license fund.

(Ord. No. 83-10, § 24.8, 9-13-1983)

Sec. 14-144. Application of division.

This division and sections 14-117 and 14-118 shall apply to the cities, towns and villages in the county, but this division and sections 14-117 and 14-118 shall not be applicable to any municipality which has in force a more restrictive ordinance providing for the quarantine of animals suspected of biting persons.

(Ord. No. 83-10, § 24.10, 9-13-1983)

Sec. 14-145. Penalties.

(a) An owner who fails to have a dog vaccinated against rabies as required under this division and sections 14-117 and 14-118 may be required to forfeit not less than \$50.00 nor more than \$100.00, together with taxable costs, and, upon default in the payment of such forfeiture and costs, such owner may be incarcerated in the county jail until such forfeiture and costs are paid, but in no event shall such confinement exceed 30 days.

(b) An owner who refuses to comply with an order issued under this division and sections 14-117 and 14-118 to deliver an animal to an officer, isolation facility or veterinarian, or who does not comply with the conditions of an order that an animal be quarantined, shall forfeit not less than \$100.00, nor more than \$1,000.00, together with taxable costs, and, upon default in the payment of such forfeiture and costs, such owner may be incarcerated in the county jail until such forfeiture and costs are paid, but in no event shall such confinement exceed 30 days.

(c) A person who issues a dog license without presentation of an unexpired certificate of rabies vaccination may be required to forfeit not less than \$100.00 nor more than \$500.00, together with taxable costs, and, upon default in the payment of such forfeiture and costs, such person may be incarcerated in the county jail until such forfeiture and costs are paid, but in no event shall such confinement exceed 30 days.

(Ord. No. 83-10, § 24.11, 9-13-1983)

Sec. 14-146. Enforcement.

It shall be the duty of the county district attorney to prosecute violations of this division and sections 14-117 and 14-118. The district attorney may also seek an injunction or other judicial process to enforce the provisions of this division and sections 14-117 and 14-118.

(Ord. No. 83-10, § 24.12, 9-13-1983)

Chapter 15

RESERVED

Chapter 16

PLANNING AND DEVELOPMENT

Article I. In General

- Sec. 16-1. Filing, recording, and providing access to records in the office of the register of deeds.
- Sec. 16-2. Parcel identification number required for recordation of real property conveyances.
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ARTICLE I. IN GENERAL**Sec. 16-1. Filing, recording, and providing access to records in the office of the register of deeds.**

Pursuant to Wis. Stats. § 59.20(3)(c), and in order that processing, recording and indexing of documents may be completed to conform to the day of reception, the cutoff reception time for filing and recording of documents is hereby advanced by one hour in any official business day during which time the register of deeds office is open to the public. The register of deeds may provide in his or her notice under Wis. Stats. § 19.34(1) that requests for inspection or copying of the records of his or her office may be made only during a specified period of not less than 35 hours per week. For all other purposes, the office shall remain open to the public.

(Ord. No. 2015-20, § 10.06, 11-10-2015)

Sec. 16-2. Parcel identification number required for recordation of real property conveyances.

The register of deeds shall not accept for recording any conveyance of any interest in real estate, as defined in Wis. Stats. § 706.01(4), which does not contain the parcel identification number. A person recording a conveyance for a newly created parcel for which a parcel identification number has not been assigned shall obtain such number from the county land information office, or if such parcel is in the City of Watertown, from the City of Watertown assessor.

(Ord. No. 96-14, § 2, 9-10-1996)

Sec. 16-3. Condominium instrument and fees.

(a) The county register of deeds shall review condominium instruments prior to recording. Such review shall be completed within ten working days after submission of the condominium instrument. If the review is not completed within ten working days, the condominium instrument is approved for recording.

(b) The register of deeds may reject a condominium instrument if it does not comply with the applicable requirements of Wis. Stats. §§ 703.095, 703.11(2)(a), 703.11(2)(c), 703.11(2)(d), 703.11(3), 703.275(5) and 703.28(1m) or if the surveyor's certificate under Wis. Stats. § 703.11(4) is not attached to or included in the condominium plat.

(c) The register of deeds, or his deputy, shall certify approval in writing, accompanied by his or her signature and title.

(d) The review fee shall be as set forth in the county fee schedule.

(Ord. No. 2005-38, § 1, 12-13-2005)

Secs. 16-4—16-26. Reserved.

ARTICLE II. SUBDIVISIONS AND PLATTING**Sec. 16-27. Introduction.**

(a) *Authority.* The ordinance from which this article is derived is adopted under the authority granted by Wis. Stats. § 236.45 and pursuant to Wis. Stats. §§ 59.97(3) and 281.31.

(b) *Purpose.* The purpose of this article is to regulate and control the division of any land within the limits of the county and outside the corporate limits of incorporated villages and cities, in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the county board of supervisors.

(c) *Intent.* It is the general intent of this article to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this article; to provide penalties for its violation and in general to facilitate enforcement of county board of supervisors development standards as set forth in the general plan, general plan components, zoning regulations, building codes and official maps in force in the county.

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

(e) *Interpretations.* In their 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 or repeal of any other power granted by state law.

(f) *Repeal.* All other ordinances or parts of ordinances of the county inconsistent or in conflict with this article, to the extent of inconsistency or conflict only, are hereby repealed.

(g) *Zoning changes.* Any proposed subdivision or certified survey map requiring a zoning change in order to develop as proposed shall submit these proposed changes to the county board of supervisors so that the zoning changes will be approved at the time of final approval. The zoning amendment shall be null and void and of no effect one year from the date of county board approval unless all applicable conditions have been completed by that date.

(Ord. of 12-14-2010, § 15.01)

Sec. 16-28. 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:

Alley means a public or private right-of-way shown on a plat, which provides secondary access to a lot, block or parcel of land.

Arterial street means a street used, or intended to be used, primarily for fast or heavy through traffic. The term "arterial street" shall include freeways and expressways as well as principal, primary, standard and minor arterial streets.

Building line means a line parallel to a lot line and at a distance from the lot line to comply with the zoning regulations yard requirements.

Community means the county.

Comprehensive plan means the general development plan for the county, and its planning components.

Copy means a true and accurate copy of all sheets of the original subdivision plat. Such copy shall be on durable white, matte finished paper with legible dark lines and lettering.

County regional plan means the same as described in Wis. Stats. § 236.45.

Cul-de-sac street means a minor street closed at one end with a turnaround provided for passenger vehicles.

Double frontage lots means lots having frontage on opposite property boundaries with public streets.

Engineer means the person or firm designated by the county for the purpose of this article.

Extraterritorial plat approval jurisdiction means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or 1½ miles of a fourth class city or a village.

Frontage street means a local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

General plan means the county general development plan.

Half-street means a street located on the boundary of a plat whose centerline meets the boundary of an angle of less than 30 degrees or whose required right-of-way width is reduced by that boundary (see also section 16-29(e)).

Local street means a street used, or intended to be used, primarily for access to abutting properties.

Municipality means an incorporated city or village.

Outlot means a parcel of land, other than a lot or block, so designated on the plat.

Planning agency means the county planning committee or engineer or agent if delegated by the planning and zoning committee to exercise the authority designated by this article.

Plat means a map of a subdivision.

Public way means any public road, street, highway, walkway, drainageway, or part thereof.

Recording a plat means the filing of the original of the final plat with the register of deeds.

Replat means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof.

Reverse frontage lots means corner lots with no provision for extra width to permit side yard to be the same as front yard on that side.

Rural subdivision means a subdivision not within three miles of the corporate limits of a first, second or third class city or within 1½ miles of other corporate limits.

Subdivider means any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, or replat.

Subdivision means the division of a lot, parcel, or tract of land by the owner thereof, or his agents, for the purpose of transfer of ownership or building development where:

- (1) The act of division creates five or more parcels or building sites of five acres each or less in area; or
- (2) Five or more parcels or building sites of five acres each or less in area are created by successive divisions within a period of ten years.

Urban subdivision means a subdivision within the corporate limits or within three miles of the corporate limits of a first, second, or third class city or within 1½ miles of other corporate limits at the time of submission of the final plat.

(Ord. of 12-14-2010, § 15.02)

Sec. 16-29. General provisions.

(a) *Jurisdiction.* The provisions of this article as it applies to divisions of tracts of land into less than five parcels shall not apply in those instances described in Wis. Stats. § 236.45.

(b) *Compliance.* No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, or a replat as defined herein; no such subdivision or replat shall be entitled to record and no street shall be laid out or improvements made to land without compliance with all requirements of this article and:

- (1) In any division of land, not in a subdivision and not served by public sanitary sewer, the provisions set forth in section 16-34(f)(4) establishing minimum lot size based on soil suitability shall determine lot size.
- (2) Provisions of Wis. Stats. ch. 236, the state platting law.

- (3) Rules of the division of health, department of health and social services, set forth in Wis. Admin. Code ch. SPS 385, regulating subdivisions not served by public sanitary sewers, except as otherwise provided by this article.
- (4) Rules of the division of highways, department of transportation, set forth in Wis. Admin. Code ch. Trans 233, relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
- (5) Duly approved general plan, or its component.
- (6) Applicable local and county ordinances.

(c) *Dedication and reservation of lands.*

- (1) Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the general plan or its component, or on the official map, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in section 16-34.
- (2) In any subdivision, if a park is not designated, the owner will, prior to the division being recorded, donate five percent of the land, or money in lieu of the land, to the town government within which the division occurs. The town government must use the money or land for park purposes in the area of the division. The committee, upon recommendation of the town board, shall decide if the dedication will be in land or money in lieu of land. In determining the value of land when money in lieu of land is to be conveyed to the town government, the criteria will be the fair market value of the land after division.
- (3) Whenever a proposed playground, park, or other public land, other than streets or drainageways, or on the official map, is embraced all or in part in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the town government by the subdivider at the rate of five percent of the land in the total subdivision and said proposed public lands other than streets or drainageways, in excess of the rate established herein shall be reserved for a period not to exceed three years unless extended by mutual agreement for acquisition by a public agency at undeveloped land costs; and a public site fee shall be levied against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in section 16-37(c). Any such reservation shall have an outlot number.

(d) *Improvements.* Before final approval of any plat, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the county agreeing to install the required improvements and shall file with said contract a bond meeting the approval of legal counsel or a certified check in an amount equal to the estimated costs of the improvements;

said estimate to be made by the engineer as a guarantee that such improvements will be completed by the subdivider not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

(e) *Waiver of requirements.* Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, the committee shall have the power in passing upon appeals to authorize such variance from the terms of this article as will not be contrary to the public interest so that the spirit of this article shall be observed and substantial justice done.

(f) *Land suitability.* No land shall be subdivided for residential use which is held unsuitable for such use by the planning agency for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography 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 county board of supervisors. The planning agency shall confer with the U.S. Soil Conservation Service in determining land suitability of the proposed subdivision. The planning agency, in applying the provisions of this subsection, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the planning agency may affirm, modify, or withdraw its determination of unsuitability.

(g) *Violations.* Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in this article and Wis. Stats. ch. 236.

(h) *Penalties.* Any person violating any provision of this article, including those provisions, state rules and other materials which are incorporated by reference, shall upon conviction thereof forfeit an amount as set forth in section 1-14, plus the cost of prosecution, shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation. In addition to such penalty, the district attorney or corporation counsel is authorized to bring an action to enjoin any violation and the zoning administrator is authorized to refuse to issue a building permit for construction, on any premises contrary to this article.

(i) *Appeals.* Any person, firm or corporation aggrieved by any decision of the county planning agency may appeal to a court of record within 30 days after the rendering of the decision. The procedures so to be followed are to be in substantial conformity of Wis. Stats. § 236.13(5).

(Ord. of 12-14-2010, § 15.03)

Sec. 16-30. Certified survey map.

(a) *Generally.* A certified survey map shall be required for all divisions of land, other than subdivisions which divide land within a $\frac{1}{16}$ section. Such map shall be as defined in Wis. Stats. ch. 236, subject to the additional requirement that such map shall not contain more

than four parcels which are five acres each or less. Such division shall be excepted from the improvement requirements set forth in section 16-35. Variations to this section shall follow the procedure set forth in section 16-29(e) and (i).

(b) *Lot size.* Minimum area of sewered lots shall be 8,000 square feet, except as otherwise provided by the county zoning regulations. Unsewered lots shall be sized according to the rural subdivision regulations in section 16-35. Minimum lot width and depth shall conform to the requirements of the county zoning regulations.

(c) *Access.* All lots shall front on and have access to a public road for a minimum distance of at least 66 feet.

(d) *Tie to government corners.* All certified survey maps shall be tied to government corners in accordance with state and federal surveying requirements. All government corners necessary to complete a certified survey shall be shown on the certified survey map and referenced. The county surveyor shall assist the planning agency in determining whether such requirements have been met.

(e) *Preliminary review.* The applicant shall present a preliminary certified survey map to the planning agency which agency shall:

- (1) Review it for soil suitability and overall consistency with the general plan provisions of this article.
- (2) Present a copy to the county surveyor for review of monumentation, accuracy and duplication of land division.
- (3) Submit a copy to the board of the town in which the property is located for their comments. If no comment is received by the planning agency within ten days, the agency may assume the town board has no comment.
- (4) Present a copy to the highway maintaining authority for review and comment involving access to public roads, drainage on the site and along the roadway, utility easements and driveway permits.
- (5) Following review of the comments from the county surveyor and the highway maintaining authority and considering the other requirements of this article, the planning agency shall make a determination as to whether the preliminary certified survey map generally meets with the requirements of this article and, after so determining, then a letter accepting and approving the preliminary plat shall be forwarded to the party originally submitting said preliminary certified survey map to the agency. Failure to notify the applicant that the preliminary certified survey map is approved, or, if disapproved for what reasons, within 40 days after its receipt shall be deemed and constituted an approval.

(f) *Final certified survey map review.*

- (1) The planning agency shall review the final certified survey map for consistency with the preliminary certified survey map as well as information required by Wis. Stats. § 236.34. In addition, the map shall show correctly on its face the following:
 - a. All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.

- b. Location of access to public road, approved by the agency having jurisdiction over the road.
 - c. All lands reserved for future public acquisition.
 - d. Date of the map.
 - e. Graphic scale.
 - f. Name and address of the owner, subdivider and surveyor.
 - g. A signature line for the planning agency or designated agent.
- (2) Upon compliance with all provisions of this article, the planning agency or designated engineer shall sign the final certified survey map within 90 days of submittal. Failure to take action within 90 days shall be deemed an approval by the planning agency.

(g) *Certificates.* The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this article. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Wis. Stats. § 236.21(2)(a).

(h) *Fee.* A preliminary review fee in an amount as provided in the county fee schedule and final fee in an amount as provided in the county fee schedule will be charged and is payable to the planning agency.

(i) *Variance.* The variances as set forth in section 16-29(e) and (i) shall apply.
(Ord. of 12-14-2010, § 15.04)

Sec. 16-31. Procedure.

(a) *Preapplication.* The subdivider, prior to the filing of an application for the approval of a preliminary plat, will consult with the planning agency and/or staff in order to obtain their advice and assistance. This consultation is to inform the subdivider of the purpose and objectives of these regulations, the general plan, or its components, and duly adopted plan implementation devices and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

(b) *Preliminary plat review.* Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application.

- (1) The preliminary plat shall be prepared in accordance with this article, and the subdivider shall comply with the procedures of Wis. Stats. §§ 236.11 and 236.12. Ten copies of this preliminary plat shall be submitted to the planning agency.
- (2) The planning agency, hereby designated as approving authority for all preliminary plats, shall transmit a copy of the preliminary plat to all affected boards, commis-

sions or departments (unless the subdivider has elected to submit directly to the state as provided in Wis. Stats. § 236.12(6), and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations will be requested to be transmitted to the planning agency within 15 days from the date the plat is filed.

- (3) The preliminary plat shall then be reviewed by the planning agency for conformance with this article and all ordinances, rules, regulations, general plan and general plan components which affect it.

(c) *Preliminary plat approval.*

- (1) The planning agency, within the time specified in Wis. Stats. § 236.11 of the date of filing the preliminary plat with the clerk, shall approve conditionally, or reject such plat. One copy of the plat shall, thereupon, be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the planning agency's permanent file.
- (2) Failure of the planning agency to act within this time limitation shall constitute an approval.
- (3) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except as indicated in Wis. Stats. § 236.11. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the planning agency at the time of its submission.

(d) *Final plat review.*

- (1) Submission of a final plat and a letter of application in accordance with this article shall comply with the procedures of Wis. Stats. §§ 236.11 and 236.12 and shall file an adequate number of copies of the plat and the application with the planning agency at least 25 days prior to the meeting of the planning agency at which action is desired.
- (2) The planning agency shall transmit copies as appropriate to agencies specified in Wis. Stats. § 236.12 and shall retain the original final plat and ten copies.
- (3) The planning agency shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this article and all ordinances, rules, regulations, general plan and general plan components which may affect it and shall recommend approval, conditional approval or rejection of the plat to the county board of supervisors.
- (4) Partial platting. The final plat may, if permitted by the planning agency, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

(e) *Final plat approval.*

- (1) Submission. If the final plat is not submitted within the time specified in Wis. Stats. § 236.11, the county board of supervisors may refuse to approve the final plat.
- (2) The planning agency shall, within 60 days of the date of filing of the final plat, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the county board of supervisors.
- (3) Notification. The planning agency shall, when it determines to recommend approval of a plat, give at least ten days' prior written notice of its intention to the clerk of any municipality or town within 1,000 feet of the plat.
- (4) The county board of supervisors shall approve or reject such plat. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons supplied the subdivider. The county board of supervisors may not inscribe its approval on the final plat unless the secretary of the planning agency certifies on the face of the plat in compliance with Wis. Stats. § 236.12 unless the certificate required under Wis. Stats. § 236.12(4) or 236.12(6) has been executed.
- (5) A professional engineer, planner or other person designated to review plats for a local unit of government shall determine if a final plat substantially conforms to the preliminary plat. This determination shall be given to the unit of government along with a recommendation for approval/denial of the final plat. The conclusion and recommendation are not required to be in writing but must be made part of the public record at the proceeding where the final plat is being considered.
- (6) Preliminary plats or final plats, if no preliminary plat was submitted for that development, must comply with the local ordinance which was in effect when the plat was submitted. If an ordinance is revised while the plat is moving through the review process, the new requirements cannot be applied to the plat.
- (7) Failure of the county board of supervisors to approve or reject such plat within the time specified in Wis. Stats. § 236.11, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (8) Recordation. After the final plat has been approved by the county board of supervisors and required improvements either installed or a contract and sureties according to Wis. Stats. § 236.13(2)(a) ensuring their installation is filed, the planning agency shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the county register of deeds. The register of deeds shall not record the plat unless it is offered within the time specified in Wis. Stats. § 236.25.
- (9) Copies. The subdivider shall file ten certified copies of the final plat with the planning agency for distribution to appropriate local agencies and offices.

(f) *Replat.* When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. §§ 236.40 through 236.44. The subdivider, or person wishing to replat, shall then proceed as specified in this subsection and subsections (a) through (e) of this section. Court vacations of plats are required when areas dedicated to the public are altered.

(g) *Public hearing notice.* The secretary of the planning agency shall schedule, within the time period specified in subsection (c) of this section for the planning agency to take action upon the plat, a public hearing before the planning agency when a preliminary plat of a replat of lands within the county board of supervisors is filed and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

(Ord. of 12-14-2010, § 15.05)

Sec. 16-32. Preliminary plat.

(a) *Generally.* A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (1) Name under which the proposed subdivision is to be recorded which shall not be a duplicate name of any plat recorded in the county.
- (2) Location of proposed subdivision by government lot quarter-quarter section, township, range, county and state noted immediately under the name.
- (3) Date, graphic scale and north point.
- (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The planning agency may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
- (6) Tie to all government corners required to be used for the survey, according to state and federal surveying requirements.

(b) *Plat data.* All preliminary plats shall show the following:

- (1) 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. Elevations shall be marked on such contours on datum established by the engineer.

- (2) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to datum established by the engineer.
- (3) Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (5) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to datum established by the engineer.
- (6) Location, size and invert elevations of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
- (7) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (8) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements.
- (9) Approximate dimensions of all lots together with proposed lot and block numbers.
- (10) Approximate dimensions of all outlots together with proposed outlot numbers.
- (11) Approximate radii of all curves.
- (12) Existing zoning on and adjacent to the proposed subdivision.
- (13) Town and corporate limit lines.
- (14) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (15) Any proposed lake or stream improvement, relocation or creation.
- (16) Lands lying between the meander line and the water's edge and any other unplattable lands which lie between a proposed subdivision and the water's edge shall be included as a part of lots, outlots or public dedications in any plat abutting a lake or stream.

(c) *Street plans and profiles.* The engineer may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon datum established by the engineer and plans and profiles shall meet the approval of the engineer.

(d) *Testing.* The engineer or county sanitarian may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depths to bedrock and depth to groundwater table. Where an urban subdivision will not be served by public sanitary sewerage service, the provisions of Wis. Admin. Code ch. SPS 385 shall be complied with, and the appropriate data submitted with the preliminary plat. Where a rural subdivision will not be served by public sanitary sewer service, the minimum lot size shall be determined according the percolation rates, as provided in section 16-34(f)(4) and according to the soil suitability.

(e) *Covenants.* The planning agency may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(f) *Affidavit.* The registered land surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this article.

(Ord. of 12-14-2010, § 15.06)

Sec. 16-33. Final plat.

(a) *Generally.* A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. ch. 236.

(b) *Additional information.* The plat shall show correctly on its face, in addition to the information required by Wis. Stats. ch. 236, the following:

- (1) Exact street width along the line of any obliquely intersecting street.
- (2) Tie to all government corners required to be used for the survey, according to state and federal surveying requirements.
- (3) Railroad rights-of-way within and abutting the plat.
- (4) Utility easements of sufficient width to provide all lots with necessary services based upon recommendation of the utility companies.
- (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat (shown as outlots).
- (6) Special restrictions required by the planning agency relating to access control along public ways or to the provision of planting strips.

(c) *Deed restrictions.* The planning agency may require that deed restrictions be filed with the final plat.

(d) *Surveying and monumenting.* All final plats shall meet all the surveying and monumenting requirements of Wis. Stats. § 236.15.

(e) *Certificates.* All final plats shall provide all the certificates required by Wis. Stats. § 236.21; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this article. The owner's certificate shall be fully executed prior to local approval.

(Ord. of 12-14-2010, § 15.08)

Sec. 16-34. Design standards.

(a) *Street arrangement.* In any new subdivision, the street layout shall conform to the arrangement, width and location indicated on the official map or general plan of the county or community. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

- (1) Specific street classifications are given in the General Plan for Jefferson County, 1966, and Jurisdictional Highway Planning Study Jefferson County, Wisconsin, 1970.
- (2) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the planning agency, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
- (3) Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- (4) Stream or lake shores shall be provided with public access in conformance with the provisions of Wis. Stats. § 236.16(3).
- (5) Reserve strips shall not be provided on any plat to control access of streets or alleys, except where control of such strips is placed with the county board of supervisors under conditions recommended by the planning agency and approved by the county board of supervisors.
- (6) Street names shall not duplicate or be similar to existing street names within ten miles of the boundary of the community and existing street names shall be projected wherever possible.

(b) *Limited access highway and railroad right-of-way treatment.* Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (1) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon prohibited."
- (2) Commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (3) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street or highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practical, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of local streets immediately adjacent to arterial streets and highways and railroad rights-of-way shall be avoided in residential areas.

(c) *Street design standards.* All streets shall conform to Wis. Stats. § 82.50. The following provisions shall apply when more restrictive than the state regulations. The minimum right-of-way and roadway width of all proposed streets shall be as specified by the general plan, general plan component, or official map, or if no width is specified therein, the minimum widths shall be as follows:

<i>Type of Street¹</i>	<i>Reserved Right-of-Way Width</i>	<i>Dedicated Right-of-Way Width</i>	<i>Pavement Width²</i>
Urban cross section			
Statewide principal primary or standard arterial streets		180 feet	TBD ³
Statewide minor arterial or areawide high or low collectors		100 feet	TBD ³
Local streets		66 feet	32 feet
Pedestrian ways		10 feet	5 feet

<i>Type of Street¹</i>	<i>Reserved Right-of-Way Width</i>	<i>Dedicated Right-of-Way Width</i>	<i>Pavement Width²</i>
Rural cross section			
Statewide principal primary or standard arterial streets	TBD ³	TBD ³	TBD ³
Areawide high or low collectors	100 feet	100 feet	TBD ³
Local streets	66 feet	66 feet	20 feet

¹ From Page 30 of the Jurisdictional Highway Planning Study for Jefferson County, Wisconsin, 1970, and Candeub, Fleissig and Asso.

² Face of curb to face of curb.

³ To be determined by the county board of supervisors with advice from the highway commissioner.

- (1) *Cul-de-sac streets.* Cul-de-sac streets designed to have one end permanently closed shall not exceed 1,000 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 50 feet.
- (2) *Street grades.* Unless necessitated by exceptional topography subject to the approval of the planning agency, the maximum centerline grade of any street or public way shall not exceed ten percent for local streets and 12 percent for pedestrian ways unless steps of acceptable design are provided. The grade of any street shall in no case exceed 11 percent or be less than one-half of one percent. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grades for major streets, and one-half this minimum for all other streets.
- (3) *Radii of curvature.* When a continuous street centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the 100 feet for local streets with a tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
- (4) *Half-streets.* Where, on the date of enactment of the ordinance from which this article is derived, an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The creation of new half-streets is prohibited.
- (d) *Street intersections.*
 - (1) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

- (2) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. For local streets only cross-type intersections shall be avoided in favor of T-type intersections.
 - (3) Number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall be not less than 1,200 feet.
 - (4) Street intersections shall show corner easement radii of 15 feet or greater when required by the planning agency.
 - (5) Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within 300 feet of each other measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
- (e) *Blocks.* The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.
- (1) *Length.* Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
 - (2) *Pedestrian ways.* Pedestrian ways of not less than ten feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the planning agency to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
 - (3) *Width.* Blocks shall have sufficient width to provide for two tiers or lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.
 - (4) *Utility easements.* All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines wherever carried on overhead poles.
- (f) *Lots.* The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- (1) Side lot lines, whenever practicable as determined by the planning agency, shall be at right angles to straight street lines or radial to curbed street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

- (2) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (3) Access. Every lot shall front or abut for a distance of at least 30 feet on a public street.
- (4) Minimum lot area.
 - a. Area of lots served by public sanitary sewer shall have a minimum of 8,000 square feet, unless otherwise provided for in the zoning regulations. Urban subdivisions not served by public sewers shall conform to the requirements of Wis. Admin. Code ch. SPS 385. Lot areas in rural subdivisions not served by public sewers shall be sized according to percolation rates, as follows:

<i>Percolation Rate</i>	<i>Minimum Lot Area</i>
0—15	20,000 square feet
15—30	35,000 square feet
30—45	1.00 acre
45—60	1.25 acres

- b. Whenever a tract is subdivided into large parcels, such parcels may be arranged and dimensioned so as to allow further division of such parcels into normal lots in accordance with the provisions of this article. Deed restrictions may be required to regulate the placement of building on these lots.
- (5) Depth. Lots shall have a minimum average depth of 100 feet. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning regulations for such use.
- (6) Width of lots shall conform to the requirements of the zoning regulations.
- (7) Corner lots shall have an extra width of ten feet to permit adequate building setbacks from side streets.
- (g) *Outlots.* All lands within the plat boundaries which are not numbered as lots or dedicated as streets shall be outlots and shall be consecutively numbered. All outlots shall meet the minimum lot size requirements of this article, unless dedicated to the public.
- (h) *Building setback lines.* Where not controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established as may be required by the planning agency.
- (i) *Easements.*
 - (1) The planning agency may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on said lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; and gas, water and other utility lines.

- (2) Drainage easements. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the planning agency. The location, width, alignment and improvements of such drainageway or easement shall be subject to the approval of the engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the engineer.

(j) *Public sites and open space.* In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. Dedications are described in section 16-29(c).

(Ord. of 12-14-2010, § 15.08)

Sec. 16-35. Required improvements.

(a) *Generally.* Improvements required for urban subdivisions shall be those required by the county. All rural subdivisions shall provide the required improvements set forth in this section.

(b) *Grading.* After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the county board of supervisors, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with the plans and standard specifications approved by the engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.

(c) *Surfacing.* After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways and streets proposed to be dedicated to the widths prescribed by this article and the general plan or general plan components. Surfacing shall be done in accordance with plans and standard specifications approved by the highway engineer. The cost of surfacing in excess of 36 feet in width that is not required to serve the needs of the subdivision shall be borne by the county.

(d) *Street cross sections.* When permanent rural street cross sections have been approved by the county board of supervisors, the county highway committee or the state department of transportation, division of highways, whoever has jurisdiction, the subdivider shall finish-grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the highway engineer.

(e) *Stormwater drainage facilities.* The subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, catchbasins and inlets, storm sewers, road ditches and open channels, as may be required.

- (1) All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria

and the sizes and grades to be determined by the engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type, and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the engineer.

- (2) If greater than 24-inch diameter sewers are required to handle the contemplated flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer, and the excess cost either borne by the county board of supervisors or assessed against the total tributary drainage area.

(f) *Improvements on boundaries of subdivisions.* Any public improvements occurring on the boundaries of the subdivision shall use normal assessing values for establishing payments.

(Ord. of 12-14-2010, § 15.09)

Sec. 16-36. Construction.

(a) *Commencement.* No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and the engineer has given written authorization.

(b) *Building permits.* No building permits shall be issued for erection of a structure on any parcel until all the requirements of this article have been met.

(c) *Plans.* The following plans and accompanying construction specifications may be required by the engineer before authorization of construction or installation of improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (3) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (4) Planting plans showing the locations, age and species and required street trees.
- (5) Additional special plans or information as required.

(d) *Inspection.* The engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

(Ord. of 12-14-2010, § 15.10)

Sec. 16-37. Fees.

(a) *General.* The subdivider shall pay the county all fees as herein required and at the times specified. Except as set forth in subsections (b) through (g) of this section, the amount of fees shall be set forth in the county's comprehensive fee schedule in accordance with its annual budget.

(b) *Preliminary plat review fee.* The subdivider shall pay a fee at the time of first application for approval of any preliminary plats to assist in defraying the cost of review. Reapplication fee shall be paid to the planning agency at the time of reapplication approval of any preliminary plat which has been previously reviewed.

(c) *Improvement review fee and inspection fee.* The subdivider shall pay a fee equal to the actual cost to the county for such inspection as the engineer deems necessary to ensure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the county or any other governmental authority.

(d) *Final plat review fee.* The subdivider shall pay a fee at the time of first application for approval of said plat to assist in defraying the cost of review. Reapplication fee shall be paid to the planning agency at the time of reapplication for approval of any final plat which has previously been reviewed.

(e) *Public site fee.* If the subdivider has elected not to dedicate public lands within his plat as provided in section 16-29, a fee for the acquisition or capital improvements of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the planning agency at the time of first application for approval of a final plat of said subdivision in the amount equal to five percent of fair market value of the total plat after subdivision.

(f) *Engineering fee.* The subdivider shall pay a fee equal to the actual cost to the county for all engineering work incurred by the county in connection with the plat. Engineering work shall include the preparation of construction plans and standard specifications. The engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

(g) *Administrative fee.* The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the county in connection with the plat. Legal work shall include the drafting of contracts between the county and the subdivider.

(Ord. of 12-14-2010, § 15.11)

Secs. 16-38—16-62. Reserved.

ARTICLE III. UNIFORM STRUCTURE NUMBERING**Sec. 16-63. Numbering system adopted.**

A uniform system of numbering properties and primary buildings, as shown on the maps on file in the county land information office, is adopted for use in the unincorporated areas of the county. The maps and all explanatory matter thereon are hereby adopted and made a part of this article.

(Ord. No. 2006-22, § 2, 12-12-2006)

Sec. 16-64. Assignment of numbers.

(a) All primary buildings in the unincorporated areas of the county shall be identified by reference to the uniform numbering system adopted herein.

(b) The term "primary buildings," for purposes of this article, are structures with uses (such as dwelling units or businesses) which necessitate a separate uniform number for emergency response or postal delivery. Primary buildings include structures with other uses (such as personal storage) that have a separate driveway entrance and cannot readily be associated with a primary building owned by the same party.

(c) All primary buildings on the east side of north-south roads and the north side of east-west roads shall be assigned even numbers. All primary buildings on the west side of north-south roads and the south side of east-west roads shall be assigned odd numbers. An appropriate prefix of "N" or "W" will precede the number.

(d) Each primary building shall bear the prefix letter and number, or the prefix letter and number shall be displayed on a uniform number sign near the driveway entrance. In case a primary building is occupied by more than one business or dwelling unit, each separate front entrance of such primary building shall bear a separate prefix letter and number.

(e) Numerals indicating the official numbers for each primary building or each front entrance to such building shall be posted on the building entrance or on a sign near the driveway and maintained in a manner as to be readable from the road on which the property is located.

(Ord. No. 2006-22, § 3, 12-12-2006)

Sec. 16-65. Administration.

(a) The county land information office shall be responsible for maintaining the numbering system and shall keep a record of all numbers assigned and forward all new numbers assigned to the county sheriff's department.

(b) The county zoning department shall issue no zoning or sanitation permit until the property for which the permit is intended has been assigned a number under this article by the county land information office.

(c) Upon payment of the fee established in the county land information office fee schedule, the county land information office shall issue to any property owner in the unincorporated areas of the county a set of numerals for each primary building or separate front entrance to such building. In so doing, the office shall issue only numerals for the number assigned to such building; provided, however, that the office may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, or vandalism or other event has destroyed the original numbers.

(Ord. No. 2006-22, § 4, 12-12-2006)

Sec. 16-66. Penalties.

(a) Any person owing or occupying a primary building or property required to be numbered by this article who neglects or fails to obtain a proper number and display it in a manner as to be visible from the road on which the property is located shall forfeit not less than \$25.00 nor more than \$200.00, along with penalty assessment and costs. Each separate day such number is not displayed shall constitute a separate offense.

(b) Any person altering, destroying, removing or otherwise rendering numbers required to be posted by this article unreadable from the road on which the property is located shall forfeit not less than \$50.00 nor more than \$500.00 along with penalty assessment and costs.

(Ord. No. 2006-22, § 5, 12-12-2006)

Secs. 16-67—16-90. Reserved.

ARTICLE IV. BROADBAND

Sec. 16-91. Purpose and intent.

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. This article shall at all times be construed consistent with this purpose.

(Ord. No. 2018-18, § 1(1.1), 12-11-2018)

Sec. 16-92. 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:

Applicant means a person applying for a permit for a broadband network project.

Broadband network project means the construction or deployment of wireline or wireless communications facilities to provide broadband communication services in the county.

Permit means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, article, or resolution with respect to a broadband network project.

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. (Ord. No. 2018-18, § 1(1.2), 12-11-2018)

Sec. 16-93. Point of contact.

The county administrator shall appoint in writing a single point of contact for all matters related to a broadband network project. The county public website shall provide contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

(Ord. No. 2018-18, § 1(1.3), 12-11-2018)

Sec. 16-94. Electronic submission of applications.

An applicant shall have the option to sign and file all forms, applications and documentation related to a broadband network project electronically.

(Ord. No. 2018-18, § 2, 12-11-2018)

Sec. 16-95. Application completeness review.

Upon receiving a broadband network project application, the single point of contact appointed by the county administrator shall:

- (1) Determine whether an application is complete and notify the applicant of such determination in writing within ten calendar days following receipt of an application. If the applicant is not notified in writing of the determination within ten calendar days following receipt of the application, the application shall be considered complete and processed as a complete application.
- (2) If it is determined that an application is not complete, the written notification to the applicant shall specify in detail why the application was determined not to be complete. The applicant may resubmit an application as often as necessary until the application is complete.

(Ord. No. 2018-18, § 3.1, 12-11-2018)

Sec. 16-96. Approval or denial of complete applications.

(a) Within 60 calendar days following receipt of an application that is complete, or considered complete, the application shall either be approved or denied and the applicant provided written notification of the approval or denial. If the applicant is not notified of the application's approval or denial within 60 calendar days following receipt of a complete application, the application shall be considered approved and any required permit shall be issued within five days.

(b) If an application is denied, written notification of the denial shall include evidence that the denial was not arbitrary and capricious.

(Ord. No. 2018-18, § 3.2, 12-11-2018)

Sec. 16-97. Fees.

The fee to review an application, issue a permit, and perform any other activity related to a broadband network project shall be as set forth in the county fee schedule.

(Ord. No. 2018-18, § 4, 12-11-2018)

Secs. 16-98—16-122. Reserved.

ARTICLE V. PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS

Sec. 16-123. Statutory authority.

The ordinance from which this article is derived is adopted pursuant to the authority in Wis. Stats. §§ 59.70, 145.04, 145.045, 145.19, 145.195, 145.20 and 145.245.

(Ord. of 9-13-2022, § 12.01)

Sec. 16-124. Purpose.

The ordinance from which this article is derived is adopted to promote and protect public health and safety by ensuring the proper siting, design, installation, alteration, inspection, maintenance, and management of POWTS and non-plumbing sanitation systems.

(Ord. of 9-13-2022, § 12.02)

Sec. 16-125. Liability and warranty.

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 sewage system which may not function as designed. There shall be no liability or warranty for any site which 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 with state law and rules.

(Ord. of 9-13-2022, § 12.03)

Sec. 16-126. Interpretation.

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 state law and rules.

(Ord. of 9-13-2022, § 12.04)

Sec. 16-127. 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:

County inspector means an individual who is employed by the county to assist in the administration and enforcement of this article and is licensed by the department to inspect POWTS and to evaluate soils for the purpose of this article. A county inspector is also referred to as an "authorized agent" throughout this article.

Department means the state department of safety and professional services (DSPS).

Domestic wastewater means wastewater, not including stormwater, discharged from wastewater plumbing fixtures and appliances that drain wastewater outside of the structure served by the appliance, including, but not limited to, discharges from a toilet, bath, laundry, dishwasher, garbage disposal, and wastewater used for cleaning and sanitary purposes.

Failing private on-site wastewater treatment system is one which causes or results in any of the following conditions:

- (1) The discharge of sewage into surface water or groundwater;
- (2) The introduction of sewage into zones of saturation which adversely affects the operation of a private on-site wastewater treatment system;
- (3) The discharge of sewage to a drain tile or into zones of bedrock;
- (4) The discharge of sewage to the surface of the ground;
- (5) The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system Wis. Stats. § 145.245(4);
- (6) A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private on-site wastewater treatment system.

Human habitation means the act of occupying a structure as a dwelling, sleeping place, or other use resulting in human occupancy, whether intermittently or as a principal structure.

Modification in wastewater flow or contaminant load. A modification in wastewater flow or contaminant load shall be considered to occur:

- (1) 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 wastewater to the private on-site wastewater treatment system; and
- (2) In dwellings, when there is an increase or decrease in the number of bedrooms.

Occupancy pertains to and is the purpose for which a building or structure is used or intended to be used when considering a building's or structure's use or intended use for human habitation.

Plumber means a person licensed by the state as a master plumber or master plumber restricted service.

Private on-site wastewater treatment system (POWTS), as provided in Wis. Stats. § 145.01(12), means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption filed located on the same parcel as the structure. The term "private on-site wastewater treatment system (POWTS)" also means an alternative sewage system approved by the department 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. A private on-site wastewater treatment system may be owned by the property owner or by a special purpose district. A POWTS may also be referred to as a private sewage system.

(Ord. of 9-13-2022, § 12.05)

Sec. 16-128. Compliance.

(a) All structures or premises in the county intended for permanent or intermittent occupancy which are not served 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 POWTS for newly constructed structures or existing structures shall be installed, inspected and approved by a person licensed by the state as a master plumber or master plumber restricted service, and also inspected and approved by the planning and zoning department before the structure may be occupied.

(c) No person shall install, move, reconstruct, extend, enlarge, convert, substantially alter, or change the use of any private sewage system or any part thereof without a sanitary permit and without being in full compliance with all provisions of all applicable county and state regulations.

(Ord. of 9-13-2022, § 12.06)

Sec. 16-129. Statutes and rules adopted by reference.

This article incorporates by reference as though fully set forth herein Wis. Stats. §§ 59.70(5), 281.48 and 968.10; Wis. Stats. ch. 145; and Wis. Admin. Code chs. SPS 381—385, 387, 391, NR 113 and 116 governing the location, construction and use of POWTS as well as the disposition of domestic wastes. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

(Ord. of 9-13-2022, § 12.07)

Sec. 16-130. Applicability.

The requirements of this article shall apply to all geographic areas of the county.

(Ord. of 9-13-2022, § 12.08)

Sec. 16-131. Limitations.

(a) All domestic wastewater shall enter a private sewage system unless otherwise exempted by state law or this article.

(b) A vault privy is allowable only for campgrounds or parks. Vault privies shall not be used in association with habitable structures. All such privies shall be constructed and maintained consistent with the requirements of Wis. Admin. Code chs. SPS 391 and NR 113. For permitting purposes, a county sanitary permit is required for the installation of a vault privy.

(c) Composting or incinerating toilets may be allowed on properties that are not connected to a water supply and are not connected to a plumbing system upon approval from the planning and zoning committee. Applications shall be made to the planning and zoning department which shall refer the application to the planning and zoning committee. Applications shall include written statements from the owner requesting a composting or incinerating toilet, and the specific facts as to why it is being requested. The committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether or not to grant the application. The committee will review facts such as the proposed use of the property, availability of a POWTS, location of the toilet, proposed structures, proposed use of a well or water and reasons why a traditional POWTS cannot be used. If approved by the planning and zoning committee, a sanitary permit shall be required.

(d) Any POWTS or portion thereof installed within a floodplain shall also comply with all state statutes and applicable requirements of Wis. Admin. Code ch. NR 116 and the county floodplain regulations with the exception that a private sewage system can be permitted in the floodplain if properly floodproofed to the satisfaction of the county planning and zoning department after considering the specific characteristics of the property and the suitability of a POWTS on the property, and all other state and county requirements are satisfied.

(e) A primary area other than a holding tank shall be identified for new construction.

(f) Holding tanks are prohibited for new construction and shall not be identified as the POWTS for new construction. Persons may request exceptions to this prohibition as described in subsections (g) and (h) of this section.

(g) Installation of a holding tank is prohibited as a replacement POWTS for an existing dwelling or existing construction served by a POWTS, if at least an A+4 mound type system may be located on the property, except:

- (1) A temporary holding tank may be installed if a public sewer, approved by the department of natural resources, will be installed to serve the property within two years of the date of the sanitary permit issuance. An application for a sanitary permit for a holding tank shall include, in addition to what is required in Wis. Admin. Code ch. SPS 383 and this article, written statements from:
 - a. The county or sanitary district verifying the date the public sewer will be installed and available to serve the property;

- b. The department of natural resources verifying approval of the public sewer; and
 - c. The property owner agreeing to connect to public sewer when it becomes available, and to properly abandon the temporary holding tank.
- (2) If public sewer does not become available within two years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by Wis. Admin. Code ch. SPS 383 unless conditions identified in subsections (g)(3), (h) and (i) of this section apply.
 - (3) Soils and site evaluation has determined that the only available area is located within the 100-year floodplain.
- (h) Installation of a temporary holding tank may be approved by the county in cases where an approved POWTS may not be fully installed due to weather or other circumstances. The system shall be fully installed within one year of the approval of the temporary holding tank. The county may grant an extension on a case-by-case basis. Upon approval, the plumber and/or property owner shall submit the following:
- (1) Holding tank maintenance agreement.
 - (2) Holding tank servicing contract.
 - (3) Applicable fees required by the county.
 - (4) Permit application.
- (i) Exceptions to allowing holding tanks for new construction may be granted when the public interest in safe, healthful sanitation arrangements will not be jeopardized, and where the applicant's situation is truly unique, such as, the likelihood of public sewerage service being available at a reasonable future time.
- (1) Applications for an exception shall be made to the planning and zoning department which shall refer the application to the planning and zoning committee.
 - (2) Applications shall include written statements from the owner requesting the exception and plumber and/or soil tester documenting the specific facts as to why an exception is requested.
 - (3) The committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether to grant the exception.
- (j) When a failing POWTS 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 department or county orders.
- (k) Any POWTS proposed to be installed in a sanitary district, city or village; or within a 15-year growth area; or within an urban service area or limited urban service area requires approval from that jurisdiction prior to issuance of the sanitary permit.

(l) The POWTS shall be located on the lot or parcel that it is intended to serve or on the same lot or parcel that the structures it serves is located. Applications for an exception shall be made to the planning and zoning department which shall refer the application to the planning and zoning committee. Applications shall include written statements from the owner requesting the exception and plumber and/or soil tester documenting the specific facts as to why an exception is requested. The committee shall make necessary investigations, meet with the applicant or agent thereof, and shall determine whether or not to grant the exception.

(Ord. of 9-13-2022, § 12.09)

Sec. 16-132. Abandonment of POWTS.

(a) When public sewer approved by the department of natural resources becomes available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the local sewer service authority.

(b) Abandonment of the disconnected POWTS shall be done in accordance with the provisions of Wis. Admin. Code ch. SPS 383 and a report of the abandonment shall be filed with the county planning and zoning department within 30 days of abandonment.

(c) The components of an existing POWTS 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. of 9-13-2022, § 12.10)

Sec. 16-133. Soils and site evaluations.

(a) Soils and site evaluations shall be conducted as prescribed in Wis. Admin. Code chs. SPS 383, 385 and 391 with at least three soil profile evaluations unless additional borings are necessary to properly delineate the area.

(b) Soil and site evaluation data shall relate to the undisturbed and finished grade elevations, vertical elevation reference point and horizontal reference point. Surface elevations shall be given to all soil borings.

(c) A soil and site evaluation report may not be required if the site is located in a floodplain only if minimum setback distances cannot be met or if the site has been altered to the extent that a replacement holding tank is the only alternative.

(d) Inspections and county verification of soil and site evaluations.

(1) County verification of a soil and site evaluation report may be required by the county inspector to determine suitability of a lot for any POWTS. This verification will be made at the discretion of the county inspector and will be made prior to the issuance of the sanitary permit.

- (2) County on-site verification of a soil and site evaluation report shall be required for all soils, except those that support an in-ground or conventional soil absorption system. The county may waive verification at the discretion of the planning and zoning director or his or her designee. Verification will be conducted upon receipt of a completed soil and site evaluation or meeting the county inspector at the site for verification. If soil pits are utilized, they shall be constructed prior to county inspection.
 - (3) A certified soil tester may request county verification for soils that might support an in-ground soil absorption component. Verification may be conducted by the county upon submittal of a completed soil and site evaluation report or if the soil tester is present with the county inspector at the site during verification. Such verifications are subject to the county inspector's work schedule and may be subject to a fee.
 - (4) Inspections shall be completed by the end of the workday following the request for inspection, excluding Saturdays, Sundays and holidays.
- (e) County verification reports shall be attached and filed with a completed soil and site evaluation report.
(Ord. of 9-13-2022, § 12.11)

Sec. 16-134. Sanitary permits generally.

- (a) Every POWTS shall require a separate application and sanitary permit.
- (b) A sanitary permit shall be obtained by the property owner, agent or contractor in the name of the property owner, prior to installation, establishment or construction of any structure which requires a POWTS permit. Any property owner, agent or contractor who starts construction prior to obtaining a sanitary permit is in violation of this article and shall be subject to the penalties provided in this article.
- (c) A sanitary permit shall be obtained by the property owner, agent or contractor before any POWTS or part thereof may be installed, replaced, or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, baffles or pumps.
- (d) A sanitary permit is required for a vault privy, and construction shall comply with Wis. Admin. Code ch. SPS 391.
- (e) If any part of a POWTS, other than the tank, has failed or requires replacement, such new part shall meet the current code. For tank replacement, a soil evaluation shall be performed which shows drain field separation from groundwater meets the current code, unless such a report is already on file with the county. The sanitary permit application shall show specifications for replacement parts and drainage fields, if required.

(f) A zoning and land use permit shall not be issued for construction of any structure requiring connection to a private on-site wastewater treatment system unless a private on-site wastewater treatment system satisfying all applicable regulations already exists to serve the proposed structure or all permits necessary to install a private on-site wastewater treatment system have been obtained pursuant to Wis. Stats. § 145.195. (Ord. of 9-13-2022, § 12.12)

Sec. 16-135. Sanitary permit application requirements.

(a) A sanitary permit application shall include the following information by the applicant on forms required by the state or county as well as all items expressed in Wis. Admin. Code ch. SPS 383 and applicable fees. All information required on the sanitary permit application form shall be complete, legible and accurate.

- (1) A clear and legible detailed plot plan dimensioned or drawn to scale on a minimum of 8½ inches by 11 inches quality paper, but not to exceed 11 inches by 17 inches.
- (2) Plot plans shall be submitted and include all of the following and any other information as required by the county:
 - a. Lot size and location of all existing and proposed POWTS components.
 - b. Building sewers.
 - c. Sanitary and storm sewers.
 - d. Wells.
 - e. Water mains or water service.
 - f. Streams and lakes and reference to ordinary high-water mark.
 - g. Floodplain or wetland.
 - h. Structures and driveways.
 - i. Lot lines or property lines.
 - j. Adjoining property owner features that would impact the POWTS location with respect to Wis. Admin. Code ch. SPS 383.
 - k. Benchmark as established on the soil and site evaluation report.
 - l. Demonstrate compliance with all horizontal setback parameters established in Wis. Admin. Code § SPS 383.43.
 - m. Additional information that may be required by the county based on the unique characteristics of the structure or property.
- (3) Plans and specifications for the proposed POWTS component shall be provided. The county may require additional information to ensure that all specifications have been provided as part of the application process.
- (4) Soil and site evaluation.

- (5) If required, state approved plans bearing the department's conditional approval and the approval letter issued by the department.
- (6) Contingency plan in the event that the proposed POWTS fails and cannot be repaired.
- (7) Maintenance agreement, holding tank agreement, holding tank servicing contract or ATU agreement in recordable form as furnished by the county describing maintenance for the system consistent with Wis. Admin. Code ch. SPS 383.
- (8) A management plan for the proposed design reflecting conformance with Wis. Admin. Code ch. SPS 383.
- (9) Payment of applicable fees as prescribed in the county fee schedule.

(b) The county reserves the right to refuse incomplete, incorrect or non-legible sanitary permit applications or to delay sanitary permit issuance over the time limits prescribed in section 16-136 until a corrected or complete application is received.

(Ord. of 9-13-2022, § 12.13)

Sec. 16-136. Permit approval or denial.

(a) *Generally.* Permits shall be approved within 30 days of receiving a completed sanitary permit application that has provided all required information as prescribed in this article and Wis. Admin. Code ch. SPS 383.

(b) *Permit denial.* When applicable provisions of state law, state rules or this article have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for denial shall be forwarded to the plumber, landowner, and, when appropriate, DSPS representatives and corporation counsel.

(Ord. of 9-13-2022, § 12.14)

Sec. 16-137. Permit transfer, revocation/suspension, expiration and renewal.

(a) *Transfer.* When there is a change of ownership, the state transfer form shall be submitted to the county with a set of new plans, if deemed necessary, and a fee as prescribed in the county fee schedule.

- (1) The sanitary permit card shall be returned to the county so that a new transfer card may be issued.
- (2) The 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 state level approval is obtained by the new plumber.

(b) *Revisions.* Approval from the county is required whenever there is a change in the POWTS design as originally approved by the county as follows:

- (1) Submission of detailed plans and specifications and submission of an application and application fee as prescribed in the county fee schedule.

- (2) The county shall provide notice to the plumber in charge when a revision is required. The plumber shall submit the revision within 30 calendar days of the date of notice.

(c) *Revocations.* The county may revoke any sanitary permit issued under this section for any false statements or misrepresentations of fact that served as the basis for issuance of the permit. The reasons for revocation shall be conveyed in writing to the owner of the property and plumber listed on the permit application. After revocation, no work shall be done on the POWTS until a new permit is approved by the county.

(d) *Suspensions.* The county may suspend any sanitary permit issued under this section for any false statements or misrepresentations of fact that served as the basis for issuance of the permit. The reasons for suspension shall be conveyed in writing to the owner of the property and plumber listed on the permit application. After suspension of the permit, no work may be done on the POWTS until the conditions of permit suspension have been complied with, and the county has reinstated the sanitary permit.

(e) *Expiration and renewal.* The sanitary permit is valid for a period of two years from the date of issuance. A sanitary permit may be renewed for periods of up to two years if the POWTS has not been completely installed, provided the renewal is obtained prior to the expiration of the sanitary permit and the appropriate fee submitted as prescribed in the county fee schedule. Renewals may be approved only if the plan meets the code in effect at the time the renewal is sought.

(Ord. of 9-13-2022, § 12.15)

Sec. 16-138. Sanitary permit fees.

(a) Sanitary permit fees must be paid before a sanitary permit will be issued. The fees charged by the county for issuing a sanitary permit, sanitary permit revision, transfer, or renewal are identified in the county planning and zoning fee schedule approved by county board action and posted at the county planning and zoning department.

(b) Fees may also be assigned for other activities associated with this article and shall be as identified in the county fee schedule approved by county board action and posted at the county planning and zoning department.

(c) The county may adjust fees annually with county board approval to reflect changes in cost or level of service provided.

(Ord. of 9-13-2022, § 12.16)

Sec. 16-139. Inspections.

(a) *Final installation inspections.* The county shall inspect all POWTS as required by Wis. Admin. Code ch. SPS 383 after construction, but before backfilling and no later than the end of the next workday, excluding Saturdays, Sundays, and holidays, after receiving notice from the plumber in charge. Inspections shall be reported on forms furnished by the department. The plumber in charge must be present during the inspection and must provide all necessary equipment and assistance to the inspector as requested.

(b) *Mound and at-grade system inspections.* Mound and at-grade systems shall be inspected before the ground surface is plowed and in accordance with Wis. Admin. Code ch. SPS 383. The plumber shall evaluate the ground surface prior to county inspection. Upon county approval, the plumber has up to 48 hours to plow the ground surface. If rainfall occurs after county approval, the approval is null and void and shall be reinspected. After the system is installed, the system shall be inspected in accordance with subsection (a) of this section.

(c) *Other inspections.* Additional inspections of a POWTS may be necessary based on the POWTS type, complexity or unforeseen circumstances. POWTS may be inspected periodically, after the initial installation inspections or after the system is operative, as deemed necessary by the county.

(d) *Covering of work.* No part of the POWTS may be backfilled until it has been inspected and approved. If any part is covered before being inspected and approved, it shall be uncovered at the discretion of the county inspector.

(e) *POWTS use.* No new or replacement POWTS shall be used until an inspection report is completed indicating compliance with all terms of this article. Backfilling or use of the system shall not occur prior to express verification by the inspector or authorized agent that conditions are in compliance.

(f) *Effect of report.* The inspection report shall apply only to the date of issuance as it relates to the POWTS. It does not imply the continued compliance of this system with state and local regulations. The inspection report, and the approval it signifies, shall extend only to the property usage as indicated on the approved application. A change in usage that requires modification of the POWTS shall necessitate a new application, permit and inspection.

(Ord. of 9-13-2022, § 12.17)

Sec. 16-140. POWTS maintenance and management.

(a) *General provisions.*

- (1) All POWTS shall be managed and maintained in accordance with Wis. Admin. Code chs. SPS 383 and 384 and this article.
- (2) The property owner shall report to the county each inspection, maintenance, or servicing event in accordance with Wis. Admin. Code ch. SPS 383 and this article.
- (3) The property owner shall submit a maintenance agreement and/or servicing contract or holding tank agreement as prescribed by the county to the county as part of the sanitary permit. The agreement or contract shall be recorded with the register of deeds. It is the responsibility of the owner to provide written notice of the maintenance program to a buyer. A revised agreement shall be submitted by the owner whenever there is a change to such document.

- (4) The county may require verification of any information contained in an inspection, evaluation, maintenance, and servicing report. The county may investigate any report of a failed system, in which potential requirements may include, but are not limited to:
 - a. Requiring an inspection by a licensed plumber.
 - b. Requiring a soil boring to determine groundwater separation.
 - c. Performing on-site inspections with the property owner.
 - (b) *POWTS maintenance program (except holding tanks).*
 - (1) All septic tanks permitted or installed prior to July 1, 2000, shall be pumped and visually inspected by a licensed individual in accordance with Wis. Admin. Code § SPS 383.54 for ponding of wastewater or effluent on ground surface. The POWTS system shall be pumped and inspected at least once every three years, unless upon inspection the tank is found to have less than one-third of the volume occupied by sludge and scum.
 - (2) Every three years after the installation of a POWTS, the owner shall be provided a certification form by the county at least 30 days prior to its due date, which is required to be provided to the county as a completed report within 30 calendar days of the service event. The certification form shall be completed by the licensed individual servicing the POWTS. Pumping shall be conducted by a certified septage servicing operator in accordance with Wis. Admin. Code ch. NR 113.
 - (3) The certification form shall state that the POWTS does not have wastewater or effluent ponding on the surface of the ground, and that the septic tank was recently pumped by a certified septage servicing operator, or it was inspected and was less than one-third full of sludge and scum. The certificate shall also include the address of the property, owner name, service provider, date of service, and type of service.
 - (4) All septic tanks shall be serviced when sludge or scum occupies one-third or more of the volume of the septic tank.
 - (5) All reports of service events shall be submitted to the county within 30 calendar days from the service event as prescribed in Wis. Admin. Code ch. SPS 383. The report shall include the type and result of the service event, owner's name, address of service event, name of licensed service provider, license number, and date of service.
 - (6) A delay in required POWTS maintenance may be approved by the county inspector based on circumstances, such as, but not limited to, inclement weather, road weight restrictions and site limitations.
- (Ord. of 9-13-2022, § 12.18)

Sec. 16-141. Holding tank maintenance program.

- (a) The owner of the holding tank shall enter into a holding tank agreement with the county authorizing the county to enter upon the property and service the holding tank if the owner fails to have the holding tank properly serviced in response to orders issued by the

county. The maintenance agreement shall be filed with the register of deeds and be recorded in a manner identifying the property on which the holding tank exists and to which the agreement applies.

(b) A holding tank shall be serviced in accordance with Wis. Admin. Code § SPS 383.54(3)(c) and the management plan and service agreement. The tank shall be serviced when the wastewater in the tank reaches a level of one foot below the inlet invert of the tank.

(c) The owner is responsible to report all service events to the county within 30 calendar days from the service event. The report shall include owner's name, address of service event, name of licensed septage servicing operator, license number, gallons pumped, and date of service.

(Ord. of 9-13-2022, § 12.19)

Sec. 16-142. Construction affecting wastewater flow or contamination load.

(a) Prior to commencing an addition or modification to a dwelling that increases or decreases the number of bedrooms or contaminant load to a structure that is served by a POWTS, a code-compliant POWTS shall exist for that structure. Documentation shall be provided to the county demonstrating that a POWTS 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 or a code compliant system will be installed. Documentation shall include the following:

- (1) Sanitary permit demonstrating existing compliance or plans for the installation of a new code-compliant system; or
- (2) Soil test demonstrating proper distance above groundwater indicators and other limiting factors as per Wis. Admin. Code ch. SPS 383, as well as certification by a service provider that the system and septic tank have been inspected and found to be code compliant. If the existing system is not sized properly as designated in Wis. Admin. Code ch. SPS 383, an affidavit in the format prescribed by the county shall be recorded in the register of deeds demonstrating use of an undersized system. The county may waive the requirement for a soil test, if the inspector has reason to believe proper separation to groundwater and other limiting factors exist.

(b) All setbacks for the proposed addition from the POWTS must be compliant.

(c) Any installation, addition or modification of the POWTS shall be completed and accepted by the county within one year of issuance of the land use permit.

(Ord. of 9-13-2022, § 12.20)

Sec. 16-143. 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 POWTS, the owner, or his agent, shall determine that the proposed

structure conforms with the applicable setbacks of Wis. Admin. Code ch. SPS 383. Documentation in the form of a site plan shall be submitted to the county as part of the zoning and land use permit process for review.

(Ord. of 9-13-2022, § 12.21)

Sec. 16-144. Administration and enforcement.

(a) *Generally.* The planning and zoning director, or assigned agent, shall administer and enforce all provisions of this article and all other state and county provisions relating to the construction, installation, alteration, repair, maintenance and management of all POWTS within the county and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.

(b) *Authority to enter premises.*

- (1) In the discharge of his/her duties, the planning and zoning director or his authorized agent may enter any building, upon presentation of the proper credentials and with permission of the owner, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the authorized personnel in the performance of their duties, and any person so interfering shall be in violation of this chapter and subject to a penalty described in this article.
- (2) If consent to entry to and property has been denied, the planning and zoning director shall obtain a special inspection warrant under Wis. Stats. § 66.0119.

(c) *Stop orders.* If the planning and zoning director or his/her authorized agent determines that construction or installation of a POWTS on a premises does not comply with this article, the planning and zoning director or his/her agent shall post in a conspicuous place upon the premises a stop order which order shall demand that all work cease until the construction or the installation is in compliance with this article. The posted order shall describe the noncompliance and the nature of the work to be stopped. The order shall identify the location and the name of the issuing officer and appeal procedures. It shall be a violation of this article to engage in work in contravention of the terms of such order or to make an unauthorized removal of such a posted order. Work may recommence on the site only under the express direction of the planning and zoning director or authorized agent.

(d) *Records and reports.* The planning and zoning director shall keep in his or her office a daily record of all the transactions of his or her office, including permits issued and fees received, and shall make such reports thereon to the supervising committee, county board or state agencies as they may require.

(e) *Issuing agent.* The planning and zoning director or authorized agent shall act as the county issuing agent and is hereby assigned the duties of administering the POWTS program and this article.

(f) *Appeals.* Persons seeking to appeal decisions of the planning and zoning director shall file written letters of appeal with the county planning and zoning director.

- (1) Appeals made to the board of adjustment shall be made in writing and shall be filed in the planning and zoning director's office within 30 days of the decision.
- (2) The planning and zoning director shall place the appeal on the agenda of the county board of adjustment and the appeal shall be given a due process proceeding in accord with Wis. Stats. §§ 68.10 and 68.12.
- (3) The board of adjustment shall decide whether to uphold, uphold with modifications, or reverse the planning and zoning director's decision based upon the terms and intent of this article and of relevant state laws and administrative rules. No appellate decision of the board of adjustment shall have the effect of approving an existing or proposed condition that would violate this article or state law or rule.
- (4) Appeals that can only be approved by the granting of an exception or variance to the state plumbing code shall be referred to the department of safety and professional services pursuant to the Wisconsin Administrative Code.
- (5) Appeals of decisions of authorized agents of the planning and zoning director shall be made first to the planning and zoning director and the initial appeal decision shall then be appealable as provided herein.

(g) *Variances.* Variances are determined by the state department of safety and professional services.

(h) *Fees.* An applicant, upon filing an application or making request for inspections or changes to applications, shall pay a fee to the planning and zoning department in accordance with the fee schedule adopted by the county board of supervisors.

(Ord. of 9-13-2022, § 12.22)

Sec. 16-145. Enforcement.

- (a) *Prohibitions.* The following shall be deemed violations of this article:
- (1) To install, alter, modify, repair or enlarge a POWTS without prior county approval or in a manner not in compliance with an approved county permit.
 - (2) To materially change the use of a premises so as to render the approved POWTS no longer in compliance with applicable standards.
 - (3) To fail to report soil tests fully and accurately.
 - (4) To fail to satisfy maintenance or operational standards.
 - (5) To contract to conduct tank pumping or waste hauling or disposal and to do such activities in violation of state law, rule or ordinance.
 - (6) To operate a failing POWTS as defined in Wis. Stats. § 145.245(4).
 - (7) To fail to obey orders lawfully issued by state or county officials.

- (8) To operate a system that constitutes a nuisance or that emits a prohibited discharge.
- (9) To install, alter, modify, repair, enlarge or service a POWTS by an individual without the proper licensing as defined in Wis. Stats. § 145.06.
- (10) Failure to follow rules, regulations, and laws as set forth in the state law, state rules, and this article.

(b) *Penalties; injunctive remedies.* Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as set forth in section 1-14. Injunctive remedies may also be ordered by the court. Each day of violation shall be a separate offense.

(Ord. of 9-13-2022, § 12.23)

Secs. 16-146—16-173. Reserved.

ARTICLE VI. ROADSIDE MAIL RECEPTACLES

Sec. 16-174. 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:

Roadside receptacle means any container used for the delivery of mail, newspapers, advertising circulars, or other printed material along any county trunk highway right-of-way in the county.

(Ord. of 4-14-2004)

Sec. 16-175. Location restrictions; grouping; standards and specifications.

(a) Roadside receptacles are allowed on highway right-of-way as a matter of convenience to the landowners or occupants and not as a matter of right. Encroachments upon the highway right-of-way are governed by Wis. Stats. § 86.04.

(b) Mailboxes shall not be located closer than three feet from the edge of pavement, or at the shoulder line (outside edge of the shoulder), whichever is greater.

(c) The base and box shall be strong enough to withstand wind, flying snow and slush from traffic and snowplows, but shall have a base no larger than the following:

- (1) Square wood post: four-inch by four-inch nominal.
- (2) Round wood post: four-inch diameter.
- (3) Steel pipe: 1½-inch inside diameter.
- (4) Steel channel: two pounds per foot.

AASHTO guidelines shall apply to the extent that they do not conflict with the provisions of this section.

(d) Dimensions exceeding those permitted in this section are deemed unacceptable because of their danger to the traveling public. Mailbox owners may also be held responsible for damages to snow removal equipment if support posts exceed the above.

(e) Grouping of mailboxes on the side of the road shall comply with the following:

- (1) Roadside receptacles shall be located on the mail route side of the road. The front edge of all roadside receptacles shall be in a perpendicular line with the outside line of the shoulder portion of the roadway right-of-way.
- (2) Roadside receptacles shall be grouped as the county highway department shall from time to time determine and order. In making such determination, the county highway department shall require the location of newspaper tubes and other receptacles which are designed or used for the receipt of newspapers, pamphlets, literature, packages, or other similar material to be located as near as possible to the mailboxes.
- (3) Upon any determination of the county highway department that certain roadside receptacles should be grouped in a particular location, the county highway commissioner shall order any person affected by such determination in writing by certified mail, return receipt requested, to the last known address, to comply with the determination of the county highway department within 30 days from the date of the notice. Such order shall specify the number of receptacles to be grouped, the names of the persons whose receptacles are being grouped, and the precise location of such grouped receptacles.

(Ord. of 4-14-2004)

Sec. 16-176. Procedure for mailboxes damaged by county personnel.

(a) County operators who hit mailboxes with their plow or wing shall note the time and place of the incident and report it to their supervisor as soon as practical. Landowners or occupants that have mailboxes hit by county equipment shall be compensated for the reasonable cost of replacement of a standard rural mailbox.

(b) Mailboxes will not be repaired or replaced by the county highway department personnel. All reports of damage and potential damages that are reported by private citizens shall be reviewed by the department and a determination shall be made as to whether it qualifies for compensation. Documentation of all incidents shall be mandatory and it shall be the responsibility of the superintendent in charge to ensure compliance.

(c) If a mailbox is accidentally damaged in the process of removing snow due to slush or snow, it is the landowner's or occupant's obligation to repair or replace the receptacle.

(Ord. of 4-14-2004)

Chapter 17

RESERVED

CD17:1

Chapter 18

PUBLIC HEALTH AND SANITATION

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JEFFERSON COUNTY CODE

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ARTICLE I. IN GENERAL

Secs. 18-1—18-18. Reserved.

ARTICLE II. ENVIRONMENTAL SANITATION**Sec. 18-19. Administration.**

This article shall be administered by the county health department and shall be in effect in all parts of the county except the City of Watertown.
(Ord. No. 2022-19, 2-14-2023)

Sec. 18-20. Enforcement.

(a) The health officer or the health officer's duly authorized representative shall enforce the regulations of this article and may issue orders to effect correction of violations and may issue citations pursuant to sections 1-15 and 1-16. All enforcement actions shall minimally be analogous to Wis. Stats. ch. 97.

(b) The county corporation counsel may, in their discretion, commence legal action and may proceed pursuant to the provisions outlined in Wis. Stats. §§ 66.0119 and 66.0114, or pursuant to the issuance of a summons and complaint.

(c) The county adopts by reference the following: Wis. Admin. Code chs. ATCP 72, 73, 74, 75, 76, 78, 79 and SPS 221 and 390, and all other state and federally referenced rules and memorandums of understanding therein.

(d) The county recognizes and adopts the same exemptions for inspections and licensure as contained in the aforementioned state statutes, administrative codes and the state department of safety and professional services (DSPS) and department of agriculture, trade and consumer protection (DATCP) policies.

(e) The county is an agent for the state department of agriculture, trade and consumer protection under the provisions as set forth in Wis. Stats. § 97.41 and Wis. Admin. Code ch. ATCP 74.

(f) The county is an agent for the state department of safety and professional services under the provisions as set forth in Wis. Admin. Code ch. SPS 221.
(Ord. No. 2022-19, 2-14-2023)

Sec. 18-21. 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:

Department means the county health department.

Health officer means the health officer or their authorized agent.

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 permit.

Person means an individual, partnership, association, firm, company, corporation, organization, municipality, county, town or state agency, including the tenant, owner, lessee, licensee, agent, heir or assignee thereof.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-22. License application.

License application shall be made to the department on forms supplied by the department, accompanied by the appropriate license fee and pre-inspection fee. Licenses hereunder shall not be granted or issued by the department unless and until the health officer determines and certifies compliance of the premises to be licensed with all the applicable terms and conditions of all Wisconsin Administrative Codes under contract. Applications for licenses required in this article shall be made in writing to the department on forms provided by the department and shall contain, but not be limited to, the following information:

- (1) The name and billing/mailling address of the entity requesting the privilege of operating said business/conducting the activity.
- (2) The establishment name and address.
- (3) The signature of legal licensee or agent 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 health officer within 14 days of the change.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-23. License issuance.

(a) The health officer shall issue a license to the applicant only after compliance with the requirements of this article 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. The decision to withhold shall accompany written inspection or documentation of justification or cause.

(b) No license may be issued until all applicable fees have been paid.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-24. License period.

The license period for licenses issued per the DSPS and DATCP contract shall be from July 1 through the following June 30. Those licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year. Licenses are not transferable between persons, entities, or any combination thereof.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-25. Fees.

In addition to the permit fees, the licensee shall pay any DSPS and DATCP administrative fee, the amount of which is on file with the department.

- (1) *Fees generally.* The fees for the inspections and licenses issued pursuant to this section shall be as set by the county board of health and the county board and provided under a separate fee schedule.
- (2) *Non-proration of fees.* Permit fees and other applicable fees are not prorated for the fiscal year and must be paid in full at the time of permit issuance or fee assessment.
- (3) *Pre-inspections and their associated fees.* Pre-inspections are required to be conducted for establishments within the scope of Wis. Stats. ch. 97 and Wis. Admin. Code ch. SPS 221.
- (4) *Late fees.* Late fees are assessed to establishment licensees for payment after July 1, as provided in the fee schedule.
- (5) *Re-inspection fees.* In the event that the department observes violations during the course of its inspections, the department shall charge the party in violation a fee as set forth for each re-inspection necessary to confirm that the original violations have been remedied, as determined by DATCP re-inspection criteria policy.
- (6) *No certified food protection manager fee.* If facility owners do not obtain a certified food protection manager certificate within 90 days, facility owners will be assessed a charge in an amount as provided in the county fee schedule.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-26. Display of license.

All licensees shall post their license in plain public view on the premises for which the license is issued. It shall be posted for the duration that the license is in effect.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-27. Inspection.

Authorized employees of the 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. No. 2022-19, 2-14-2023)

Sec. 18-28. Denial, suspension or revocation of license.

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 county law. 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 a copy of the written decision by 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.
- (2) A licensee or applicant 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 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 their 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 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, 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 with the county board of health.
- (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 board of health 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 board of health shall mail or deliver to the applicant its written determination, stating the reasons therefor.
- (8) Operating without a license. Any person who shall operate without a license required by this article shall be subject to a forfeiture in the amount of \$500.00.

Ongoing violations of operating without a license may be subject to forfeitures in the amount of \$500.00 for each day in which the person continues to operate without a license.

- (9) Voided permit for failure to pay fees. If an applicant or owner fails to pay all applicable fees, late fees and processing charges within 15 days after the applicant or owner receives notice of an insufficiency or within 45 days after the expiration of the permit, whichever occurs first, the permit is void. An owner whose permit is voided under this subsection may appeal the decision.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-29. Temporary orders.

Whenever, as a result of an inspection conducted pursuant to this article, the health officer 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 the health of the public, the health officer may proceed as stated in Wis. Stats. § 66.0417 or 97.65 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 article as if fully set forth herein.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-30. Construction or alteration of licensable food service establishments.

(a) Except as provided in subsection (b) of this section, no person shall erect, construct, enlarge or alter a food establishment without first submitting to the health officer plans (drawings) which clearly show and describe the amount and character of the work proposed and without first receiving department approval of the submitted plans. Such plans shall include expected menu, floor plan, equipment plan and specifications, plumbing layout, wall, floor and ceiling finishes, and plans and specifications for food service kitchen ventilation. Submitted plans shall give all information necessary to show compliance with applicable health codes. Submitted plans shall be retained by the department. Plan submittal to the health officer is in addition to any plan submittal requirement of the county zoning department or required building inspection.

(b) At the option of the health officer, plans need not be submitted to execute minor alterations. Minor alterations include, but are not limited to, the replacement of existing equipment, the replacement of existing floor, wall, or ceiling coverings or other cosmetic or decorating activity.

(c) Any plans approved by the department shall not be changed or modified unless the health officer has reviewed and approved the modifications or changes. Final approved plans will be kept in perpetuity as part of the legal file for the establishment.

(d) A pre-inspection fee shall be charged for any remodeling projects that exceed the definition of the term minor alterations set forth in subsection (b) of this section, examples of which shall include, but shall not be limited to, circumstances in which the entire facility is closed for remodeling, circumstances in which a section of the facility is closed for significant remodeling, and circumstances in which new additions are added to the facility even though the original facility remains open for business.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-31. Alcohol beverages.

No applicant may obtain a "Class B" license or permit or a "Class C" license or permit under Wis. Stats. § 125.68(5), unless the premises complies with the rules promulgated by the department of agriculture, trade and consumer protection governing sanitation in restaurants.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-32. Retail food establishment; serving meals.

No person, party, firm or corporation shall operate a retail food establishment serving meals or operating a transient or mobile retail food establishment serving meals, as defined in Wis. Admin. Code ch. ATCP 75, without first obtaining a license therefor from the department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code ch. ATCP 75 and Wis. Stats. ch. 97 provisions which are incorporated herein by reference and made part of this article as if fully set forth herein.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-33. Bed and breakfast establishments.

No person, party, firm or corporation shall operate a bed and breakfast establishment as defined in Wis. Admin Code ch. ATCP 73 for more than ten nights in a year without first obtaining an annual license from the department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code ch. ATCP 73 and Wis. Stats. ch. 97 provisions, which are incorporated herein by reference and made a part of this article as if fully set forth herein.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-34. Hotels, motels and tourist roominghouses.

No person, party, firm or corporation shall operate a hotel, motel or tourist roominghouse, as defined in Wis. Admin. Code ch. ATCP 72, without first obtaining an annual license therefor from the department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code ch. ATCP 72 and Wis. Stats. ch. 97 provisions, which are incorporated herein by reference and made a part of this article as if fully set forth herein.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-35. Campgrounds; recreational and education camps.

No person, party, firm or corporation shall operate a campground, recreational camp or educational camp, as defined in Wis. Admin. Code ch. ATCP 78 or 79 without first obtaining an annual license therefor from the department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code ch. ATCP 78 or 79 and Wis. Stats. ch. 97 provisions, which are incorporated herein by reference and made a part of this article as fully set forth herein.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-36. Public swimming pool.

No person, party, firm or corporation shall operate a public swimming pool, as defined in Wis. Admin. Code ch. ATCP 76 or SPS 390 without first obtaining an annual license therefor from the department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code ch. ATCP 76 or SPS 390 and Wis. Stats. ch. 97 provisions, which are incorporated herein by reference and made a part of this article as fully set forth herein.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-37. School inspections.

All schools participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) shall, at least twice during each school year, obtain a food safety inspection conducted by a state or local governmental agency responsible for food safety inspection.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-38. Retail food establishments; not serving meals.

No person, party, firm or corporation shall operate a retail food establishment (or transient or mobile retail food establishment) not serving meals as defined in Wis. Admin. Code ch. ATCP 75 and Wis. Stats. § 97.30 without first obtaining an annual license therefor from the department, nor shall any person, party, firm or corporation operate contrary to the terms and conditions of this article or Wis. Admin. Code ch. ATCP 75 and Wis. Stats. ch. 97 provisions, which are incorporated herein by reference and made a part of this article as if fully set forth herein.

(Ord. No. 2022-19, 2-14-2023)

Sec. 18-39. Tattoo and body piercing licenses.

(a) *Adoption of code.* The tattooing and body piercing code as promulgated by the state department of safety and professional services and codified in the Wis. Admin. Code ch. SPS 221 is adopted by reference and made a part of this article as far as it is applicable to the regulation of tattooing and body piercing. A violation of Wis. Admin. Code ch. SPS 221 shall be a violation of this article.

(b) *Local license required.* No person, firm or entity shall engage in tattooing or body piercing, as defined as Wis. Admin. Code ch. SPS 221, without being licensed as required in this article or Wis. Admin. Code ch. SPS 221.

(Ord. No. 2022-19, 2-14-2023)

Secs. 18-40—18-66. Reserved.

ARTICLE III. HEALTH NUISANCES

Sec. 18-67. Purpose.

The purpose of this article is to protect public health, safety and welfare, and prevent the depreciation of property values due to a person's actions or property constituting a violation of the conditions of this article.

(Ord. No. 98-46, § 1(16.01), 1-12-1999)

Sec. 18-68. Jurisdiction.

This article applies in all cities, villages, and towns; provided, however, that any section of this article that has a counterpart in an ordinance of a city, village or town shall not be enforced by the county in the city, village or town, or in a city, village or town with a local health department.

(Ord. No. 98-46, § 1(16.02), 1-12-1999)

Sec. 18-69. 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:

Health officer means the county public health department director.

Human health hazard means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated, and also includes the term "health hazard."

Immediate health hazard means a condition that exists or has the potential to exist which should, in the opinion of the health officer, be abated or corrected immediately, or at least within a 24-hour period, to prevent possible severe damage to human health or the environment.

Pollution means the contaminating or rendering unclean or impure the air, land, or waters of the county, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

Public means affecting or having the potential to affect the people or environment outside the limits of one's personally owned and personally occupied structure. The term "public" also means all persons outside of one's personally owned and personally occupied structure.

Public nuisance means a thing, act, condition or use of property which is dangerous or has the potential to be dangerous, to human life or health, safety, or welfare, or cause the depreciation of property values; and whatever renders or has the potential to render the soil, air, water or any article of food or drink unwholesome or impure is a public nuisance.

Solid waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and domestic use and material in wastewater effluent or other common water pollutants.

Toxic and hazardous materials means any chemical or biological material that is or has the potential to create a health hazard.

(Ord. No. 98-46, § 1(16.03), 1-12-1999)

Sec. 18-70. Human health hazard prohibited.

No person shall erect, construct, cause, continue, maintain, or permit any public nuisance within the county. Any person who shall cause, create, or maintain a nuisance or who shall in any way aid 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 a nuisance and to the penalty provided in section 18-76.

(Ord. No. 98-46, § 1(16.04), 1-12-1999)

Sec. 18-71. Responsibility for nuisance.

It is the responsibility of tenants and property owners to maintain their property in a nuisance-free manner and also to be responsible for the abatement or correction of any public nuisance that has been determined to exist on their property.

(Ord. No. 98-46, § 1(16.05), 1-12-1999)

Sec. 18-72. Public nuisances enumerated.

Public nuisances are prohibited in the county. The term "public nuisance" includes, but is not limited by enumeration of, the following:

- (1) *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 within 24 hours after death.
- (2) *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.
- (3) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gasses, fly ash, industrial dust, or any other atmospheric pollutants within the county that creates noncompliance with Wis. Admin. Code ch. NR 429.
- (4) *Solid waste.* Any solid waste which is stored or disposed of in noncompliance with Wis. Admin. Code ch. NR 500.

- (5) *Food or breeding places for vermin, insects, etc.* Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitos, or disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter.
 - (6) *Toxic and hazardous materials.* Any chemical 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.
 - (7) *Groundwater pollution.* Addition of any chemical 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 or biological substances listed in Wis. Admin. Code ch. NR 809.
 - (8) *Private water supply.* Any private well that is constructed, abandoned or used or any pump installed in noncompliance with Wis. Admin. Code ch. NR 812.
 - (9) *Holes and openings.* Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, etc., or any improperly abandoned, barricaded or covered up excavation.
 - (10) *Inoperable vehicles and vehicle parts.* Outdoor storage of more than two abandoned, unlicensed or inoperable vehicles per lot or outdoor storage of motor vehicle parts for a period of 72 hours or more. Exceptions are commercial sellers of motor vehicle parts.
 - (11) *Other.* Any other situation determined to meet the definition of a public nuisance contained in this article.
- (Ord. No. 98-46, § 1(16.06), 1-12-1999)

Sec. 18-73. Unfit dwellings.

(a) Any 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 pollutants causing a health hazard.

(b) No person shall continue to occupy, rent, or lease quarters for human habitation which are declared unfit for human habitation by the health officer. For the purpose of this article, the phrase "unfit for human habitation" includes lacking potable water or a properly functioning septic system, or an adequate and functioning heating system.

(c) 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.

(d) 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 upon which the condemnation and placarding were based have been eliminated.

(e) 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.

(f) 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.

(g) 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, he/she shall give or cause to be given notice of such violation or alleged violation to the 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 shall allow a reasonable 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.

(Ord. No. 98-46, § 1(16.07), 1-12-1999)

Sec. 18-74. Investigation of possible public nuisances.

The health officer or a designated representative shall investigate all potential public nuisances and shall determine whether or not a public nuisance exists.

(Ord. No. 98-46, § 1(16.08), 1-12-1999)

Sec. 18-75. Abatement, correction and enforcement.

Abatement and correction of or enforcement against public nuisances will be as follows:

(1) If the existence of a public nuisance is confirmed, a written cleanup or abatement order will be issued specifying the action needed to abate or correct the nuisance; the

time period allowed to abate or correct the nuisance, (24 hours, five, ten, 30, or more days depending on the nature of the nuisance); and the possible penalty (citation or possible court action) if the nuisance is not abated or corrected.

- (2) To expedite the abatement or correction of the public nuisance, the health officer may issue citations pursuant to the county citation provisions in chapter 1 and Wis. Stats. § 66.0113. The issuance of a citation does not exempt a violator from further legal action against the violator as described in subsection (3) of this section.
- (3) In cases where the use of a citation alone is inadequate or inappropriate to fully cause the abatement or correction of a public nuisance, legal action seeking a higher forfeiture and penalties or injunctive action to cause abatement of a nuisance, and also to rectify any damage created by the nuisance, can be initiated against the violator at the discretion of the health officer and the county district attorney or the corporation counsel.
- (4) In the case of an immediate health hazard or in extreme cases where the person responsible for a nuisance refuses to abate or correct it within the time period specified in the written order, the county may abate the nuisance or correct the violation with the cost of such abatement or correction to be recovered directly from the responsible person or as otherwise authorized by law.

(Ord. No. 98-46, § 1(16.09), 1-12-1999)

Sec. 18-76. Penalties.

All violations of this article shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 per offense, together with applicable surcharges and penalty assessment and the taxable costs of prosecution. The court may also grant injunctive relief. Failure to comply with an order of abatement issued under this article shall constitute a violation of this article, and each day of continued violation shall constitute a separate offense. Failure to pay any penalties imposed by the court in accordance with this article may result in imprisonment in the county jail until payment is made but not to exceed 90 days.

(Ord. No. 98-46, § 1(16.10), 1-12-1999)

Secs. 18-77—18-95. Reserved.

ARTICLE IV. SMOKE-FREE AIR

Sec. 18-96. Introduction.

(a) The smoking of tobacco products and other substances indoors causes recognized adverse health effects in not only the individuals smoking but also in others. Smoking indoors or near public entrances adversely affects, among other things, health, safety, comfort, employee production and building maintenance expenses.

(b) While it is difficult to quantify exactly, smoking indoors also drives up publicly funded expenses in terms of increased health insurance premiums, increased sick leave use, increased building maintenance and decreased employee productivity. In addition, there is a public interest of taxpayers in an investment in county employees by paying their health insurance, and a need to maintain employee health to keep county costs from rising.
(Ord. No. 2007-10, 9-11-2007; Ord. No. 2015-06, § 1, 6-9-2015)

Sec. 18-97. Purpose, authority and intent.

Reports from the Surgeon General, the Environmental Protection Agency and others show that smoking contributes to health problems of county employees and members of the public both directly through deliberate use of smoking materials and indirectly through exposure to secondhand smoke. The ordinance from which this article is derived is enacted to protect the health and comfort of the public and county employees through the regulation of smoking, according to the authority granted the county by Wis. Stats. § 101.123(4m) and ch. 59.
(Ord. No. 2007-10, 9-11-2007; Ord. No. 2015-06, § 2, 6-9-2015)

Sec. 18-98. State law incorporated.

Wis. Stats. § 101.123 is incorporated as though fully set forth in this article. Any act required or prohibited by that section shall be required or prohibited by this article. In the event of conflict between the provisions of this article and Wis. Stats. § 101.123, the more restrictive regulation shall apply.
(Ord. No. 2010-10, 6-8-2010; Ord. No. 2015-06, § 6, 6-9-2015)

Sec. 18-99. 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:

E-cigarette or electronic delivery device means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term "e-cigarette or electronic delivery device" includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

Smoking means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. The term "smoking" shall include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.
(Ord. No. 2010-10, 6-8-2010; Ord. No. 2015-06, § 3, 6-9-2015)

Sec. 18-100. Prohibited acts.

(a) No person may smoke indoors at any time in any county-owned, -rented or -leased building, including the Fair Park grandstand.

(b) No person may smoke within 30 feet of a public entrance to any county-owned, -rented or -leased building. At the Fair Park, this subsection shall only apply to the front door of the activity center.

(c) No person may smoke at any time inside of any county-owned, -rented or -leased vehicle.

(d) No person may smoke on county property outside a designated smoking area if such property has notice posted of this regulation and designated smoking areas. Designated smoking areas for the courthouse shall be adjacent to emergency exits at entrances two and four.

(e) The county administrator or department head in charge of specific county property may designate smoking areas on such property.

(f) Smoking shall not be allowed in park shelters or bathrooms, maintenance buildings or the dog park.

(g) Department heads in all county-owned, -rented, or -leased buildings shall enforce a no smoking policy consistent with Wis. Stats. § 101.123 and this article.
(Ord. No. 2007-10, 9-11-2007; Ord. No. 2015-06, § 4, 6-9-2015)

Sec. 18-101. Exemption from smoking prohibition.

The following activities, facilities and vehicles are exempt from the prohibition of this article:

- (1) With the consent of the sheriff, and under supervision of a county detective, individuals under interrogation are permitted to smoke in designated interrogation rooms within the sheriff's department.
- (2) Vehicles owned, rented or leased for use by the county sheriff's department.
- (3) In the presence of a bailiff, jurors may smoke in the area immediately adjacent to courthouse entrance 13.

(Ord. No. 2007-10, 9-11-2007; Ord. No. 2007-32, 1-8-2008; Ord. No. 2010-10, 6-8-2010; Ord. No. 2015-06, § 5, 6-9-2015)

Sec. 18-102. Penalty.

(a) Any person found guilty of violating this article or any part of this article shall be subject to a forfeiture as set forth in section 1-14, together with the costs of prosecution and, in willful default of payment of such forfeiture and costs of prosecution, may be imprisoned in the county jail as ordered by the court.

(b) Adoption of the ordinance from which this article is derived does not preclude the county board of supervisors from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. Issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law by any other enforcement method to enforce any ordinance, regulation or order.

(Ord. No. 2010-10, 6-8-2010; Ord. No. 2015-06, § 7, 6-9-2015)

Sec. 18-103. Notification to public.

(a) The person in charge of each county building or his or her designee shall cause to be posted at the entryway of each county building, signs notifying the public of the fact that the building is a smoke-free building. Absence of such sign, however, shall not be a defense to the violation of this article.

(b) The person in charge of each county building or his or her designee shall cause to be posted signs notifying the public of the prohibition against smoking within 30 feet of a public entrance.

(c) The person in charge of each county building or his or her designee shall cause to be posted on the property around such building notices limiting smoking to designated areas, if the department head or county administrator has established designated smoking areas applicable to the grounds of that specific building.

(Ord. No. 2007-10, 9-11-2007; Ord. No. 2010-10, 6-8-2010; Ord. No. 2015-06, § 8, 6-9-2015)

Sec. 18-104. Enforcement.

(a) All the county law enforcement officials of the county sheriff's department are hereby authorized in the name of the county to issue citations for prosecution for violations occurring under this article. In addition, such officials may delegate this authority to department heads or persons in charge of any county building.

(b) Prosecutions under this article shall be made by the issuance of citations and the procedure to be followed shall be governed by Wis. Stats. § 66.0113. The district attorney shall, upon receipt of a complaint from the sheriff's department or other authorized individuals as allowed, institute appropriate legal proceedings against the alleged offender.

(Ord. No. 2010-10, 6-8-2010; Ord. No. 2015-06, § 8, 6-9-2015)

Sec. 18-105. Employee discipline.

In addition to or in lieu of enforcement of this article by forfeiture, violations of this article by county employees and officers may be punished by appropriate discipline as a violation of a reasonable work rule as determined by the supervisor of the employee or the county administrator.

(Ord. No. 2010-10, 6-8-2010; Ord. No. 2015-06, § 9, 6-9-2015)

Chapter 19

RESERVED

Chapter 20

TRAFFIC AND VEHICLES

Article I. In General

- Sec. 20-1. State traffic laws adopted.
- Sec. 20-2. Penalties.
- Sec. 20-3. Enforcement procedure.
- Sec. 20-4. Abandoned vehicles.
- Sec. 20-5. Closure of icebound waterways.
- Secs. 20-6—20-28. Reserved.

Article II. Parking

- Sec. 20-29. Parking restricted.
- Sec. 20-30. Removal of illegally parked vehicles.
- Secs. 20-31—20-48. Reserved.

Article III. Traffic Schedules

- Sec. 20-49. Prohibited stopping in certain specified areas.
- Sec. 20-50. Stop and yield signs on the county trunk highway system.
- Sec. 20-51. Speed zones on county trunk highways.

ARTICLE I. IN GENERAL**Sec. 20-1. State traffic laws adopted.**

(a) Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. chs. 110, 340 to 348, and 350 and all state administrative code provisions adopted under Wis. Stats. ch. 110, 347, or 348 describing and defining regulations with respect to vehicles and traffic are adopted and by reference made a part of this chapter as if fully set forth herein.

(b) Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on highways, streets, and roadways within the state.

(Ord. No. 2016-15, § 1, 11-14-2016)

Sec. 20-2. Penalties.

(a) *Generally.* Unless otherwise specifically provided in this chapter, the penalty for violation of this chapter shall be a forfeiture as herein provided, together with court costs and fees, the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Wis. Stats. § 346.655 where applicable.

(b) *Forfeiture.* Forfeitures for violations of any traffic regulation set forth in the state statutes adopted by reference herein shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this chapter for any offense described herein for which an imprisonment penalty or fine may be imposed upon the defendant other than as authorized herein.

(c) *Imprisonment.* Any person 18 years of age or older who shall fail to pay the amount of forfeiture, court costs, penalty assessment or surcharge or other penalty imposed for violation of this chapter may be imprisoned until such forfeiture, costs and assessments are paid, but not exceeding 90 days.

(d) *Other sanctions.* Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by state law to suspend or revoke the operating privileges of the defendant or to order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

(Ord. No. 2016-15, § 7, 11-14-2016)

Sec. 20-3. Enforcement procedure.

(a) *Circuit court enforcement.* Except as otherwise specifically provided by state law or this chapter, the traffic regulations in this chapter shall be enforced in the circuit court of the county in accordance with the provisions of Wis. Stats. ch. 345.

(b) *State uniform citation and complaint.* The state uniform traffic citation and complaint shall be used for enforcement of all provisions of this chapter except Wis. Stats. §§ 346.71 through 346.73, as incorporated herein, which shall be reported to the district attorney.

(c) *Deposit.* Any person accused of violating any provision of this chapter may make a deposit of money as directed by a deputy sheriff at the sheriff's office or at the office of the clerk of court or by mailing the deposit to the clerk of court. The arresting officer or the person issuing the citation shall comply with Wis. Stats. § 345.27.

(d) *Wis. Admin. Code procedure.* The county sheriff's department is hereby authorized to utilize the procedures set forth in Wis. Admin. Code ch. Trans 128, a traffic violation and registration program which is hereby adopted and by reference made a part of this section as if fully set forth herein including any future amendments, revisions or modifications. Pursuant to Wis. Stats. § 345.28(4)(d), the cost charged to the county by the department of transportation for each request shall be assessed to the person so reported, in addition to any other applicable forfeitures, penalty assessments and costs.

(Ord. No. 2016-15, § 8, 11-14-2016)

Sec. 20-4. Abandoned vehicles.

(a) No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.

(b) When a vehicle has been left unattended on any public highway outside the limits of any incorporated city or village for more than 12 hours, or whenever any vehicle has been left unattended on private or public property without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(c) Any vehicle in violation of this section shall be impounded by the sheriff of the county until lawfully claimed or disposed of under this section, except that, if the sheriff or his duly authorized deputy 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 sheriff prior to expiration of the impoundment period upon his determination that the vehicle is not wanted for evidence or other reason.

(d) Any sheriff's deputy who discovers any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment designated by the sheriff.

(e) The owner of any abandoned motor 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.

(f) Any abandoned vehicle which is determined by the sheriff or his duly authorized deputy to have a value in excess of \$100.00 shall be retained in storage for a period of 14 days after certified mail notice has been sent to the owner and lien holders of record to permit reclamation of the vehicle after payment of accrued charges. Thereafter, the sheriff shall dispose of the vehicle by sale at public auction after publication in the official newspaper of a Class 1 notice under Wis. Stats. ch. 985 of the time and place of such sale and a description of the vehicle to be sold. The sale shall be conducted in the same manner as an execution sale of personal property.

(g) Any abandoned vehicle which is determined by the sheriff or his duly authorized deputy to have a value 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.

(h) Within five days after the sale or disposal of a vehicle, the sheriff shall advise the state division of motor vehicles of the sale or disposition thereof.

(i) Any person, firm or corporation who violates this section shall, upon conviction thereof, forfeit no less than \$25.00 nor more than \$500.00 together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof but not exceeding six months.

(Ord. No. 342.40, 9-11-1972)

Sec. 20-5. Closure of icebound waterways.

(a) The county sheriff is authorized to close portions of icebound rivers to use by snowmobiles, all-terrain vehicles, or other motor vehicles when construction or other circumstances are present that cause an unreasonable risk of harm to the operators of the vehicles.

(b) The sheriff may order any person or company engaged in construction on an icebound waterway to mark areas closed as directed.

(c) No person shall operate a snowmobile, all-terrain vehicle or other motor vehicle in areas closed pursuant to this section unless such person is in the employ of the construction company working on the project generating the need to close the area to other traffic.

(d) No person shall remove markers designating a closed area for an icebound waterway unless authorized by the sheriff or his designee.

(e) Any person violating this section shall be subject to a forfeiture of not less than \$25.00 nor more than \$500.00 per violation plus applicable assessments and costs.

(Ord. No. 2008-31, 12-9-2008)

Secs. 20-6—20-28. Reserved.**ARTICLE II. PARKING****Sec. 20-29. Parking restricted.**

(a) *Definitions.* Terms used in this section shall have the meaning provided in Wis. Stats. § 340.01.

(b) *Authority for establishing restricted parking areas.* The county administrator, or designee, has the authority for establishing parking areas on land owned or leased by the county and for regulating, prohibiting, or restricting parking on such areas or parts of such areas. This includes, without limitation, establishing provisions which limit parking for certain purposes, which limit parking to only certain personnel, which limit parking to specific periods of time, or which require permits for parking in certain areas.

(c) *Parking to be in designated areas only.* No person shall park a motor vehicle on any portion of land owned or leased by the county except in designated parking stalls, if provided, and in designated parking areas. It shall be unlawful to park a motor vehicle on any highway, or along any of the roadways or highways from a designated parking area where such parking is prohibited by a posting or by yellow curb or roadway markings.

(d) *Time and duration of parking limited.* No person shall, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, exclusive of holidays, park a motor vehicle beyond the time permitted by posted signs in designated parking areas, in a space requiring a permit not displayed on the vehicle, or in a loading zone longer than 15 minutes.

(e) *Parking reserved for disabled persons.* No person shall park a motor vehicle in a parking stall designated for the disabled unless such vehicle displays special registration plates or a special identification card issued under Wis. Stats. § 341.14(l), (la), (le), (lm), (lq) or (lr)(a).

(f) *Parking reserved for county personnel.* No person shall park a motor vehicle in a parking space reserved for a particular county department unless such vehicle is a county-owned vehicle assigned to that department.

(g) *Violations; penalties.* Any person violating this section shall be required to pay a forfeiture of \$50.00 for a first offense within one year, \$75.00 for a second offense within one year and \$100.00 for a third offense within one year. Each period of parking in violation of this section shall be considered a separate offense, regardless of whether or not more than one day is involved.

(h) *Posting of bail.* Any person charged with violating this section may post bail in the amount of the citation with the sheriff's office within ten days of the time of the offense and shall thereupon be relieved of any further liability under this section. In the event any person charged with violation of this section does not post bail within the time allowed, the

bail amount shall double. Thereafter, should the bail amount not be posted within 30 days of the date of violation, the sheriff's office is authorized and directed to use such other methods of enforcement as established herein.

(i) *Other enforcement methods.* The county authorizes the use of a municipal citation, a uniform traffic citation, and the provisions of Wis. Stats. § 345.28 for suspension of registration for nonpayment of citations issued pursuant to this section. Citations issued pursuant to this section shall conform to the requirements of Wis. Stats. § 66.0113 and shall contain all information required by that statute.

(j) *Duty of sheriff's department to enforce.* It shall be the duty of the sheriff's office to issue citations for violations of this section.

(Ord. No. 2016-04, § 4, 6-14-2016)

Sec. 20-30. Removal of illegally parked vehicles.

(a) Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.

(b) Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted, or to a private or public parking or storage premises.

(c) Any traffic officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.

(d) The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer, or a licensed motor vehicle dealer who performs vehicle towing services, to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

(e) In addition to other penalties provided by this chapter, the owner or operator of a vehicle so removed shall pay reasonable costs of moving, towing and storage.

(f) When any vehicle is parked in violation of this chapter and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the state department of transportation, or comparable authority, shall be deemed to have committed the violation for purposes of this chapter, provided the defense as defined and described in Wis. Stats. § 346.485(5)(b) shall be a defense for an owner charged with such violation.

(Ord. No. 2016-15, § 6, 11-14-2016)

Secs. 20-31—20-48. Reserved.

ARTICLE III. TRAFFIC SCHEDULES**Sec. 20-49. Prohibited stopping in certain specified areas.**

No person shall stop or leave standing any vehicle, whether attended or unattended, whether temporarily or otherwise, except for purposes of emergency, in the following places:

- (1) On County Trunk Highway A right-of-way from a point of beginning on County Trunk Highway A 0.32 of a mile northeast of the intersection between USH 12 and County Trunk Highway A and extending northeasterly for a distance of 1,200 feet.
- (2) On County Trunk Highway A right-of-way, in the Town of Milford, on the southerly side of the highway, starting 110 feet west of the westernmost centerline intersection of County Trunk Highway A with County Trunk Highway Q, extending a distance of 750 feet easterly along the centerline of County Trunk Highway A to a point 640 feet east of the westernmost intersection of County Trunk Highway Q.
- (3) On County Trunk Highway A right-of-way, in the Town of Milford, on the southerly side of the highway, starting 795 feet east of the westernmost centerline intersection of County Trunk Highway A with County Trunk Highway Q, extending a distance of 390 feet easterly along the centerline of County Trunk Highway A.
- (4) On County Trunk Highway A right-of-way, in the Town of Milford, on the northerly side of the highway, starting 180 feet east of the westernmost centerline intersection of County Trunk Highway A with County Trunk Highway Q, extending a distance of 745 feet westerly along the centerline of County Trunk Highway A.
- (5) On County Trunk Highway B right-of-way from a point of beginning on County Trunk Highway B 0.25 mile east of the centerline of Rock Lake Road and extending westerly on County Trunk Highway B 0.45 of a mile to the centerline of Lake View Road.
- (6) On the north side of County Trunk Highway B right-of-way from the centerline of Lake View Road westerly to the centerline of Delores Lane.
- (7) Along the north and south curblines and shoulder of County Trunk Highway B in the Town of Aztalan from a point of beginning 200 feet west of the centerline of County Trunk Highway Q and extending easterly 425 feet along the centerline of County Trunk Highway B.
- (8) On both sides of County Trunk Highway C right-of-way, located in the Town of Koshkonong and Town of Jefferson, starting at the centerline intersection of County Trunk Highway C with U.S. Highway 12, extending a distance of 1,954 feet westerly along the centerline of County Trunk Highway C to the centerline intersection of Monarch Lane.

- (9) On County Trunk Highway CI right-of-way, in the Town of Sullivan, starting at the centerline intersection of County Trunk Highway CI with County Trunk Highway E, extending a distance of 200 feet, east and west, along the centerline of County Trunk Highway CI.
- (10) Along the north side curblineline of County Trunk Highway E in the Town of Ixonia, starting at a point 60 feet west of the centerline intersection of County Trunk Highway E with Pipersville Road, extending easterly along the centerline of County Trunk Highway E to a point 135 feet east of the centerline intersection of County Trunk Highway E with Pipersville Road.
- (11) On County Trunk Highway E right-of-way, in the Town of Sullivan, starting at the centerline intersection of County Trunk Highway E with County Trunk Highway CI, extending a distance of 200 feet, north and south, along the centerline of County Trunk Highway E.
- (12) On County Trunk Highway F right-of-way starting at a point 0.40 mile northeast of the intersection between County Trunk Highway F and County Trunk Highway P and extending northeasterly for a distance of 500 feet in the Town of Rome.
- (13) On the east and west sides of County Trunk Highway F right-of-way from a point 200 feet south of the intersection of County Trunk Highway F and Marietta Avenue in the Town of Ixonia, to a point 200 feet north of the intersection with Marietta Avenue.
- (14) On County Trunk Highway H right-of-way, on the easterly side of the highway, in the Town of Palmyra, starting at the centerline intersection of County Trunk Highway H with North Blue Spring Lake Drive, extending a distance of 500 feet northerly along the centerline of County Trunk Highway H.
- (15) On County Trunk Highway K right-of-way from a point of beginning on County Trunk Highway K 150 feet south of the centerline of Airport Road and extending northerly on County Trunk Highway K 0.70 of a mile.
- (16) Along the west side of County Trunk Highway Q from a point 450 feet south of the centerline of County Trunk Highway B, and extending southerly for a distance of 340 feet.
- (17) Along the east side of County Trunk Highway Q from a point 1580 feet south of the centerline of County Trunk Highway B, and extending northerly for a distance of 830 feet.
- (18) On County Trunk Highway Q, in the Town of Milford, the entire highway right-of-way, starting at the westernmost centerline intersection of County Trunk Highway Q with County Trunk Highway A, extending a distance of 1,365 feet southerly along the centerline of County Trunk Highway Q.

- (19) Along the east and west curblin and shoulder of County Trunk Highway Q in the Town of Aztalan from a point beginning 135 feet south of the centerline intersection of County Trunk Highway B and extending northerly 270 feet along the centerline of County Trunk Highway Q.
 - (20) On the north and south sides of County Trunk Highway V right-of-way from the centerline of State Trunk Highway 89 and extending easterly to County Trunk Highway A.
 - (21) On County Trunk Highway V right-of-way from the centerline of County Trunk Highway B and extending northwesterly to the centerline of County Trunk Highway A.
 - (22) On the north and south side of County Trunk Highway V right-of-way from the centerline of State Trunk Highway 89 and extending westerly to the centerline of County Trunk Highway B.
- (Ord. No. 2016-15, § 2, 11-14-2016)

Sec. 20-50. Stop and yield signs on the county trunk highway system.

(a) All highways on the county trunk highway system as established by Resolution No. 75, adopted September 15, 1970, and by Resolution No. 83, adopted October 13, 1970, shall be arterial highways and all traffic entering or crossing county trunk highways from town roads or city streets shall stop, except as follows:

- (1) North intersection of C and Rockdale Road: Traffic northbound on C shall stop; traffic westbound on C shall stop.
- (2) South intersection of C and Rockdale Road: Traffic southbound on C shall be right turn, no stop; traffic southbound onto Rockdale Road shall stop.
- (3) Intersection of C and Hoopen Road: Traffic eastbound on Hoopen Road shall yield.
- (4) Intersection of D and Green Isle Drive, Hebron: Traffic northbound on D shall stop.
- (5) Intersection of D and Green Isle Drive, Hebron: Traffic westbound on Green Isle Drive shall stop.
- (6) Intersection of K and Hackbarth Road: There shall be a four-way stop.
- (7) Intersection of K and Star School Road: There shall be a four-way stop.
- (8) Intersection of P and Rome Road: Traffic northbound on P shall stop.
- (9) Intersection of P and Bakertown Road: There shall be a four-way stop.
- (10) Intersection of U and Fremont Road: There shall be a four-way stop.
- (11) Intersection of W and Business 26: Traffic southbound on W shall stop.
- (12) Roundabouts located at County Road A and East Horseshoe Road and at County Road Y and Jefferson Road: All traffic shall yield to traffic already in the roundabout, including vehicles on the left.

(13) Intersection of Z and Little Prairie Road: Traffic southbound on Z shall stop.

(b) At intersections of county trunk highways traffic shall be designated through traffic and traffic shall stop as follows:

- (1) Intersection A and N: Through on A, stop on N.
- (2) Intersection A and Q: Through on A, stop on Q.
- (3) Intersection A and S: Through on A, stop on S.
- (4) Intersection A and V: Through on A, stop on V.
- (5) Intersection B and O: Through on B, stop on O.
- (6) Intersection B and S: Through on B, stop on S.
- (7) Intersection B and V: Through on B, stop on V.
- (8) Intersection B and Q: Through on B, stop on Q.
- (9) Intersection B and N: Through on B, stop on N.
- (10) Intersection B and X: Through on B, stop on X.
- (11) Intersection B and D: Through on B, stop on D.
- (12) Intersection B and P: Through on B, stop on P.
- (13) Intersection C and A: Through on C, stop on A.
- (14) Intersection C and J: Through on C, stop on J.
- (15) Intersection D and Y: Through on D, stop on Y.
- (16) Intersection D and U: Through on D, stop on U.
- (17) Intersection E and D: Through on E, stop on D.
- (18) Intersection E and P: Through on E, stop on P.
- (19) Intersection F and P: Through on F, stop on P (Town of Ixonia).
- (20) Intersection F and B: Through on F, stop on B (NE of I94).
- (21) Intersection F and E: Through on F, stop on E.
- (22) Intersection F and B: Through on F, stop on B (SW of I94).
- (23) Intersection F and P: Through on F, stop on P (Town of Sullivan).
- (24) Intersection F and Y: Traffic eastbound on Y shall stop; traffic northbound on F shall stop.
- (25) Intersection N and M: Through on N, stop on M.
- (26) Intersection N and U: Through on N, stop on U.
- (27) Intersection Q and T: Through on Q, stop on T.
- (28) Intersection CW and SC: Through on CW, stop on SC.

- (29) Intersection CI and E: Through on CI, stop on E.
 - (30) Intersection CI and F: Through on CI, stop on F.
 - (31) Intersection CI and Z: Through on CI, stop on Z.
 - (32) Intersection W and Annex Road: Traffic on Annex Road shall stop.
 - (33) Intersection G and J: There shall be a four-way stop.
 - (34) Intersection H and Z: There shall be a four-way stop.
 - (35) Intersection Z and State Trunk Highway 59: Traffic northbound on Z shall stop before crossing Wisconsin and Southern Railroad tracks, 125 feet south of centerline intersection.
- (Ord. No. 2016-15, § 3, 11-14-2016)

Sec. 20-51. Speed zones on county trunk highways.

A traffic and engineering investigation having been made on the following described highways in the county, the maximum permissible speed at which vehicles may be operated on said highways, which speed is herewith established as reasonable and safe pursuant to Wis. Stats. § 349.11, shall be as set forth herein, subject to the approval of the state department of transportation, division of highways, and upon the erection of standard signs giving notice thereof:

- (1) County Trunk Highway A, Town of Oakland, Jefferson County: 35 miles per hour for all vehicles from the centerline of U.S. Highway 12 northerly to a point 1.05 miles north of USH 12.
- (2) County Trunk Highway A, Town of Oakland, Jefferson County: 45 miles per hour for all vehicles from a point 1.05 miles north of the centerline of U.S. Highway 12 northerly to U.S. Highway 18.
- (3) County Trunk Highway A, Town of Lake Mills, Jefferson County: 35 miles per hour for all vehicles from the north corporate limits of the City of Lake Mills to the intersection of County Trunk Highway A and Faville Grove Road.
- (4) County Trunk Highway A, Town of Milford, Jefferson County: 45 miles per hour for all vehicles from the intersection of Faville Grove Road to a point 750 feet beyond Hoopers Mill Lane.
- (5) County Trunk Highway A, Unincorporated Village of Milford, Jefferson County: 30 miles per hour for all vehicles from its east intersection with County Trunk Highway Q, westerly 0.60 of a mile.
- (6) County Trunk Highway A, Town of Milford, Jefferson County: 45 miles per hour for all vehicles from its east intersection with County Trunk Highway Q, easterly to its intersection with Ziebell Road.

- (7) County Trunk Highway A, unincorporated Village of Grellton, Jefferson County: 40 miles per hour for all vehicles from a point 0.10 of a mile southwest of its intersection with County Trunk Highway N, northerly for a distance of 0.25 of a mile.
- (8) County Trunk Highway B, Town of Aztalan, Jefferson County:
 - a. 45 miles per hour for all vehicles from a point 2,600 feet west of the Johnson Creek Village limits to a point 1,120 feet west of the Johnson Creek Village limits.
 - b. 35 miles per hour for all vehicles from a point 1,120 feet west of the Johnson Creek Village limits to the Johnson Creek Village limits.
- (9) County Trunk Highway B, Town of Lake Mills, Jefferson County: 45 miles per hour for all vehicles from a point 0.20 of a mile west of its intersection with Shorewood Hills Road to a point 0.20 of a mile east of said intersection.
- (10) County Trunk Highway B, Town of Lake Mills, Jefferson County: 35 miles per hour for all vehicles from a point 0.20 of a mile east of its intersection with Shorewood Hills Road, easterly to its intersection with Rock Lake Road.
- (11) County Trunk Highway B, Town of Lake Mills, Jefferson County: 30 miles per hour for all vehicles from its intersection with Rock Lake Road, easterly to its intersection with Pine Street at the Lake Mills city limits.
- (12) County Trunk Highway B, Town of Aztalan, Jefferson County:
 - a. 40 miles per hour for all vehicles from the east corporate limits of the City of Lake Mills, easterly to its intersection with Wollin Road.
 - b. 35 miles per hour for all vehicles from a point 1,115 feet east of the easternmost abutment of the County Trunk Highway B Bridge over the Rock River easterly along the centerline of County Trunk Highway B; a distance of 800 feet to the municipal limits of the Village of Johnson Creek.
- (13) County Trunk Highway B, unincorporated Village of Aztalan, Jefferson County: 45 miles per hour for all vehicles from a point 250 feet west of Gomoll Road, easterly to the east end of the Crawfish River Bridge.
- (14) County Trunk Highway B, Town of Farmington, Jefferson County: 45 miles per hour for all vehicles from the centerline intersection of County Trunk Highway B with State Trunk Highway 26 easterly along the centerline of County Trunk Highway B to a point 200 feet east of the centerline intersection of County Trunk Highway B with Hunters Glen Lane.
- (15) County Trunk Highway B, Unincorporated Village of Farmington, Jefferson County: 40 miles per hour for all vehicles from a point 0.10 of a mile west of its intersection with South Farmington Road, easterly for a distance of 0.25 of a mile.
- (16) County Trunk Highway CI, Town of Sullivan, Jefferson County: 40 miles per hour for all vehicles from a point 0.45 mile west of its intersection with County Trunk Highway E, easterly to a point 0.11 of a mile east of County Trunk Highway E.

- (17) County Trunk Highway CI, Town of Sullivan, Jefferson County: 50 miles per hour for all vehicles from a point 0.11 of a mile east of its intersection with County Trunk Highway E, easterly 0.20 of a mile.
- (18) County Trunk Highway D, Town of Jefferson, Jefferson County: 40 miles per hour for all vehicles on County Trunk Highway D, in the Town of Jefferson from the centerline intersection of County Trunk Highway D with State Trunk Highway 18, northerly to a point 200 feet north of the centerline intersection of the County Trunk Highway D with the Glacial Drumlin State Trail.
- (19) County Trunk Highway D, Town of Hebron, Jefferson County: 35 miles per hour for all vehicles from a point 0.30 of a mile south of its intersection with Green Isle Drive, northerly to the centerline intersection of County Trunk Highway D and State Trunk Highway 106.
- (20) County Trunk Highway E, Village of Palymra, Jefferson County:
 - a. 25 miles per hour for all vehicles from the centerline intersection of County Trunk Highway E with State Trunk Highway 59 northerly along the centerline of County Trunk Highway E to the centerline intersection of County Trunk Highway E with Little Street.
 - b. 35 miles per hour for all vehicles from the centerline intersection of County Trunk Highway E with Little Street northerly along the centerline of County Trunk Highway E to the northern corporate limits of the Village of Palmyra (190 feet north of the centerline intersection of County Trunk Highway E with Brennan Road).
- (21) County Trunk Highway E, Town of Palmyra, Jefferson County: 45 miles per hour for all vehicles from the northern corporate limits of the Village of Palmyra (190 feet north of the centerline intersection of County Trunk Highway E with Brennan Road) northerly along the centerline of County Trunk Highway E to the centerline intersection of County Trunk Highway E with Island Road.
- (22) County Trunk Highway E, Town of Concord, Jefferson County: 45 miles per hour for all vehicles from its intersection with County Trunk Highway F northerly to its intersection with West River Road.
- (23) County Trunk Highway E, Town of Ixonia, Jefferson County: 35 miles per hour for all vehicles from its southerly intersection with County Trunk Highway P northerly 0.55 of a mile to its northerly intersection with County Trunk Highway P.
- (24) County Trunk Highway E, Town of Watertown, Jefferson County: 45 miles per hour for all vehicles traveling on County Trunk Highway E, from the corporate limits of the City of Watertown, southerly along the centerline of County Trunk Highway E to a point 0.30 of a mile south of the centerline intersection of County Trunk Highway E with Kohloff Lane.

- (25) County Trunk Highway F, Town of Sullivan, Jefferson County: 40 miles per hour for all vehicles from its intersection with County Trunk Highway Y, southerly to its intersection with Bente Road.
- (26) County Trunk Highway F, unincorporated Village of Rome, Jefferson County: 30 miles per hour from a point 0.02 of a mile south of its south junction with Island Drive, southerly to its intersection with County Trunk Highway Y.
- (27) County Trunk Highway F, unincorporated Village of Rome, Jefferson County: 45 miles per hour from a point 0.20 of a mile north of its north junction with Island Drive, southerly to a point 0.02 of a mile south of its south junction with Island Drive.
- (28) County Trunk Highway F, Town of Sullivan, Jefferson County: 40 miles per hour from a point 0.56 of a mile south of its intersection with Village Line Road, northerly to its intersection with Village Line Road.
- (29) County Trunk Highway F, Unincorporated Town of Sullivan, Jefferson County: 45 miles per hour for all vehicles from the centerline intersection of County Trunk Highway F with U.S. Highway 18 northerly along the centerline of County Trunk Highway F to a point 1,200 feet north of the centerline intersection of County Trunk Highway F with U.S. Highway 18.
- (30) County Trunk Highway F, Town of Concord, Jefferson County: 45 miles per hour for all vehicles from a point 200 feet south of the southernmost centerline intersection of County Trunk Highway F with County Trunk Highway B, proceeding northerly along the centerline of County Trunk Highway F to a point 200 feet north of the northern most centerline intersection of County Trunk Highway F with County Trunk Highway B.
- (31) County Trunk Highway F, Unincorporated Village of Ixonia, Jefferson County: 45 miles per hour from its intersection with Woody Lane northerly to its intersection with County Trunk Highway P.
- (32) County Trunk Highway F, Unincorporated Village of Ixonia, Jefferson County: 30 miles per hour from its intersection with County Trunk Highway P, northerly to its intersection with State Trunk Highway 16.
- (33) County Trunk Highway H, Town of Palmyra, Jefferson County: 35 miles per hour for all vehicles from a point 0.10 of a mile south of its intersection with South Shore Drive, northerly for a distance of 0.60 of a mile.
- (34) County Trunk Highway H, Town of Palmyra, Jefferson County: 45 miles per hour for all vehicles from the south village limits of the Village of Palmyra southerly for 0.85 of a mile.
- (35) County Trunk Highway J, Town of Jefferson, Jefferson County: 45 miles per hour from the centerline intersection of County Trunk Highway J with the State Trunk Highway 89 easterly for a distance of 0.51 mile.

- (36) County Trunk Highway J, Town of Jefferson, Jefferson County: 35 miles per hour from a point 0.51 mile east of the centerline intersection of County Trunk Highway J with State Trunk Highway 89, easterly for 0.35 mile to the centerline intersection of County Trunk Highway J and Collins Road.
- (37) County Trunk Highway J, Town of Jefferson, Jefferson County: 45 miles per hour for all vehicles from a point 920 feet west of State Trunk Highway 89 to the centerline of State Trunk Highway 89.
- (38) County Trunk Highway K, Town of Jefferson, Jefferson County: 35 miles per hour for all vehicles from the south corporate limits of the City of Jefferson, southerly to a point 0.25 of a mile south of its intersection with Airport Road in the Town of Jefferson.
- (39) County Trunk Highway K, Towns of Koshkonong and Jefferson, Jefferson County: 45 miles per hour for all vehicles from a point 0.25 of a mile south of its intersection with Airport Road in the Town of Jefferson, southerly to the north corporate limits of the City of Fort Atkinson.
- (40) County Trunk Highway K, Town of Koshkonong, Jefferson County: 45 miles per hour for all vehicles from a point 0.20 of a mile south of its intersection with Star School Road, northerly to a point 0.20 of a mile south of its intersection with Liebermann Road.
- (41) County Trunk Highway K, Town of Koshkonong, Jefferson County: 40 miles per hour for all vehicles from a point 0.20 of a mile south of its intersection with Liebermann Road, northerly to its intersection with U.S. Highway 12.
- (42) County Trunk Highway N, Town of Aztalan, Jefferson County: 45 miles per hour for all vehicles from the north corporate limits of the City of Jefferson, northerly for a distance of 0.45 of a mile.
- (43) County Trunk Highway N, Town of Jefferson, Jefferson County: 45 miles per hour for all vehicles from its intersection with Vogel Road, southerly to a point 1,000 feet south of the centerline intersection of County Trunk Highway N with West Rapids Road.
- (44) County Trunk Highway N, Town of Koshkonong, Jefferson County: 45 miles per hour for all vehicles from the centerline intersection of County Trunk Highway N with State Trunk Highway 106 southerly along the centerline of County Trunk Highway N to a point 1,000 feet south of the southernmost intersection of County Trunk Highway N with Homestead Road.
- (45) County Trunk Highway N, unincorporated Village of Cold Spring, Jefferson County: 40 miles per hour for all vehicles from its intersection with Carnes Road, northerly to its intersection with Gillis Road.

- (46) County Trunk Highway N, Town of Cold Spring, Jefferson County: 45 miles per hour for all vehicles from a point 725 feet south of the centerline intersection of County Trunk Highway N and County Trunk Highway U, northerly to a point 200 feet north of the centerline intersection of County Trunk Highway N and County Trunk Highway U.
- (47) County Trunk Highway N, Town of Cold Spring and City of Whitewater, Jefferson County: 35 miles per hour for all vehicles from a point 725 feet south of the intersection of County Trunk Highway N and County Trunk Highway U, southerly to the point where the City of Whitewater has jurisdiction of said road.
- (48) County Trunk Highway O, unincorporated Village of London, Dane and Jefferson Counties: 35 miles per hour for all vehicles from its intersection with East Main Street (end of State Trunk Highway 134), northerly to a point 0.17 of a mile north of its intersection with Center Street.
- (49) County Trunk Highway O, Town of Lake Mills, Jefferson County: 35 miles per hour for all vehicles from a point 0.15 of a mile west of its intersection with East Kroghville Road, northerly to a point 0.20 of a mile north of its intersection with East Kroghville Road.
- (50) County Trunk Highway P, Town of Sullivan, Jefferson County:
- a. 30 miles per hour for all vehicles from its intersection with County Trunk Highway F, northerly to a point 400 feet north of the centerline intersection of County Trunk Highway P and Park Street;
 - b. 30 miles per hour from County Trunk Highway F north to 285 feet south of Summer Hill Drive;
 - c. 35 miles per hour from 285 feet south of Summer Hill Drive continuing north to north of Park Street.
- (51) County Trunk Highway P, Town of Farmington, Jefferson County: 40 miles per hour for all vehicles from a point 0.15 of a mile south of the Interstate Highway 94 eastbound structure, northerly to a point 0.35 of a mile north of the Interstate Highway 94 eastbound structure.
- (52) County Trunk Highway P, Town of Ixonia, Jefferson County: 45 miles per hour for all vehicles from 375 feet west of Oak Drive to the intersection of County Trunk Highway E.
- (53) County Trunk Highway P, unincorporated Village of Ixonia, Jefferson County: 25 miles per hour for all vehicles from a point 375 feet west of its intersection with Oak Drive, southeasterly to its intersection with County Trunk Highway F.
- (54) County Trunk Highway Q, Town of Aztalan, Jefferson County: 45 miles per hour for all vehicles from a point 0.18 of a mile south of its intersection with County Trunk Highway B southerly for a distance of 0.45 of a mile.

- (55) County Trunk Highway Q, unincorporated Village of Aztalan, Jefferson County: 25 miles per hour for all vehicles from a point 0.18 of a mile south of its intersection with County Trunk Highway B, northerly to a point 0.27 of a mile north of its intersection with County Trunk Highway B.
- (56) County Trunk Highway Q, Town of Milford, Jefferson County: 45 miles per hour for all vehicles from a point 0.30 of a mile south of its intersection with County Trunk Highway A, southerly for a distance of 0.50 of a mile.
- (57) County Trunk Highway Q, unincorporated Village of Milford, Jefferson County: 30 miles per hour for all vehicles from its west intersection with County Trunk Highway A, southerly for 0.30 of a mile.
- (58) County Trunk Highway T, Town of Watertown, Jefferson County:
 - a. 30 miles per hour from the intersection with East Horseshoe Road westerly to a point 740 feet west of the intersection.
 - b. 45 miles per hour from a point 740 feet west of the intersection of East Horseshoe Road extending a distance of 1,225 feet westerly along the centerline of County Trunk Highway T.
- (59) County Trunk Highway U, Town of Cold Spring, Jefferson County: 45 miles per hour for all vehicles from its intersection with County Trunk Highway N easterly to its intersection with County Trunk Highway D.
- (60) County Trunk Highway V, Towns of Lake Mills and Aztalan, Jefferson County: 35 miles per hour for all vehicles from its west intersection with County Trunk Highway B, easterly to its east intersection with County Trunk Highway B.
- (61) County Trunk Highway W, Town of Jefferson, Jefferson County: 45 miles per hour for all vehicles from the centerline intersection of County Trunk Highway W with Business 26, northeasterly along the centerline of County Trunk Highway W to a point 1,400 feet south of the centerline intersection of County Trunk Highway W with Collins Road in the City of Jefferson.
- (62) County Trunk Highway W, Town of Jefferson, Jefferson County: 35 miles per hour for all vehicles from a point 0.85 of a mile north of its intersection with Business 26, northerly for a distance of 0.30 of a mile to the Jefferson city limits.
- (63) County Trunk Highway Y, Town of Sullivan, Jefferson County: 30 miles per hour for all vehicles from a point 0.09 of a mile west of its intersection with County Trunk Highway F, easterly to its intersection with County Trunk Highway F.
- (64) County Trunk Highway Y, Town of Farmington, Jefferson County: 45 miles per hour for all vehicles from the intersection of State Trunk Highway 26, south for a distance of 0.42 of a mile.
- (65) County Trunk Highway Y, Towns of Farmington and Watertown, Jefferson County: 45 miles per hour for all vehicles from the centerline intersection of County Trunk Highway Y with Woodside Lane, in the Town of Farmington, northerly along the

centerline of County Trunk Highway Y to a point 0.30 mile south of the centerline intersection of County Trunk Highway Y with Emerald Drive, in the Town of Watertown.

- (66) County Trunk Highway Z, Town of Palmyra, Jefferson County: 40 miles per hour for all vehicles on County Trunk Highway Z from its centerline intersection with State Trunk Highway 59 southerly along the centerline of County Trunk Highway Z to the intersection of County Trunk Highway Z with Little Prairie Road.
 - (67) Annex Road, Town of Jefferson, Jefferson County: 25 miles per hour for all vehicles from its intersection with County Trunk Highway W, southerly to the point of termination of Annex Road.
- (Ord. No. 2016-15, § 4, 11-14-2016)

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RESERVED

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ARTICLE I. IN GENERAL**Sec. 22-1. Authority.**

The ordinance from which these regulations are derived is adopted under the authority granted by various sections of Wisconsin Statutes, including, but not limited to, Wis. Stats. §§ 59.69, 59.692, 59.694, 59.696, 59.697, 87.30, and 281.31 and Wis. Stats. chs. 91, 236, 287, 289 and 823.

(Ord. No. 2022-12, § 11.01(a), 10-11-2022)

Sec. 22-2. Purpose.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the county, and to limit structures to those areas where soil and geological conditions will provide a safe foundation and prevent and control water pollution.

(Ord. No. 2022-12, § 11.01(b), 10-11-2022)

Sec. 22-3. Intent.

It is the general intent of this chapter to regulate and to restrict the use of all structures, lands, shorelands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve shoreline cover; and implement the county comprehensive plan, as may be amended by the county board from time to time. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(Ord. No. 2022-12, § 11.01(c), 10-11-2022)

Sec. 22-4. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. The shoreland provisions of this chapter supersede all the provisions of any county zoning ordinance adopted under Wis. Stats. § 59.692 which relate to shorelands. The general shoreland zoning provisions located in article X of this chapter and the shoreland-wetland district regulations of article X, division 3 of this chapter shall not require approval or be subject to disapproval

by any town or town board. However, when a provision adopted under a statute other than Wis. Stats. § 59.692 is more restrictive than this chapter, that provision shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(Ord. No. 2022-12, § 11.01(d), 10-11-2022)

Sec. 22-5. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by state law. Geographic information system (GIS) data is utilized for interpretations of this chapter. GIS data is a graphic representation of the underlying data that is contained in the county soil survey, Federal Emergency Management Agency (FEMA) floodplain maps, state department of natural resources DNR wetland inventory maps, official zoning maps and tax parcel maps. (Ord. No. 2022-12, § 11.01(e), 10-11-2022)

Sec. 22-6. Amendments.

The county board of supervisors may from time to time alter, supplement, or change the boundaries and regulations contained in this chapter in the manner provided by Wis. Stats. § 59.69.

(Ord. No. 2022-12, § 11.12, 10-11-2022)

Sec. 22-7. 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:

Accessory residential structure means any accessory structure that primarily accommodates the sheltered parking of a vehicle or the storage of residential maintenance equipment. The term "accessory residential structure" includes gazebos, swimming pools, greenhouses, and wind and solar energy systems for on-site residential use.

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

Adaptive reuse of barns. To be utilized under this definition in this chapter, the barn must be existing and constructed prior to 1970.

Agricultural accessory structure means a building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use on the same farm, subject to normal setback requirements in the associated zoning district. These include, but are not limited to:

- (1) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.

- (2) A facility used to keep livestock on the farm, subject to other quantitative thresholds within this chapter, which may require a conditional use permit if such thresholds are exceeded.
- (3) A facility used to store or process inputs primarily for agricultural uses on the farm.
- (4) A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy primarily for use on the farm.
- (5) A manure digester, bio-fuel facility, or other facility that produces energy from materials grown or produced on the farm, primarily for use on the farm.
- (6) An animal waste storage facility, subject to the county animal waste management ordinance set forth in chapter 6, article IV.
- (7) Up to three semi-trailers or truck boxes used for the storage of agricultural equipment, supplies, or products on A-1 zoned property of 35 or more contiguous acres in the same ownership (for the purposes of this provision, a road shall not be considered a divider of contiguity). Normal setbacks and permits shall be required for trailers and truck boxes used for storage of agricultural equipment.

Agricultural preservation and land use plan means the agricultural preservation and land use plan for county prepared as the county's state-certified farmland preservation plan under Wis. Stats. ch. 91 and as a component of the county comprehensive plan, which is intended to guide county farmland preservation and land use decision making and may be amended from time to time.

Agricultural tourism activity.

- (1) The term "agricultural tourism activity" means an agriculturally related educational or recreational activity that:
 - a. Takes place on a farm, ranch, grove, or place where farm animals or farmed fish are raised, or where agricultural, horticultural, or silvicultural crops are grown, or there is direct marketing of such crops incorporated into finished products and made available to the public; and
 - b. Allows members of the general public to purchase, tour, explore, observe, learn about, participate in, or be entertained by an aspect of agricultural production, harvesting, or husbandry that occurs on the farm, ranch, grove, or place.
- (2) Agricultural tourism is intended to support local agricultural economic development efforts in rural areas of county and promote the diversification of farm-related activities by offering members of the public the opportunity to experience the county's agricultural production at locations including local working farms and establishments which sell products from local working farms.
- (3) The term "agricultural tourism activity" does not include those uses or activities defined as agricultural uses or agricultural-related uses. In addition, it does not include agricultural or crop demonstrations performed on a farm.

Agricultural use means any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock (e.g., bovine animals, equine animals, goats, bison, elk, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites); beekeeping; nursery, sod, or Christmas tree production; floriculture; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program. The term "agricultural use" does not include any uses of land otherwise defined as an "agriculture-related use."

Agriculture-related use means an agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes, except for facilities intended to convert agricultural products to energy as a principal use and primarily serving entities outside the premises; agricultural chemical dealers and/or storage facilities; commercial dairies; commercial food processing facilities; canning and other food packaging facilities; sawmills; de-barking operations; and chipping facilities.

Alley means a right-of-way affording only secondary access to abutting properties.

Animal unit means the equivalent of one cow, four hogs, ten sheep, ten goats, 100 rabbits or poultry, one horse, pony or mule. This is not applicable for Wis. Admin. Code ch. ATCP 51 livestock siting rules. See Wis. Admin. Code ch. ATCP 51 for applicable definition relating to livestock facilities.

Animal waste storage facility means a manure storage impoundment made by construction embankments, excavating a pit or dugout, or fabricating a structure, including stationary equipment and piping used to load or unload a manure storage facility if the equipment is specifically designed for that purpose and is an integral part of the facility, but not including equipment used to apply manure to land.

Area variance means a modification to a dimensional, physical, locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment.

Basement means that portion of any structure located partly below the average adjoining lot grade.

Bed and breakfast establishment means an indoor lodging facility as defined in Wis. Admin. Code ch. ATCP 73 and different from a tourist roominghouse or other lodging facility. Within the A-1 district, the term "bed and breakfast establishment" shall also be subject to the following limitations:

- (1) Be conducted by the owner or operator of the farm.
- (2) Require no buildings, structures, or improvements other than a farm residence, an agricultural accessory structure, or both.

- (3) Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both.

Building. See *Structure*.

Building area means the total living area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, open porches, and unfinished attics.

Building height means the vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the structure, excluding chimneys, vents or antennae.

Campground means a privately or municipally owned parcel or tract of land, maintained, intended, or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles, or sleeping bags, and may include structures to provide services to the patrons, such as rest rooms, bathing and laundry facilities. Accessory structures associated with the camping use within designated and approved campsites are limited to one detached deck and one storage shed per site. Decks shall not exceed 400 square feet and shall have no walls and roofs. Storage sheds shall not exceed 100 square feet in size. Floodplain and shoreland overlay districts may provide additional restrictions impacting placement of accessory structures.

Centerline means a line equidistant from the edges of the median separating the main-traveled ways of an existing or planned divided road or highway or the centerline of the main-traveled way of a non-divided road or highway.

Channel means a natural or artificial watercourse of perceptible extent, with definite bed or banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Clinic means an establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises.

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

Committee 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.

Community living arrangements and similar facilities means facilities which include, but are not limited to, group homes, community living arrangements, adult family homes, foster homes, and residential care apartment complexes.

Comprehensive plan means the comprehensive plan of the county, as defined and adopted under state law and from time to time amended, which is intended to guide the physical development of the county over a 20-year planning period.

Conditional use means a use of a special nature so as to make impractical its predetermination as a principal use within a district.

Contiguous lands means all lands not divided by a public road, river or lake that adjoin by more than a common point. For the purpose of this definition, a river is only the following: Ashippun, Bark, Crawfish, Oconomowoc, Rock, Scuppernong and Whitewater Rivers.

Department means the state department of natural resources.

Development means any man-made 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, excavation or drilling operations; and the deposition or extraction of earthen materials.

District means a portion of the county for which the regulations governing the use of land and building are uniform.

Dwelling means a detached building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses or lodginghouses, motels, hotels, tents, or trailers.

Dwelling unit means one or more rooms designed as a unit for occupancy by not more than one family for living and sleeping purposes.

Encroachment lines means limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining floodplains between these lines will be maintained as open space and will be adequate to convey the regional flood without adversely increasing flood heights.

End of taper means the point of intersection between the outer edges of the ramp pavement and the mainline pavement.

Environmental corridors means environmentally sensitive areas located throughout the county where additional land preservation policies and development standards are applied. Mapped environmental corridors include all land that meets one or more of the following conditions: public-owned park, recreation, and conservancy lands, water bodies and wetlands mapped as part of the DNR wetland inventory, 100-year floodplains based upon FEMA maps or contiguous woodlands over ten acres in size. In addition to the mapped criteria listed above, any land with a slope in excess of 20 percent should be considered as an environmental corridor and subject to environmental corridor land use policies.

Equal degree of encroachment, established by considering the effect of encroachment on the hydraulic efficiency of the floodplain along a significant reach of the stream, is dependent upon factors such as the relative orientation of the channel with respect to the floodway, the natural and man-made characteristics of the floodplain, relative ground level on both sides

of the stream, the type of vegetation on both sides of the stream and the resistance of such vegetation to flood flow. In most cases these factors will not result in equal distances or areas between encroachment lines on both sides of the stream.

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 underground, surface, or overhead gas, electrical, steam, water, sanitary, sewerage, storm-water drainage, and communication systems and accessories thereto, such as telephone and power distribution poles, non-electrical poles and towers, mains, drains, vaults, culverts, laterals, sewers, pipes, catchbasins, conduits, cables, fire alarm boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Expressway means a divided principal or primary arterial highway with full or partial control of access and with or without grade separated intersections.

Family means any number of persons related by blood, adoption, or marriage, or not to exceed three persons not so related, living together in one dwelling as a single housekeeping entity.

Family day care home, for four to eight children, means any accessory use within an occupied dwelling in which a qualified persons provide child care for four to eight children. The care of less than four children is not subject to the regulations of this chapter. Family day care homes are also regulated under Wis. Stats. § 66.1017(1)(a).

Farm means a parcel of land or parcels of land under common ownership that is primarily devoted to agricultural use. The term "farm" is also referred to as a "farm operation."

Farm residence means a single-family residence located on a farm that meets one of the following criteria:

- (1) Is the only residence on the farm; or
- (2) Is occupied by an owner or operator of the farm; or
- (3) Is occupied by an individual who earns more than 60 percent of his or her gross income from the farm.

Feedlot means any livestock feeding or housing area or structure in which the concentration of animals is such that a vegetative cover is not maintained during the summer. This is not applicable for Wis. Admin. Code ch. ATCP 51 livestock siting rules. See Wis. Admin. Code ch. ATCP 51 for applicable definition relating to livestock facilities.

First Amendment protected adult-oriented establishment. See article III, division 3 of this chapter.

Flood means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Flood, regional, means a flood determined by the DNR which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what

can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100-year recurrence interval flood, determined from an analysis of floods on a particular stream and other streams in the same general region.

Flood profile means a graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Flood stage means the elevation of a flood as referred to some datum. For other purposes, it is commonly used to refer to the elevation at which a stream will overtop its banks at normal stage.

Floodproofing means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or eliminating of flood damages to properties, water and sanitary facilities, structures, and contents of buildings of a flood hazard area. This includes sealing, anchoring, elevating, and filling.

Floodplain means the land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Wis. Admin. Code ch. NR 116.

Floodway means the channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.

Freeway means an expressway with full control of access and with fully grade-separated intersections.

Frontage means the smallest dimension of a lot abutting a public street measured along the street line.

Fur farm means any property comprising land or buildings or both, used for the purpose of raising or harboring fur-bearing animals, including those defined in Wis. Stats. § 169.18 and also including any other fur-bearing animals, whether the animals are kept for breeding or slaughtering or pelting purposes.

Game farm means a facility where wild animals, birds, or fish are raised and/or hunted for food or sport; and may include shooting range, retail area, maintenance and repair services related to hunting and fishing.

Garage means an accessory building or accessory portion of the main building, used or designed or intended to be used for the storage of private motor vehicles.

Garage, residential, means a structure or carport for storage of automobiles, household vehicles, trucks of three-fourths ton capacity and under, household equipment and material. Maximum square footage: 1,000 square feet. Maximum height: 18 feet. Larger garages, sheds, parking of larger vehicles are treated under extensive on-site parking or storage.

Highway, collector, means a highway which serves as a linkage between local highways and arterials. High collectors serve communities exceeding 200 population and significant recreational centers. Low collectors de-emphasize mobility and carry generally low traffic volumes.

Highway, local, means roads intended to move vehicles from individual parcels to the high order road systems and should not carry through traffic. Local roads carry low volume traffic.

Highway, minor arterial, means a highway which serves multi-purpose trips with moderate mobility and considerable land access. The term "minor arterial highway" is an intra-area traffic carrier; serves communities over 500 population and provides variable level of service with mixed operating conditions.

Highway, primary arterial, means a highway which serves long trips with high mobility. Such highway connects regions or important cities, serves communities over 5,000 population by 1990, is a continuous system in combination with principal arterials and provides high level of service with only slight variation.

Highway, principal arterial, means a highway which serves longest trips with highest mobility. Such highway connects states, regions, or metropolitan areas, serves cities over 50,000 population by 1990, is a continuous, interconnected system with uninterrupted maximum level of service.

Highway, standard arterial, means a highway which serves long trips with good mobility. The term "standard arterial highway" has intraregional and intercommunity connections; serves communities over 1,000 population. Such highway is generally a continuous system in combination with principal and primary arterials and provides good level of service under varying operating conditions.

Home occupations means any occupation for gain or support conducted by resident occupants of a premises. In zoning districts in which they are allowed, all home occupations shall meet the following requirements:

- (1) Shall be clearly incidental and secondary to a principal residential use of the property.
- (2) Only two such uses shall be permitted on any lot.
- (3) Shall not be designed or conducted in a manner that would cause the premises to differ from its residential or agricultural appearance, such as through the use of colors, materials, construction, lighting, or excessive signs or through the production of noise, vibration, light, odor, dust, smoke or other air pollution detectable outside the parcel by persons with normal sensitivities.
- (4) The display, storage, or parking of materials goods, supplies, or equipment outside is prohibited, except for those vehicles incidental to the principal use of the property.
- (5) One on-premises sign of not more than six square feet in area to advertise the home occupation is permitted.

- (6) Within the A-1 district, the home occupation shall also:
 - a. Be conducted by the owner or operator of the farm.
 - b. Require no buildings, structures, or improvements other than a farm residence, agricultural accessory structures or improvements, or some combination.
 - c. Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both.
 - d. Provide only stock-in-trade produced on the premises, such as a roadside stand for the sale of products grown or produced on the premises, or a commercial service delivered on or off the premises.
- (7) Where allowed as permitted accessory uses, each accessory home occupation shall meet the following additional standards:
 - a. Shall be conducted completely within the dwelling.
 - b. Shall occupy no more than 25 percent of the dwelling floor area.
 - c. Shall employ no persons besides permanent residents of the premises in the R-1, R-2, C, and W districts and may additionally employ no more than one nonresident employee in all other zoning districts where allowed.
- (8) The business of selling stocks of merchandise, supplies, or products that are kept on the premises shall not be permitted, except for those produced by the home occupation and for small household or personal care products. The direct retail sale of products is not allowed, except for events designed to market small household or personal care products and for persons picking up an order they have placed in advance.
- (9) Where allowed by conditional use permit, each conditional home occupation shall meet the following additional standards (but not those standards exclusive to an accessory home occupation):
 - a. Shall be conducted completely within the dwelling, completely within one or more accessory buildings, or both, except for farms regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar events.
 - b. Shall occupy no more than a total of 2,500 square feet of accessory building floor area.
 - c. Shall employ no more than four nonresident employees in addition to permanent residents of the premises.

Hotel means a building where rooms, with or without meals, are supplied to transient public, or to anyone who may apply, for compensation.

Household pets means animals such as dogs and cats or other domesticated animals raised for the purpose of pleasure rather than utility or other commercial purpose.

Interchange means a grade-separated intersection on a state trunk highway with one or more turning roadways for travel between intersection legs.

Kennel means a premises within which one or more of the following activities is conducted:

- (1) Dogs, cats, or other household pets are maintained, boarded, bred, kept, or cared for in return for remuneration or for the purpose of sale.
- (2) Within any agricultural district, five or more dogs are kept as household pets, not counting pups below the age of five months, unless more are allowed by conditional use permit.
- (3) Within any other district, three or more dogs are kept as household pets, not counting pups below the age of five months, unless more are allowed by conditional use permit.
- (4) Within the A-1 district, the kennel shall be subject to the following standards:
 - a. Be conducted by the owner or operator of the farm.
 - b. Require no buildings, structures, or improvements other than a farm residence, an agricultural accessory structure, or both.
 - c. Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both.

Laboratory means a place where scientific experiments and research are carried on or where drugs, chemicals or such substances are made or tested or an establishment devoted to the development of and fabricating of preliminary or pilot models, but specifically not to include any mass production of the result of the experimental work.

Livestock unit means 1,000 pounds of live animal weight for livestock animals not regulated by Wis. Admin. Code ch. ATCP 51 livestock siting rules either by number or type. This includes emus, ostriches, and confined wildlife species.

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

Local utilities means lines and facilities serving the immediate neighborhood, not pass-through lines or facilities.

Lot means a parcel of land having access to and frontage on a public street occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area yard, parking area, and other open space provisions of this chapter.

Lot, corner, means a lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, front, means the side of a lot bordering the principal street, unless otherwise specified on a plat, except that those lots bordering a lake or river shall have the side bordered by the water deemed the front.

Lot, interior, means a lot which is not a corner lot.

Lot lines and area means the peripheral boundaries of a parcel of land and the total area lying within such boundaries excluding right-of-way.

Lot width means the width of a parcel of land. Parcels must maintain the required lot width for the distance of the required lot depth.

Major recreational equipment means large items normally used for recreational purposes, including, but not limited to, travel trailers, motor homes, all-terrain vehicles, snowmobiles, boats and motors, buses and vans converted for sleeping purposes.

Mobile home means any structure originally designed to be capable of transportation by a motor vehicle upon a public highway, which does not require substantial on-site fabrication, and is intended for human occupancy.

Mobile home park means an area or premises on which is located two or more mobile homes.

Motel means a series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Navigable waters 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 the state, including the state portion of boundary waters, which are navigable under the laws of the state. Under Wis. Stats. § 59.692, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland regulations required under Wis. Stats. § 281.31(2m), notwithstanding any other provision of law or administrative rule, a shoreland zoning regulation required under Wis. Stats. § 59.692, a construction site erosion control and stormwater management zoning regulation authorized under Wis. Stats. § 59.693, 60.627, 61.354 or 62.234 or a wetland zoning regulation required under Wis. Stats. § 61.351 or 62.231 does not apply to lands adjacent to farm drainage ditches if:

- (1) Such lands are not adjacent to a natural navigable stream or river;
- (2) Those parts of such drainage ditches adjacent to these lands were not navigable streams before ditching; and
- (3) Such lands are maintained in nonstructural agricultural use.

Nonconforming use or structure means any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of the ordinance from which this chapter is derived, or amendments thereto, which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Non-farm residence means any residence that is not a farm residence, as defined in this section.

Non-local utilities means pass through lines or facilities.

Non-prime agricultural lands means Class IV through VII soils as defined within the soil survey of the county and Class III soils that exhibit non-prime agricultural land capabilities comparable to Class IV through VII soils. Also, Class I, II and III soils and other unclassified lands where evidence demonstrates a long-term history of non-cultivation or the presence of physical feature (e.g., rock outcroppings, upland cover) that limit the potential for use of the land as productive agricultural land, as determined by the planning and zoning committee.

Nursing home and *rest home* mean a building or institution for the care of the aged, the infirm, or the sick, provided the same shall comply with the further definitions and regulations contained in Wis. Admin. Code ch. SPS 383.

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.

Parcel of record means all contiguous lands zoned A-1 or A-T under the same ownership and in the A-1 zoning district that existed on February 8, 2000. Lots created by recorded certified survey map approved by the planning and zoning department since December 13, 1977, are considered separate parcels of record. Parcels of record may contain one or more tax parcels as described by the property tax rolls.

Parent parcel means all contiguous lands zoned A-1 or A-T and under the same ownership that existed on December 13, 1977. A-1 or A-T zoned parcels created by variance before December 13, 1977, are not considered parent parcels. Parent parcels may contain one or more tax parcels as described by the property tax rolls.

Park, public, means an area owned by a governmental agency, operating for the convenience and recreation of the public, containing such facilities as the agency shall see fit.

Parking lot means an area where automobiles are temporarily stored, primarily for the convenience of employees, residents, or patrons, but not for the purpose of storing vehicles to be junked, salvaged or sold.

Parking space means a graded and surfaced area of not less than 200 square feet in area, either enclosed or open, for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

Prime agricultural lands means Class I and II soils as defined within the soil survey of the county and Class III soils that exhibit prime agricultural land capabilities comparable to Class I and II soils as determined by the planning and zoning committee.

Professional home office means residence of a doctor of medicine, practitioner, dentist, clergyman, architect, landscape architect, professional engineer, registered land surveyor,

attorney, artist, teacher, author, musician, or other recognized professional person used to conduct their profession where the office does not exceed one-half the area of only one floor of the residence, and no more than one nonresident person is employed.

Reach is a hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between the consecutive bridge crossings would most likely be a reach.

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.

Residential accessory uses and buildings:

- (1) The term "residential accessory uses and buildings" includes driveways, walks, gardens, patios, pools, storage buildings and enclosures, provided that total ground area covered by buildings in this category does not exceed 500 square feet. More extensive coverage falls under extensive parking or storage.
- (2) Keeping of chickens. Residential accessory uses and buildings allow up to five chickens (hens) to be kept on land with an existing single-family residence where the minimum following standards are met and in zoning districts where residential accessory uses are listed (note: raising/keeping of farm animals is defined separately and not included under this definition):
 - a. Hens only; no roosters.
 - b. Does not apply to any other fowl, peafowl, guinea hens or peacocks.
 - c. Chickens must be kept in an enclosure at all times, and the enclosure and fencing shall meet all road setback requirements for the zoning district in which it is located, and shall be a minimum of 15 feet from any side or rear lot line. Setback shall be measured from fencing and structure.
 - d. If over 100 square feet, the enclosure structure shall be required to obtain a zoning and land use permit.
 - e. Maximum 200 square foot enclosure permitted.
 - f. Enclosure includes fencing and covered structure. Covered structure is also required to be within the fenced enclosure.
 - g. No slaughtering permitted.
 - h. The fenced enclosure and covered structure shall be maintained and kept in a sanitary condition, so as not to create a nuisance.

Roadside stand means a structure having a ground area of not over 200 square feet, not permanently fixed to the ground, readily removable in its entirety, and to be used solely for the sale of farm products produced on the premises or adjoining premises.

Salvageable material means discarded material no longer of value as intended, but which is stored or retained for salvage sale or further reuse.

Sanitary landfill means a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at such intervals as may be necessary.

Service station means any building, structure, or premises used for the dispensing and sale of any motor fuel or 554 oils, having pumps and storage tanks, or where the repair of motor vehicles or sale of tires, batteries, and other parts takes place.

Shoreland 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.

Shoreland-wetland zoning district means the zoning district created as a part of the shoreland zoning provisions, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this chapter.

Sign means any words, letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

Solid waste means garbage, refuse, and all other discarded or salvageable material, including waste material resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities, but does not include solid or dissolved material in waste effluents or other common water pollutants.

Solid waste disposal operations; junk, salvage or wrecking yards means an activity where junk, waste, discarded or salvage materials, inoperable automobiles or machinery, or used parts for automobiles or machinery, are bought, sold, exchanged, stored, baled, packed, disassembled, processed, utilized, disposed or handled. This includes, but is not limited to, land disposal, incineration, reduction, shredding, compression, junking or salvage of any materials, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition. Storage of three or more unlicensed vehicles on the same premises shall be prima facie evidence of operation of a salvage yard. The term "solid waste disposal operations; junk, salvage or wrecking yards" does not include:

- (1) Lots less than one acre where the uses described above consist of not more than 100 square feet;
- (2) Lots one acre or greater, but less than two acres, where the uses described above consist of not more than 150 square feet;
- (3) Lots two acres or greater, but less than three acres, where the uses described above consist of not more than 200 square feet; and

- (4) Lots three acres or greater where the uses described above consist of not more than 250 square feet.

Stable means a building or premises used for the housing, boarding, rent, or lease of riding animals.

Stable, agricultural, means a stable housing less than ten riding animals. Within the A-1 district, the term "agricultural stable" shall also be subject to the following limitations:

- (1) Be conducted as an accessory use to the farm by the owner or operator of the farm.
- (2) Require no buildings, structures, or improvements other than an agricultural accessory structure.
- (3) Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both.

Stable, commercial, means a stable housing ten or more riding animals. Within the A-1 district, the term "commercial stable" shall be subject to the following limitations:

- (1) Be conducted as an accessory use to the farm by the owner or operator of the farm.
- (2) Require no buildings, structures, or improvements other than an agricultural accessory structure.
- (3) Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both.

Story means the vertical distance between the surface of any floor and the floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it.

Street means a public highway not otherwise defined lying within a subdivision, with a right-of-way not less than 66 feet, providing primary access to abutting properties.

Structure means any erection or construction, having a roof, supported by columns, walls or the earth. A use for shelter, housing, enclosure of persons, animals, processes, equipment, machinery, goods, or materials is indicative of a structure, but not required to meet the definition of the term "structure." Decks, pools, foundations, solar panels, and arrays are structures.

Structural alterations means any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and those reasonable persons would accept in support of a conclusion.

Tourist roominghouse means an indoor lodging facility as defined in Wis. Admin. Code ch. ATCP 72. The term "tourist roominghouse" is different from a bed and breakfast establishment and other lodging facilities.

Trailer means a portable vehicle designed to be towed by an automobile and used for temporary sleeping purposes while its occupants are engaged in recreational activities.

Turning lane means an existing or proposed connecting roadway between two arterial highways or between an arterial highway and any other highway. Turning lanes include grade-separated interchange ramps.

Unnecessary hardship 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 chapter.

Use variance means an authorization by the board of adjustment under this chapter for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulation.

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

Variance means a departure from the terms of this chapter as applied to a specific building, structure, or parcel of land, which the board of adjustment may permit, contrary to the regulations of this chapter for the district in which such building or structure or parcel is located, when the board finds, after a public hearing, that a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety, or welfare.

Vision clearance triangle means an unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street, or railroad right-of-way lines by measurement from their intersection as specified in this chapter.

Waste storage, treatment or disposal, means a land use that includes sites or facilities where solid wastes or hazardous wastes are stored, treated or subject to disposal as defined in Wis. Stats. chs. 287 and 289; waste recycling facilities, commercial or governmental, which in the A-1 district must be "consistent with agricultural uses" as defined in Wis. Stats.

§ 91.01(10); and dumps or landfills as otherwise described in this chapter. New or expanded waste storage, treatment, or disposal uses shall not unreasonably burden private or public interests to the satisfaction of the county based on the following considerations:

- (1) Whether a waste facility or usage is an appropriate land use, considering land use plans, site factors, neighboring uses, and environmental considerations; and
- (2) Safety and security, in relation to dangers of fire, explosion, leakage, hazards through unauthorized entry onto the site, etc.; and
- (3) Pollution of land, air, water, noise, dust, vibration, blowing of refuse, smell, etc.; and
- (4) Damage or excess wear and tear to roads, bridges, etc.; and
- (5) Traffic hazards; and
- (6) Economic injuries, present or potential, through precluding reasonable uses of nearby lands; and reuse plans/potentials after the waste facility ceases operations.

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.

Yard means an open space on a lot, on which a structure is situated, unoccupied except as otherwise provided in this chapter.

(Ord. No. 2022-12, § 11.02, 10-11-2022)

Sec. 22-8. Industrial Classification Manual applicable.

The Standard Industrial Classification Manual published by the U.S. Government Printing Office and the Standard Industrial Classification online database from the U.S. Department of Labor (<https://www.osha.gov/data/sic-search>) shall serve as a guide to interpreting use listings and classifications within this chapter.

(Ord. No. 2022-12, § 11.02, 10-11-2022)

Sec. 22-9. Comprehensive plan adopted.

(a) Pursuant to Wis. Stats. § 66.1001, the county adopts the county comprehensive plan (with economic development emphasis) dated September 8, 2010, which may be referred to as the "county comprehensive plan."

(b) In addition, pursuant to Wis. Stats. ch. 91 and Wis. Stats. § 66.1001, the county agricultural and land use plan and updated land use map, dated September 12, 2011, is adopted and incorporated into the county comprehensive plan.

(Ord. No. 2010-19, 12-14-2010; Ord. No. 2011-23, 2-14-2012)

Sec. 22-10. Jurisdiction.

The jurisdiction of this chapter shall include all lands and water within the county which are not within the corporate boundaries of incorporated areas.

(Ord. No. 2022-12, § 11.03(a), 10-11-2022)

Sec. 22-11. Compliance.

(a) No structure, land, or water shall hereafter be used, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit and without full compliance with the provisions of this chapter and all other applicable local, county, and state regulations.

(b) The zoning administrator shall be a full-time county employee with the following powers and duties:

- (1) Administer, supervise, and enforce the provisions of this chapter and all sections of the state statutes pertaining to county zoning.
- (2) Receive applications for and issue building and sign permits, land use permits, and conditional use permits subject to approval by the committee as provided herein.
- (3) Advise interested persons as to the provisions of this chapter and other matters pertaining to county zoning.
- (4) Inspect from time to time the premises for which a permit or license has been issued under this chapter, report suspected violations of this chapter to the district attorney or corporation counsel for prosecution and sign complaints under the direction and supervision of the district attorney and corporation counsel.
- (5) Enter upon premises or private property at reasonable times for the purpose of investigating complaints and enforcing the provisions of this chapter.

(c) Compliance with the shoreland and floodplain provisions of this chapter shall not be grounds for the removal of lands from the floodplain district unless such lands are filled to a height of at least two feet above the elevation of the regional flood for the particular area and are contiguous to other lands lying outside the floodplain district and all other requirements of the floodplain regulations are met.

(Ord. No. 2022-12, § 11.03(b), 10-11-2022)

Sec. 22-12. Certification of compliance.

The zoning administrator shall request the applicant to submit a certification by a registered professional engineer that the finished fill and building floor elevations, floodproofing measures or other flood protection factors were accomplished in compliance with the provisions of this chapter.

(Ord. No. 2022-12, § 11.03(c), 10-11-2022)

Sec. 22-13. Mapping disputes.

When the location of the floodplain district boundary is established by experienced flood maps, the flood elevations or flood profiles for the point in question shall be the governing factor locating the district boundary on the land.

(Ord. No. 2022-12, § 11.03(d), 10-11-2022)

Sec. 22-14. Zoning permit.

(a) Applications for a zoning permit shall be made to the zoning administrator on forms furnished by his office, and shall include the following, where applicable:

- (1) Names and addresses of the applicant, owner of site, architect, engineer, or contractor.
- (2) Description of the site by legal description; address of the site; type of structure; existing and proposed operation or use of site; number of employees; and the zoning district within which the subject site lies.
- (3) Certified survey map or plat of record, showing the parcel of land for which the permit is requested.
- (4) Sketch of the site, showing lot dimensions, existing and proposed structures, and their dimensions, distances between structures and property lines, parking and loading areas, and watercourses.
- (5) Written permit for highway access from the highway maintaining authority, complete with identification number.
- (6) Proposed sewage disposal plan if municipal sewage service is not available. This plan shall be designed by a licensed state master plumber or master plumber restricted to sewer and water.
- (7) Proposed water supply if municipal water service is not available.
- (8) Additional information as may be required by the zoning administrator.

(b) A zoning permit shall be either granted or denied in writing by the zoning administrator within 30 days of the administrator receiving a complete application and determining that all necessary information has been provided and the applicable fee has been paid. The permit shall expire two years from the date of issuance unless substantial work has been completed as determined by the zoning administrator, with input from the affected town. Any permit issued in conflict with the provisions of this chapter shall be null and void.

(c) Highway access in accordance with the provisions of the access permit shall be established and completed prior to commencement of construction.

(d) Permits shall be required to erect or move a building onto a parcel or to structurally alter, or move an existing building except as otherwise provided below:

- (1) For purposes of this section, the term "building" also includes towers for microwave and television purposes, or windmills.
- (2) Establishment of a use of property on a temporary or permanent basis, using such devices as tents, tarps, portable feeding, and sanitation facilities, falls within the definition of the term "building" and requires a permit.

- (3) Permits are not required for buildings in the following categories:
 - a. Accessory farm buildings such as sheds having a floor area of 100 square feet or less.
 - b. Accessory buildings on a parcel having a residential occupancy, such as storage sheds that have a floor area of 100 square feet or less.
 - (4) Buildings that are exempt from permits must, nonetheless, comply fully with all zoning requirements.
- (e) A zoning and land use permit shall not be issued for any property upon which there are:
- (1) Unresolved violations of this chapter and county floodplain, land division and subdivision, or private on-site wastewater systems regulations.
 - (2) Delinquent property taxes.
- (Ord. No. 2022-12, § 11.03(e), 10-11-2022)

Sec. 22-15. Fees.

An applicant, upon filing his application, shall pay a fee to the zoning administrator in accordance with the fee schedule adopted by the county board of supervisors.
(Ord. No. 2022-12, § 11.13, 10-11-2022)

Sec. 22-16. Site restrictions.

No land shall be used, or structure erected where the land is held unsuitable for such use or structure by the county planning and zoning committee by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the county. The committee, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the committee may affirm, modify, or withdraw its determination of unsuitability.

- (1) All lots shall front on and have access to a public road for a minimum distance of at least 66 feet. Lots shall have an approved access point located within the 66-foot section.
 - a. A natural resource zoned lot shall front on and have access to a public road for a minimum distance of at least 20 feet, or in the alternative have an approved access point located within the 20-foot section, or meet the following requirements.
- (2) A minimum of 20 feet access easement recorded with the county register of deeds.

- (3) No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
 - (4) Minimum lot size shall be determined in accordance with article III, division 2, subdivisions II through XIV of this chapter.
- (Ord. No. 2022-12, § 11.03(f), 10-11-2022)

Sec. 22-17. Reapplication.

Application for a conditional use permit, variance, or amendment which is denied shall not be again submitted within a period of nine months from the date of the denial. Any change from the original application shall be considered a new application.

(Ord. No. 2022-12, § 11.03(g), 10-11-2022)

Sec. 22-18. Use restrictions.

The following use restrictions and regulations shall apply:

- (1) Principal uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
 - (2) Accessory uses and structures are permitted in any zoning district only when the principal structure is present or under construction, except essential services which may precede construction. Except where specifically prohibited, all machinery, equipment, temporary storage, vehicles, construction, and other related materials or activities used in the conduct of a permitted principal, accessory, or conditional use in the applicable zoning district are permitted. These include, but are not limited to, those vehicles, materials, and activities that may be employed in the day-to-day operation of a farm if farming is allowed in the associated zoning district.
 - (3) Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the committee.
 - (4) Unclassified or unspecified uses may be permitted by the zoning board of adjustment after the county planning and zoning committee has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
 - (5) Temporary uses, such as real estate sales field office or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the committee for a specified period of time.
 - (6) Uses not specifically permitted shall be prohibited.
- (Ord. No. 2022-12, § 11.03(h), 10-11-2022)

Sec. 22-19. Reduction or joint use.

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

(Ord. No. 2022-12, § 11.03(i), 10-11-2022)

Sec. 22-20. Airport approach protection.

No structure shall hereafter be constructed, altered or located and no trees shall be allowed to grow to a height exceeding 35 feet in the area surrounding any FAA-approved airport, defined as a circle having its center point at the crossing of the runways and measured outward to a distance of one-half mile. Furthermore, no use may be made of land in any zone which creates electrical radio interference, makes it difficult to distinguish airport lights, or impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

(Ord. No. 2022-12, § 11.03(j), 10-11-2022)

Sec. 22-21. Violations.

It shall be unlawful for any person, firm, association, or corporation, including his or their contractors or agents, to construct, erect, move, alter, or use any structure, lands or water in violation of any of the provisions of this chapter. In case of any violation, the board of supervisors, the zoning administrator, the committee, or any property owner who would be affected by such violation may initiate appropriate action or proceeding to enjoin such violation.

(Ord. No. 2022-12, § 11.03(k), 10-11-2022)

Sec. 22-22. Penalties.

Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$5,000.00 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture or imprisonment, action may be brought to enjoin, remove, or vacate any use, erection, moving or alteration of any building or use in violation of this chapter.

(Ord. No. 2022-12, § 11.03(l), 10-11-2022)

Sec. 22-23. Relaxation of standards for persons with disabilities.

The zoning administrator, with approval from the planning and zoning committee, may issue a special permit to relax the standards of this chapter in order to provide reasonable accommodations as required by the provisions of federal and/or state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation

of persons with disabilities and shall, where practical, be terminated when the property is no longer used by the disabled person. A person applying for a permit under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the property. An affidavit for the reasonable accommodation shall be filed with the register of deeds.

(Ord. No. 2022-12, § 11.03(m), 10-11-2022)

Sec. 22-24. Bathrooms located in accessory structures.

Water service to an accessory structure and bathrooms within an accessory structure may be permitted. A zoning and land use permit and sanitary permit is required. The structure shall be connected to an approved private on-site wastewater treatment system in accordance with the private on-site wastewater treatment system regulations and all applicable county ordinances and state laws, including, but not limited to, Wis. Admin. Code ch. SPS 383. An affidavit shall be recorded with the register of deeds.

(Ord. No. 2022-12, § 11.03(n), 10-11-2022)

Secs. 22-25—22-51. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 22-52. Agencies and offices involved in administration and enforcement; definitions of responsibilities.

(a) *County board of supervisors.* The county board of supervisors is responsible for the enactment, amendment, and repeal of the county land use ordinances. The board of supervisors appropriates funds in support of the office of zoning administrator, the planning and zoning committee and the board of adjustment.

(b) *County planning and zoning committee.* The county planning and zoning committee is a committee of the county board, created pursuant to Wis. Stats. § 59.69, and serves as the county planning agency pursuant to Wis. Stats. § 236.02(1). The planning and zoning committee is responsible for overseeing the office of the zoning administrator and for other functions assigned to it by this chapter or by state law.

(c) *County zoning adjustment board.* The county zoning adjustment board is a board created by action of the county board of supervisors pursuant to Wis. Stats. § 59.694. The zoning adjustment board is responsible for hearing and deciding administrative appeals and variance applications as provided in this chapter.

(d) *County zoning agency.* The county zoning agency is an administrative department of county government, created by the board of supervisors. The office is headed by the head of the county zoning agency pursuant to Wis. Stats. § 59.69(10)(b)2. This position is a county department head position which is appointed by the county administrator subject to confirmation by the county board of supervisors. The office shall also consist of such other personnel as shall be provided for the office. In addition to duties and responsibilities

specified elsewhere in this chapter, the head of the county zoning agency shall be responsible for directing the work of the office, for making periodic reports as required on the activities of the office, and for training and educational activities to ensure that persons connected with the program are able to keep abreast of developments in the field of county land use ordinances.

(Ord. No. 2022-12, § 11.11(a), 10-11-2022)

Sec. 22-53. Duties of the zoning administrator; records, inspections; determinations; permits; fees.

In addition to the duties specified elsewhere in this chapter, the zoning administrator shall be responsible for the following administrative duties:

- (1) *Advising applicants.* The zoning administrator shall advise applicants for permits and approvals as to the provisions of this chapter and shall assist them in preparing applications.
- (2) *Keeping records.* The zoning administrator shall keep records of applications received, committee or board or office actions on such applications, permits issued, inspections made, enforcement actions undertaken and other similar activities.
- (3) *Making inspections.* The zoning administrator shall make such inspections of premises as are required to determine compliance of land use activities with the terms of this chapter. Except in cases of emergency, such inspections shall be made only at a reasonable hour, with reasonable notice to the owner and/or occupant of the premises and with consent, unless it is made pursuant to an inspection warrant issued pursuant to state law.
- (4) *Making determinations.* The zoning administrator shall make those administrative decisions and determinations as are assigned to the administrator by terms of this chapter.
- (5) *Permits, approvals and fees.* The zoning administrator shall receive applications for the permits described in this article and shall process the applications and the fees collected in the manner provided in this article.

(Ord. No. 2022-12, § 11.11(b), 10-11-2022)

Sec. 22-54. Zoning permit.

- (a) *When required.* See section 22-14.
- (b) *Compliance.* Zoning permits shall be issued only if the parcel is in compliance with county land division and floodplain regulations.
- (c) *Application and issuance.* Applications for zoning permits shall be made on forms furnished by the zoning administrator. Issuance of a sanitary permit is a precondition to issuance of a land use permit whenever applicable. Permits shall be issued if the application and information obtained through field inspections, if any, causes the administrator to conclude that the proposed use will comply with all applicable regulations.

(d) *Fees.* A fee set pursuant to section 22-15 shall be submitted to the zoning administrator when application is made for a land use permit.

(e) *Publication.* The zoning administrator shall cause publication to be made in the official newspaper of the county of pertinent identifying information on each zoning permit issued. Such publications shall be made each month within the last ten days of the month.

(f) *Void if not completed.* Permits shall lapse and become void if operations described in the permit are not completed within two years of issuance of the permit, except that the zoning administrator may grant an extension for a period not to exceed one year upon showing of a valid cause.

(Ord. No. 2022-12, § 11.11(c), 10-11-2022)

Sec. 22-55. Applications for conditional use permits; variances; administration appeals; applications for rezoning.

(a) *Application and referral.* Applications for variances and administrative appeals shall be made to the zoning administrator on forms prepared by the administrator and approved as to form and content by the zoning board of adjustment. Applications for rezoning requests shall be made to the deputy county clerk in the zoning office. Applications for conditional uses shall be made to the zoning administrator. Completed applications shall be referred by the administrator to the appropriate board or committee for processing and disposition.

(b) *Fees.* A fee set pursuant to section 22-15 shall be submitted to the zoning administrator.

(c) *Sanitary and zoning permits for conditional uses and variances.* Issuance by the planning and zoning committee for a conditional use approval or issuance by the board of adjustment of a variance shall not relieve the applicant of the obligation to obtain sanitary and zoning permits.

(d) *Effect and posting of permits.* Permits are issued on the basis of plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Property owners, builders and contractors are primarily responsible for compliance with this chapter and for reasonable care in construction. Issuance of permits and approvals under this chapter is not to be construed as establishing legal responsibility of the county for the design and construction of premises. Use, arrangement, or construction not in full accord with that authorized shall be deemed a violation of this chapter.

(e) *Permits in prominent location.* Permits shall be placed in a prominent location on the premises during construction, alteration or moving.

(f) *Lapse and void of permit.* Permits shall lapse and become void if operations described in the permit are not completed within two years of issuance of the permit, except that the zoning administrator may grant an extension for a period not to exceed one year upon showing of a valid cause.

(Ord. No. 2022-12, § 11.11(d), 10-11-2022)

Sec. 22-56. Amendment procedures.

(a) The county land use ordinances are adopted by the county board and may be amended by the county board. State law prescribes how amendments are processed. Five major steps occur:

- (1) A hearing is held by the county planning and zoning committee.
- (2) The planning and zoning committee reviews the proposed amendment and makes recommendations to the county board.
- (3) The county board votes on the proposal.
- (4) In the case of amendments to general zoning outside shoreland and floodplain areas, the affected town board can veto an amendment adopted by the county board.
- (5) The amendment is published and recorded. In addition, persons owning lands proposed to be subject to zoning amendment or owners of abutting property can file a protest which requires a three-fourths vote of the county board to approve the proposed amendment. All of these procedures are subject to detailed statutory rules of Wis. Stats. § 59.69, which are adopted herein by reference. The zoning administrator shall create and maintain a current summary of the statutory procedures for interested persons.

(b) Standards for rezoning from the A-1 Exclusive Agricultural and N Natural Resource Districts. Land that is zoned A-1 Exclusive Agricultural or N Natural Resource may be rezoned to a zoning district that is not a certified farmland preservation zoning district if all of the following additional criteria are met (some of which are based on Wis. Stats. § 91.48):

- (1) The land is better suited for a use not allowed in the A-1 or N district.
- (2) The rezoning is consistent with the county comprehensive plan.
- (3) The rezoning is substantially consistent with the county agricultural and land use plan.
- (4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (5) There will be adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning.
- (6) The burdens on local government for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable.
- (7) The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas.
- (8) The soil productivity rating has been considered in the location of the area proposed for rezoning.

(9) The remaining A-1 parcel shall front on a public road for a minimum distance of at least 66 feet. Access to the lot shall be provided within this frontage.

(c) By March 1 of each year, the county shall provide to the department of agricultural, trade and consumer protection a report of the number of acres that the county has rezoned out of farmland preservation zoning districts during the previous year and a map that clearly shows the location of those areas (Wis. Stats. § 91.48(2)).

(Ord. No. 2022-12, § 11.11(e), 10-11-2022)

Sec. 22-57. Board of adjustment.

(a) *Appointment and term.* The board of adjustment shall consist of three members and two alternate members who shall be appointed for staggered three-year terms, commencing on July 1, by the county administrator. Vacancies shall be filled in like manner for the unexpired term of any member whose term becomes vacant. Members shall all reside in the county and outside incorporated cities and villages, and no two members shall reside in the same town.

(b) *Operating rules.*

(1) The board shall choose its own chair, vice-chair and secretary.

(2) The board shall meet at the call of the chair or at such other times as the board may determine.

(3) The board shall comply with all requirements of the state open meetings law in the conduct of the business before it. The nature of the board's proceedings is quasi-judicial. The board may, therefore, deliberate in closed session, after a hearing on the matter, provided legal requirements are complied with. To the extent practicable, Robert's Rules of Order and the county board of supervisors' rules of order shall be followed.

(4) The board may conduct site inspections of premises and surrounding areas which are the subject of matters before the board, provided that, when the board, as a unit or individual members, are engaged in such site inspections, they shall not allow interested parties to present arguments or advocacy materials. Such arguments and materials shall be received only at hearings before the board.

(5) The board shall conduct a public hearing on all appeals and variance matters before it and shall cause a Class 2 notice under Wis. Stats. ch. 985 to be published and shall give due notice of the hearing to parties in interest. Any party may appear in person or by attorney at such hearing. The chair may administer oaths to parties testifying and may compel attendance of witnesses.

a. Due notice to parties in interest shall mean that the zoning administrator will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record of properties which are located outside cities and villages and adjacent to the parcel involved in the application, to the clerk of the town where the property is

located, to the clerk of any other town or any other village located within 1.5 miles of the property involved in the application, and to other parties who have made known to the office their specific interest in the matter and their request to receive such notices. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided the board concludes that reasonable efforts were made or that the parties who subsequently complain of not having been sent or of not receiving notice did, in fact, know of the proceedings and had reasonable opportunity to attend or be represented, or to convey their views prior to the board's decision.

- b. Failure to mail notices to all joint owners of a property shall not constitute noncompliance with these requirements so long as at least one joint owner was mailed a notice.
- (6) All testimony before the board by persons other than board members and written or documentary evidence or material pertaining to matters before the board shall be received at the hearings conducted by the board; provided, however, that the content of relevant ordinance or statutory materials shall be deemed to be before the board in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the board shall enter the same into the record of the hearing and opportunity shall be allowed for comment on such entries.
 - (7) If, following the close of a hearing, the board finds it necessary or desirable to receive additional information, evidence or arguments which may have a bearing upon the board's decision, it shall reconvene a public hearing, with notice given in the same manner as for the initial hearing, for the purpose of so doing.
 - (8) The board shall deliberate on matters before it. The concurring vote of a majority of the board shall be necessary to approve any appeal or variance before the board. The vote of each member on each matter decided by the board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the board shall show the board's decisions and the votes of members thereon. Each decision of the board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.
 - (9) All decisions by the board shall be made in accord with the standards of this chapter. The board shall decide all matters before it within a reasonable time.
 - (10) The board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the county zoning office and shall be a public record. Written minutes of the board shall constitute the official record of board

proceedings. Public hearings shall be tape recorded and the records shall be maintained for no less than 90 days. The appellant or applicant may request the services of a reporter and shall pay the costs of such services.

(11) The board may adopt procedural rules not in conflict with this chapter or state law. (Ord. No. 2022-12, § 11.11(f), 10-11-2022)

Sec. 22-58. Powers of the zoning board of adjustment—Administrative appeals.

(a) *Appealable matters.*

- (1) Decisions by the zoning administrator which consist of interpretations of the terms of county zoning ordinances, and which are made in the course of determining whether a permit or approval will be issued by said administrator or otherwise in the course of administering and enforcing this chapter, are appealable to the board of adjustment as administrative appeals.
- (2) Decisions by the planning and zoning committee which consist of interpretations of the terms of the county land use ordinances, and which are made in the course of determining whether a permit or approval will be issued by said committee, are appealable to the board of adjustment as administrative appeals.

(b) *Procedures for initiating an administrative appeal.*

- (1) *Eligible appellants.* Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board, or committee of the county government unless otherwise provided by law.
- (2) *Time for appeals.* An appeal shall be commenced by an aggrieved party within 30 days of the date of publication of such action pursuant to section 22-60 or, if no publication is required, an appeal shall be commenced within 30 days after the making of the decision being appealed.
- (3) *Initiating an appeal.* An appeal shall be commenced by filing with the office of the zoning administrator a notice of appeal specifying the decision being appealed and the grounds for the requested relief and payment of the fee specified by section 22-15. Upon receipt of such a notice, the zoning administrator shall immediately notify the board of adjustment and the planning and zoning committee and shall transmit to the board all papers and files which constitute the record of the decision being appealed.
- (4) *Stays.* An appeal of a decision to issue a permit or approval or to issue an enforcement demand or to commence other ordinance enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the zoning administrator or district attorney shall file with the board of adjustment a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.

- (5) *Decisions by the board of adjustment.* Following a public hearing and other investigation, the board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the board on administrative appeals shall be based upon the terms of this chapter and evidence as to legislative intent.

(Ord. No. 2022-12, § 11.11(g), 10-11-2022)

Sec. 22-59. Powers of the zoning board of adjustment—Variances.

(a) *Nature of variances.* Variances are waivers in the terms of the zoning regulations. In a variance case, the terms of this chapter are not in dispute. An applicant for a variance acknowledges that this chapter forbids the use or development for which approval is sought. In that case, an applicant may seek a variance which will be granted only in unique circumstances. Area variances and use variances are an available form of relief if the standards in subsection (c) of this section are met.

(b) *Applications for variances.* Applications for variances in the applicable zoning regulations may be filed with the zoning administrator, along with payment of the application fee specified in section 22-15. A completed application shall be submitted, including, but not limited to, an application, plot plan, narrative of the request, fee and town recommendation if the town provides a recommendation after notification of the variance application. The administrator shall transmit the application to the board.

(c) *Board of adjustment review and decision.* Following a public hearing and other investigations, the board shall decide the matter based upon the following standards:

- (1) No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules.
- (2) Subject to the above limitations, variances may be granted where strict enforcement of the terms of this chapter results in an unnecessary hardship and where a variance in the standards will allow the spirit of this chapter to be observed, substantial justice to be accomplished and the public interest not violated.
- (3) A variance may be granted when a variance from the terms of this chapter will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed, and substantial justice done.
- (4) A property owner bears the burden of proving "unnecessary hardship," as that term is used in this section, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with this chapter unnecessarily burdensome or, for a use variance, by demonstrating

that strict compliance with this chapter would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

(d) *Conditions.* Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with the standards of this chapter.

(e) *Variance granted.* A variance granted under this section runs with the land. (Ord. No. 2022-12, § 11.11(h), 10-11-2022)

Sec. 22-60. Notice requirements.

(a) Upon receipt of a petition to amend this chapter and the official zoning map of county, and applications for residential-type conditional use permits, notice of public hearing shall be mailed by first class postage to all persons listed in the county land information office as of the date of the petition as owning property within 500 feet of the exterior boundary of the parcel for which rezoning is requested.

(b) When a city or village boundary is included within a one-quarter mile radius, only the municipality affected will be notified in addition to all other property owners within the unincorporated areas in the 500-foot radius.

(c) All zoning and land use permits and conditional use permits granted shall be published at least once a month in the official newspaper as designated by the county board of supervisors. Publication shall be within the last ten days of each month.

(d) Upon receipt of a petition requesting a conditional use permit, other than a residential-type conditional use permit, notice of public hearing shall be mailed by first class postage to all persons listed in the county land information office as of the date of the petition as owning property within one-quarter mile of the exterior boundary of the parcel for which the conditional use permit is requested.

(e) When a city or village boundary is included within this one-quarter mile radius, only the municipality affected will be notified in addition to all other property owners within the unincorporated areas in the one-quarter-mile radius.

(f) Failure to mail notice to all joint owners of a particular parcel of property shall not constitute noncompliance with this section, as long as any one joint owner of that particular parcel has been mailed notice of the upcoming public hearing.

(g) Upon receipt of a petition requesting a variance from the terms of this chapter, notice of public hearing shall be mailed by first class postage to all persons listed in the county land information office as of the date of the petition as owning property which is adjacent to the

exterior boundary of the parcel for which the variance is requested. Under this section, the term "adjoining owner" includes owners of parcels which are separated from the subject parcel by a road.

(h) Petitions to amend this chapter and the official zoning map of the county, which are filed by a town board pursuant to town board action, shall be exempt from the notice requirements set forth in this section.

(Ord. No. 2022-12, § 11.15, 10-11-2022)

Secs. 22-61—22-76. Reserved.

ARTICLE III. ZONING DISTRICTS

DIVISION 1. GENERALLY

Sec. 22-77. Establishment of districts.

(a) The zoning districts are provided as follows:

- (1) R-1 Residential—Sewered.
- (2) R-2 Residential—Unsewered.
- (3) B Business.
- (4) I Industrial.
- (5) A-T Agricultural Transition.
- (6) A-1 Exclusive Agricultural.
- (7) A-2 Agricultural and Rural Business.
- (8) A-3 Agricultural/Rural Residential.
- (9) C Community.
- (10) W Waterfront.
- (11) S Shoreland-Wetland (Overlay Zone).
- (12) N Natural Resources.
- (13) R/R Residential/Recreational.

(b) Boundaries of these districts are hereby established as shown on the county zoning map which accompanies and is a part of this chapter. Such boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended, unless otherwise noted on the zoning map.

(c) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
(Ord. No. 2022-12, § 11.04(a), 10-11-2022)

Sec. 22-78. Zoning map.

A certified copy of the zoning map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the county board chair and the county clerk and shall be on file in the office of the county clerk.
(Ord. No. 2022-12, § 11.04(b), 10-11-2022)

Sec. 22-79. Rules for interpretation of zone boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extension of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

(Ord. No. 2022-12, § 11.04(c), 10-11-2022)

Sec. 22-80. Limited number of buildings.

There shall be not more than one principal dwelling structure and two accessory structures, which include one residential garage and one residential accessory building on any lot, in the R-1 and R-2 residential, community and waterfront districts.
(Ord. No. 2022-12, § 11.04(d), 10-11-2022)

Sec. 22-81. Zone regulations.

No person shall use any land, building, or structure, or erect, construct, reconstruct, move, or structurally alter a building, structure, or part thereof, except in conformance with the

regulations of this article. All applicable sections of the county agricultural and land use plan shall guide the determination of rezoning land to the districts enumerated in this article.

(Ord. No. 2022-12, § 11.04(e), 10-11-2022)

Sec. 22-82. Storage of major recreational equipment.

Recreational vehicles and equipment shall not be placed in the driveway or in any portion of the front yard of a residence for any period of time exceeding 72 hours, except in the agricultural district.

(Ord. No. 2022-12, § 11.04(g), 10-11-2022)

Sec. 22-83. Camping.

Camping is prohibited in all areas except in campgrounds and parks where camping is permitted.

(Ord. No. 2022-12, § 11.04(h), 10-11-2022)

Sec. 22-84. Minimum building area.

All dwelling units shall contain the following area:

	<i>Bedrooms</i>	<i>Square Feet Floor Area</i>
Single-family dwellings	2	850
	3	930
	4	1,100
Two-family and multifamily dwellings (per unit)	1	500
	2	650
	3	800

(Ord. No. 2022-12, § 11.04(i), 10-11-2022)

Sec. 22-85. Public utility.

Public utility gas and oil pipelines, transmission and distribution lines, poles and other accessories shall be permitted in all districts, provided that when a utility proposes a major inter-city transmission line or pipeline, it shall give notice to the committee of such intention and of the time and place of hearing before the public service commission. At the request of the committee, the utility shall meet with it to discuss the routing of said transmission line or pipeline and before actual construction shall file a mapped description of the route of such transmission line with the committee.

(Ord. No. 2022-12, § 11.04(j), 10-11-2022)

Secs. 22-86—22-103. Reserved.

DIVISION 2. ZONING CONTROLS

Subdivision I. In General

Sec. 22-104. Minimum lot sizes.

Minimum lot sizes, where not specified in subdivisions III through XIV of this division, shall be according to the provisions of the county land division and subdivision regulations pursuant to Wis. Admin. Code chs. SPS 383 and 385.

(Ord. No. 2022-12, app. A, 10-11-2022)

Secs. 22-105—22-121. Reserved.

Subdivision II. R-1 Residential—Sewered

Sec. 22-122. Purpose.

The purpose of the R-1 Residential—Sewered District is to identify those areas where predominantly residential development has occurred or will be likely to occur within the urban service areas and limited-service areas as described in the county agricultural and land use plan; to protect residential neighborhoods by prohibiting uses which will not mix well with homes.

(Ord. No. 2022-12, § 11.04(f)(1)(i), 10-11-2022)

Sec. 22-123. Principal uses.

Principal uses in the R-1 Residential—Sewered District are as follows:

- (1) Single-family detached home.
- (2) Parks, conservancy areas.
- (3) Community living arrangements and similar facilities in single-family dwellings, eight or fewer occupants.

(Ord. No. 2022-12, § 11.04(f)(1)(ii), 10-11-2022)

Sec. 22-124. Accessory uses.

Accessory uses in the R-1 Residential—Sewered District are as follows:

- (1) Garage, residential.
- (2) Residential accessory uses.
- (3) Home occupation, accessory.
- (4) Professional home office.
- (5) Child care provided in a residence.
- (6) Local utilities.

(7) Household pets (kennels separately defined, not included here).
(Ord. No. 2022-12, § 11.04(f)(1)(iii), 10-11-2022)

Sec. 22-125. Conditional uses.

Conditional uses in the R-1 Residential—Sewered District are as follows:

- (1) Church.
 - (2) School.
 - (3) Mobile home on foundation.
 - (4) Mobile home park (including sales of mobile homes associated with park operation).
 - (5) Multiple dwelling unit structures, established as a planned development, with overall density not exceeding ten dwelling units per acre.
 - (6) Duplex.
 - (7) Rest home; nursing home.
 - (8) Day care center.
 - (9) Community living arrangements and similar facilities, nine or more occupants.
 - (10) Extensive on-site parking or storage.
 - (11) Non-local utilities.
 - (12) Public and semi-public uses.
 - (13) Keeping of dogs as household pets on a noncommercial basis in excess of two per premises.
- (Ord. No. 2022-12, § 11.04(f)(1)(iv), 10-11-2022)

Sec. 22-126. Minimum lot area.

Minimum lot area of the R-1 Residential—Sewered District is as follows:

- (1) 8,000 square feet.
 - (2) 10,000 square feet (shoreland area).
- (Ord. No. 2022-12, § 11.04(f)(1)(v), 10-11-2022)

Sec. 22-127. Minimum width.

Minimum lot width of the R-1 Residential—Sewered District is as follows: 80 feet.
(Ord. No. 2022-12, § 11.04(f)(1)(vi), 10-11-2022)

Sec. 22-128. Minimum depth.

Minimum lot depth of the R-1 Residential—Sewered District is as follows: 80 feet.
(Ord. No. 2022-12, § 11.04(f)(1)(vii), 10-11-2022)

Sec. 22-129. Minimum yards.

Minimum yards in the R-1 Residential—Sewered District are as follows:

- (1) Front: See section 22-678(b).
- (2) Rear: 25 feet.
- (3) Side: ten feet each.

(Ord. No. 2022-12, § 11.04(f)(1)(viii), 10-11-2022)

Sec. 22-130. Maximum principal building height.

Maximum principal building height in the R-1 Residential—Sewered District is as follows: three stories or 35 feet.

(Ord. No. 2022-12, § 11.04(f)(1)(ix), 10-11-2022)

Sec. 22-131. Maximum accessory building height.

Maximum accessory building height in the R-1 Residential—Sewered District is as follows: See section 22-676(1).

(Ord. No. 2022-12, § 11.04(f)(1)(x), 10-11-2022)

Sec. 22-132. Maximum lot coverage by buildings.

Maximum lot coverage by principal and accessory structures not to exceed 30 percent of existing lot area.

(Ord. No. 2022-12, § 11.04(f)(1)(xi), 10-11-2022)

Secs. 22-133—22-145. Reserved.

Subdivision III. R-2 Residential—Unsewered

Sec. 22-146. Purpose.

The purpose of the R-2 Residential—Unsewered District is to identify non-farm residential areas not served by public sewer; to be applied only within the urban service areas, limited-service areas, and rural hamlet areas described in the county agricultural and land use plan; to ensure that, when used within urban service areas or limited-service areas, the establishment of unsewered development does not unreasonably inhibit future public sewer service; to protect residential neighborhoods by prohibiting uses which will not mix well with homes.

(Ord. No. 2022-12, § 11.04(f)(2)(i)(1), 10-11-2022)

Sec. 22-147. Principal uses.

Principal uses in the R-2 Residential—Unsewered District are as follows:

- (1) Single-family detached home.

- (2) Parks, conservancy areas.
 - (3) Community living arrangements and similar facilities in single-family dwellings, eight or fewer occupants.
- (Ord. No. 2022-12, § 11.04(f)(2)(ii)(1), 10-11-2022)

Sec. 22-148. Accessory uses.

Accessory uses in the R-2 Residential—Unsewered District are as follows:

- (1) Garage, residential.
 - (2) Residential accessory uses.
 - (3) Home occupation, accessory.
 - (4) Professional home office.
 - (5) Child care provided in a residence.
 - (6) Local utilities.
 - (7) Household pets. (Kennels separately defined, not included here.)
 - (8) Growing of field crops.
- (Ord. No. 2022-12, § 11.04(f)(2)(iii)(1), 10-11-2022)

Sec. 22-149. Conditional uses.

Conditional uses in the R-2 Residential—Unsewered District are as follows:

- (1) Church.
- (2) School.
- (3) Mobile home on foundation.
- (4) Mobile home park (including sales of mobile homes associated with park operation).
- (5) Multiple dwelling unit structures, established as a planned development, with overall density not exceeding five dwelling units per acre.
- (6) Duplex.
- (7) Rest home; nursing home.
- (8) Day care center.
- (9) Community living arrangements and similar facilities, nine or more occupants.
- (10) Extensive on-site parking or storage.
- (11) Non-local utilities.
- (12) Public and semi-public uses.
- (13) Keeping of dogs as household pets on a noncommercial basis in excess of two per premises.

(14) Raising/keeping of farm animals, provided that parcels are at least two acres and provided that the number of animals will not exceed one animal unit per one acre.

(15) Private airstrips when lands are adjacent to an FAA-approved airport.

(Ord. No. 2022-12, § 11.04(f)(2)(iv)(1), 10-11-2022)

Sec. 22-150. Minimum lot area.

Minimum lot area in the R-2 Residential—Unsewered District is as follows: See section 22-104.

(Ord. No. 2022-12, § 11.04(f)(2)(i)(2), 10-11-2022)

Sec. 22-151. Minimum width.

Minimum lot width in the R-2 Residential—Unsewered District is as follows: 100 feet.

(Ord. No. 2022-12, § 11.04(f)(2)(ii)(2), 10-11-2022)

Sec. 22-152. Minimum depth.

Minimum lot depth in the R-2 Residential—Unsewered District is as follows: 150 feet.

(Ord. No. 2022-12, § 11.04(f)(2)(iii)(2), 10-11-2022)

Sec. 22-153. Minimum yards.

Minimum yards in the R-2 Residential—Unsewered District are as follows:

(1) Front: See section 22-678(b).

(2) Rear: 40 feet.

(3) Side: 15 feet each.

(Ord. No. 2022-12, § 11.04(f)(2)(iv)(2), 10-11-2022)

Sec. 22-154. Maximum principal building height.

Maximum principal building height in the R-2 Residential—Unsewered District is as follows: three stories or 35 feet.

(Ord. No. 2022-12, § 11.04(f)(2)(v), 10-11-2022)

Sec. 22-155. Maximum accessory building height.

Maximum accessory building height in the R-2 Residential—Unsewered District is as follows: See section 22-676(1).

(Ord. No. 2022-12, § 11.04(f)(2)(vi), 10-11-2022)

Sec. 22-156. Maximum lot coverage by buildings.

Maximum lot coverage by principal and accessory structures is not to exceed 30 percent of existing lot area.

(Ord. No. 2022-12, § 11.04(f)(2)(vii), 10-11-2022)

Secs. 22-157—22-170. Reserved.*Subdivision IV. B Business***Sec. 22-171. Purpose.**

The purpose of the B Business District is to identify areas appropriate for nonagricultural commercial use located within the urban service areas or limited-service areas as described in the county agricultural and land use plan. A site may have a conditional use without the principal use being established.

(Ord. No. 2022-12, § 11.04(f)(3)(i), 10-11-2022)

Sec. 22-172. Principal uses.

Principal uses in the B Business District are as follows:

- (1) General merchandise stores.
- (2) Food stores.
- (3) Building materials, hardware, garden supplies.
- (4) Automotive dealers, mobile home dealers.
- (5) Fuel dealers.
- (6) Service stations and repair shops.
- (7) Apparel and accessory stores.
- (8) Furniture, home furnishings and equipment.
- (9) General retail establishments.
- (10) Finance, insurance, and legal services.
- (11) Real estate offices.
- (12) Personal services establishments.
- (13) Business services.
- (14) Repair services.
- (15) Business association offices.
- (16) Civic, social, and fraternal associations.
- (17) Churches.
- (18) Other professional services.
- (19) Community buildings (local government owned).
- (20) Community garages and storage facilities (local government owned).
- (21) Communication services.

(22) First Amendment protected adult-oriented establishments.
(Ord. No. 2022-12, § 11.04(f)(3)(ii), 10-11-2022)

Sec. 22-173. Accessory uses.

Accessory uses in the B Business District are as follows:

- (1) Local utilities.
- (2) R-1 accessory uses associated with a residence allowed in this district.
(Ord. No. 2022-12, § 11.04(f)(3)(iii), 10-11-2022)

Sec. 22-174. Conditional uses.

Conditional uses in the B Business District are as follows:

- (1) Eating and drinking places.
- (2) Hotels, motels.
- (3) Movie theaters.
- (4) Amusement and recreation facilities and services.
- (5) Construction contractors.
- (6) Transportation services.
- (7) Wholesale trades.
- (8) Residences.
- (9) Non-local utilities.
- (10) Public and semi-public uses.
(Ord. No. 2022-12, § 11.04(f)(3)(iv), 10-11-2022)

Sec. 22-175. Minimum lot area.

Minimum lot area in the B Business District is as follows:

- (1) Sewered: 8,000 square feet, except shoreland area which shall be 10,000 square feet.
- (2) Unsewered: See section 22-104, plus any additional requirements of Wis. Admin. Code ch. COMM 83.
(Ord. No. 2022-12, § 11.04(f)(3)(vi), 10-11-2022)

Sec. 22-176. Minimum width.

Minimum lot width in the B Business District is as follows: 80 feet.
(Ord. No. 2022-12, § 11.04(f)(3)(vii), 10-11-2022)

Sec. 22-177. Minimum depth.

Minimum lot depth in the B Business District is as follows:

- (1) Sewered: 80 feet.
 - (2) Unsewered: 150 feet.
- (Ord. No. 2022-12, § 11.04(f)(3)(vii), 10-11-2022)

Sec. 22-178. Minimum yards.

Minimum yards in the B Business District are as follows:

- (1) Front: See section 22-678(b).
 - (2) One-half the height of the structure for side and rear.
- (Ord. No. 2022-12, § 11.04(f)(3)(ix), 10-11-2022)

Sec. 22-179. Maximum building height.

Maximum building height in the B Business District is as follows: three stories or 35 feet.
(Ord. No. 2022-12, § 11.04(f)(3)(x), 10-11-2022)

Secs. 22-180—22-199. Reserved.*Subdivision V. I Industrial***Sec. 22-200. Purpose.**

The purpose of the I Industrial District is to identify areas best suited for nonagricultural industrial development because of location, topography, existing streets, utilities, and relationship to other land uses and located within the urban service areas or limited-service areas as described in the county agricultural and land use plan.
(Ord. No. 2022-12, § 11.04(f)(4)(i), 10-11-2022)

Sec. 22-201. Principal uses.

(a) The following principal uses are industrial categories when the use involves manufacturing, processing, warehousing, wholesale distribution and transportation. A site may have a conditional use without the principal use being established.

(b) The activity is a permitted use when it falls in the categories below and when the proposed operation will be fully enclosed within buildings, except for parking/driving areas. If some operations and/or storage are not under cover, the planning and zoning committee shall review the proposal for site plan approval through a zoning and land use permit, after considering any recommendations from the affected town.

- (1) Transportation services.
- (2) Food and kindred products (not including meat products).

- (3) Textile products, apparel.
- (4) Lumber and wood products.
- (5) Furniture and fixtures.
- (6) Printing, publishing, and allied industries.
- (7) Rubber and plastic products.
- (8) Leather and leather products.
- (9) Stone, clay, glass products.
- (10) Fabricated metal products.
- (11) Machinery.
- (12) Electrical and electronic equipment and supplies.
- (13) Transportation equipment.
- (14) Instrument manufacturing.
- (15) General manufacturing.
- (16) Retailing as an adjunct to a principal or conditional use allowed in this district.
(Ord. No. 2022-12, § 11.04(f)(4)(ii), 10-11-2022)

Sec. 22-202. Accessory uses.

Accessory uses in the I Industrial District are as follows:

- (1) Local utilities.
(Ord. No. 2022-12, § 11.04(f)(4)(iii), 10-11-2022)

Sec. 22-203. Conditional uses.

Conditional uses in the I Industrial District are as follows:

- (1) Retailing that is freestanding, that is, not adjunct to a manufacturing operation.
- (2) Meat products.
- (3) Mining, including exploration and testing preparatory to mining, milling, and processing of mined materials.
- (4) Paper mills.
- (5) Chemical and allied products.
- (6) Petroleum refinery and related industries.
- (7) Concrete products.
- (8) Primary metal industries.
- (9) Ordnance works.
- (10) Generation of electrical power.

- (11) Manufacturing and distribution of gas.
 - (12) Dumps or landfills.
 - (13) Salvage yards; junkyards.
 - (14) Storage or processing of industrial wastes.
- (Ord. No. 2022-12, § 11.04(f)(4)(iv), 10-11-2022)

Sec. 22-204. Minimum lot area.

Minimum lot area in the I Industrial District is as follows:

- (1) Sewered: 8,000 square feet, except shoreland area which shall be 10,000 square feet.
 - (2) Unsewered: See section 22-104, plus any additional requirements of Wis. Admin. Code ch. COMM 83.
- (Ord. No. 2022-12, § 11.04(f)(4)(v), 10-11-2022)

Sec. 22-205. Minimum width.

Minimum lot width in the I Industrial District is as follows: 80 feet.
(Ord. No. 2022-12, § 11.04(f)(4)(vi), 10-11-2022)

Sec. 22-206. Minimum depth.

Minimum lot depth in the I Industrial District is as follows:

- (1) Sewered: 80 feet.
 - (2) Unsewered: 150 feet.
- (Ord. No. 2022-12, § 11.04(f)(4)(vii), 10-11-2022)

Sec. 22-207. Minimum yards.

Minimum yards in the I Industrial District are as follows:

- (1) Front: See section 22-678(b).
 - (2) One-half the height of the structure for side and rear.
- (Ord. No. 2022-12, § 11.04(f)(4)(viii), 10-11-2022)

Sec. 22-208. Maximum building height.

Maximum building height in the I Industrial District is as follows: three stories or 35 feet.
(Ord. No. 2022-12, § 11.04(f)(4)(ix), 10-11-2022)

Secs. 22-209—22-239. Reserved.

*Subdivision VI. A-T Agricultural Transition***Sec. 22-240. Purpose.**

The purpose of the A-T Agricultural Transition District is to preserve for an unspecified time period in agricultural and open space land use those lands generally located in proximity to developed areas within the county where future development is in keeping within town, city, village, and/or county plans, and located within 15-year growth areas as described in the county agricultural and land use plan.

(Ord. No. 2022-12, § 11.04(f)(5)(i), 10-11-2022)

Sec. 22-241. Principal uses.

Principal uses in the A-T Agricultural Transition District are as follows:

- (1) Agriculture, subject to the limitations under subsections (16) through (18) of this section.
- (2) Horticulture.
- (3) Dairying, subject to the limitations under subsections (16) through (18) of this section.
- (4) Beekeeping.
- (5) Livestock raising, subject to the limitations under subsections (16) through (18) of this section.
- (6) Hatching of fowl, subject to the limitations under subsections (16) through (18) of this section.
- (7) Nursery.
- (8) Greenhouse.
- (9) Stable, agricultural.
- (10) Truck farm.
- (11) Forest management.
- (12) Game farm.
- (13) Hunt club.
- (14) Roadside stand for the sale of products grown or produced on the premises.
- (15) Existing dwellings built before January 15, 1975, and their replacements, as long as the replacement dwelling is placed within 100 feet of the existing dwelling, unless otherwise reviewed and approved by the planning and zoning committee.
- (16) Feedlot for 150 livestock units or less, Wis. Admin. Code ch. ATCP 51 regulated livestock facilities for more than 150 animal units are not permitted in the A-T district (see section 22-584(2)).

- (17) Fowl and poultry farm housing 10,000 birds or less, Wis. Admin. Code ch. ATCP 51 regulated poultry farms housing more than 10,000 birds are not permitted in the A-T district (see section 22-584(2)).
- (18) On parcels with less than 35 acres of contiguous land, only one animal unit per acre, with a minimum of two acres required.
- (19) County parks: uses permitted under the county park regulations.
(Ord. No. 2022-12, § 11.04(f)(5)(ii), 10-11-2022)

Sec. 22-242. Accessory uses.

Accessory uses in the A-T Agricultural Transition District are as follows:

- (1) Essential services.
- (2) Accessory uses as listed in the A-3 zoning district, with the exception of section 22-341(7) for existing and replacement dwellings.
- (3) A parcel of land zoned A-T can contain and is not limited to equipment used in different types of farming activities at the particular location or on other A-T zoned lands owned or leased by the owners of the parcel in question. This includes construction equipment used in the farming activities; machinery and equipment used in the housing and care of livestock or agricultural production; storage units and associated equipment; feed storage areas such as bunker or pit silos; other such materials as may be employed in the day-to-day operation of agricultural activities, whether or not these items were originally intended for such purposes. Also included is up to three semi-trailers or truck boxes if used for storage of agricultural equipment, supplies or products on A-T zoned property of 35 or more contiguous acres (for the purpose of this provision, a road shall not be considered a divider). Normal setbacks and permits shall apply to these trailers and truck boxes used as storage units. Greater than three semi-trailers or truck boxes utilized for storage shall require a conditional use permit. This subsection does not apply to licensed semi-trailers that are located on the property for the regular transport of agricultural goods and supplies produced on the particular farm.
(Ord. No. 2022-12, § 11.04(f)(5)(iii), 10-11-2022)

Sec. 22-243. Conditional uses.

Conditional uses in the A-T Agricultural Transition District are as follows:

- (1) Commercial raising of fish.
- (2) Home occupation, conditional.
- (3) Fur farm.
- (4) Public and semi-public uses (see section 22-582), except those uses listed in section 22-582.
- (5) Private agri-related airstrips.

- (6) Greater than three semi-trailers or truck boxes utilized for storage of agricultural equipment, supplies or products on A-T zoned property of 35 or more contiguous acres (for the purpose of this provision, a road shall not be considered a divider).
 - (7) Nonmetallic mineral extraction use that meets the requirements of section 22-583.
 - (8) Public recreational use. These conditional uses are associated with adaptive reuse of barns as defined in this chapter (existing pre-1970 barns with a limitation for additions of no more than 25 percent of the existing footprint and no more than 25 percent replacement, modification, or repair of existing structural members). However, as part of the conditional use process, the planning and zoning committee may consider replacement, modification or repair of the existing barn that exceeds this limitation if it meets the purpose and intent of this division. In addition, the limitations of article IX of this chapter still apply. As a condition of approval, the barn conversion shall meet all applicable federal, state and local codes for the conversion to a public building and place of employment. Notice of approval from the state shall be submitted to the zoning department prior to issuance of the zoning and land use permit which is required for conversion of use.
 - (9) Winery, tasting room, store.
 - (10) Antiques store.
 - (11) Farm store.
 - (12) Repair shop, machinery repair, auto repair, equipment repair, small engine repair.
 - (13) Garden center with store.
 - (14) Recreation facility.
 - (15) Office space.
 - (16) Recycling facility.
 - (17) Conference center, banquet hall, event facility.
 - (18) Storage: mini storage, personal storage.
 - (19) Classroom, educational facility, art studio.
 - (20) Tourist roominghouse: would count as a residence under the A-3 regulations.
 - (21) Butcher shop, food processor.
 - (22) Eating and drinking place.
- (Ord. No. 2022-12, § 11.04(f)(5)(iv), 10-11-2022)

Sec. 22-244. Minimum lot area.

Minimum lot area in the A-T Agricultural Transition District is as follows: 35 acres, with the following exceptions:

- (1) A one-acre to five-acre lot for farm consolidation for an existing residence and associated accessory structures is permitted if the residence in question was

constructed prior to the enactment of the January 15, 1975, zoning ordinance and existed on or after this date even if subsequently replaced with a newer home and the parcel remaining contains a minimum of 35 contiguous acres. Between three and five acres shall be considered by the planning and zoning committee, at a regularly scheduled committee meeting, if necessary to accommodate existing driveways and/or existing structures, and if the town board approved the preliminary certified survey map. All provisions of the A-3 Agricultural/Rural Residential District are applicable to the farm consolidation parcel created.

- (2) Parcels of less than 35 acres which existed prior to January 15, 1975.
 - (3) Parcels of less than 35 acres which are a result of a zoning district amendment to the official county zoning map. A-T zoned lands transferred from a parcel of record after February 8, 2000, shall not be used to create A-3 lots or in the calculation of the number of A-3 lots available.
- (Ord. No. 2022-12, § 11.04(f)(5)(v), 10-11-2022)

Sec. 22-245. Minimum width.

Minimum lot width in the A-T Agricultural Transition District is as follows: 200 feet.
(Ord. No. 2022-12, § 11.04(f)(5)(vi), 10-11-2022)

Sec. 22-246. Minimum depth.

Minimum lot depth in the A-T Agricultural Transition District is as follows: 200 feet.
(Ord. No. 2022-12, § 11.04(f)(5)(vii), 10-11-2022)

Sec. 22-247. Minimum frontage.

Minimum frontage in the A-T Agricultural Transition District is as follows: All lots shall front on a public road for a minimum distance of at least 66 feet. Access to the lot shall be provided within this frontage.
(Ord. No. 2022-12, § 11.04(f)(5)(viii), 10-11-2022)

Sec. 22-248. Minimum yards.

Minimum yards in the A-T Agricultural Transition District are as follows:

- (1) Front: See section 22-678(b).
 - (2) Rear: 20 feet.
 - (3) Side: 20 feet each, providing those agricultural structures do not exceed in height twice their distance from the nearest lot line.
- (Ord. No. 2022-12, § 11.04(f)(5)(ix), 10-11-2022)

Sec. 22-249. Maximum building height.

Maximum building height in the A-T Agricultural Transition District is as follows: 35 feet, except see section 22-675(b) for height standards for agricultural structures. (Ord. No. 2022-12, § 11.04(f)(5)(x), 10-11-2022)

Secs. 22-250—22-276. Reserved.*Subdivision VII. A-1 Exclusive Agricultural***Sec. 22-277. Purpose.**

The long-range goal for agricultural land use within the county is to preserve the most valuable of all resources, fertile land for agricultural pursuits, and to protect the land best suited for farming from premature urbanization. The A-1 Exclusive Agricultural District is intended to promote continued agricultural uses on the best quality agricultural land; protect and encourage long-term investments in food, fiber, and other resource-related production; be a state-certified farmland preservation zoning district to maintain property owner eligibility in the state's farmland preservation tax credit program in conjunction with the agricultural preservation and land use plan; preserve rural character and manage non-farm development; and provide reasonable opportunities for agriculturally related businesses and home occupations. The exclusive agricultural zoning district may be utilized only in areas designated as agricultural preservation areas within the county agricultural and land use plan. Rezoning out of the A-1 district may occur only after the county planning and zoning committee conducts a public hearing and makes findings as specified in Wis. Stats. § 91.48(1) as articulated in section 22-54. Rezoning to the A-3 district under the associated policies of that district and the agricultural preservation and land use plan is the only way that new housing may be built on lands currently zoned A-1, except for replacement of certain farm residences as authorized by this division. (Ord. No. 2022-12, § 11.04(f)(6)(i), 10-11-2022)

Sec. 22-278. Permitted principal uses.

Permitted principal uses in the A-1 Exclusive Agricultural District are as follows:

- (1) Agricultural use, subject to the following limitations:
 - a. Each feedlot may not exceed 150 livestock units. (Feedlots are not regulated by Wis. Admin. Code ch. ATCP 51. See section 22-584(1).)
 - b. Each fowl or poultry farm shall house 10,000 birds or less. (Fowl and poultry farms are not regulated by Wis. Admin. Code ch. ATCP 51. See section 22-584(1).)
 - c. Each Wis. Admin. Code ch. ATCP 51 regulated livestock facility shall have 150 animal units or less. (Livestock facilities are not regulated by Wis. Admin. Code ch. ATCP 51. See section 22-584(2).)

- d. Undeveloped natural resource or open space area.
- e. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement for a conditional use permit.

(Ord. No. 2022-12, § 11.04(f)(6)(ii), 10-11-2022)

Sec. 22-279. Permitted accessory uses.

Permitted accessory uses in the A-1 Exclusive Agricultural District are as follows:

- (1) Existing farm residence built before January 15, 1975, or its replacement, as long as the replacement farm residence is placed within 100 feet of the residence built before January 15, 1975, unless otherwise approved by the planning and zoning committee.
- (2) Accessory residential structure to a farm residence listed under subsection (1) of this section.
- (3) Agricultural accessory structure.
- (4) Stable, agricultural.
- (5) Home occupation, accessory.

(Ord. No. 2022-12, § 11.04(f)(6)(iii), 10-11-2022)

Sec. 22-280. Conditional uses.

Conditional uses in the A-1 Exclusive Agricultural District are as follows:

- (1) Agricultural use that exceeds one or more of the limitations under the agricultural use listing in the principal uses section 22-277, including:
 - a. A feedlot for more than 150 livestock units. (Feedlots are not regulated by Wis. Admin. Code ch. ATCP 51. See section 22-584(1).)
 - b. The housing of fowl for more than 10,000 birds. (Fowl housing is not regulated by Wis. Admin. Code ch. ATCP 51. See section 22-584(1).)
 - c. A Wis. Admin. Code ch. ATCP 51 regulated livestock facility for more than 150 animal units or a poultry farm housing more than 10,000 birds (see section 22-584(2).)
- (2) Fur farm.
- (3) Commercial raising of fish.
- (4) Agriculture-related use.
- (5) Bed and breakfast establishment.
- (6) Home occupation, conditional.
- (7) Kennel.
- (8) Stable, commercial.

- (9) Nonmetallic mineral extraction use that meets the requirements of section 22-583.
 - (10) Transportation, communication, pipeline, electrical transmission, utility, or drainage use that qualifies under Wis. Stats. § 91.46(4).
 - (11) Greater than three semi-trailers or truck boxes used for the storage of agricultural equipment, supplies, or products on A-1 zoned property of 35 or more contiguous acres in the same ownership (for the purposes of this provision, a road shall not be considered a divider of contiguity). Normal setbacks and permits shall be required for trailers and truck boxes used for storage of agricultural equipment.
- (Ord. No. 2022-12, § 11.04(f)(6)(iv), 10-11-2022)

Sec. 22-281. Minimum lot area.

Minimum lot area in the A-1 Exclusive Agricultural District is as follows: 35 acres, with the following exceptions and qualifiers:

- (1) A-1 lots created around a residence constructed before January 15, 1975, as a result of a farm consolidation certified survey map recorded between January 15, 1975, and March 13, 2012, with such lots instead having a minimum lot area of one acre. (Farm consolidation lots for certified survey maps recorded after March 13, 2012, are still allowed, but require rezoning to the A-3 district.)
 - (2) Parcels of less than 35 acres which existed prior to January 15, 1975, with such parcels instead having a minimum lot area equal to their lot area on January 15, 1975.
 - (3) On parcels with less than 35 acres of contiguous land under common ownership, only one animal unit is allowed per acre, with a minimum of two acres required to house animal units.
 - (4) A-1 zoned lands transferred from a parcel of record to another after February 8, 2000, shall not be used to create A-3 lots or in the calculation of the number of A-3 lots available under the policies expressed in this chapter or the agricultural preservation and land use plan.
 - (5) Parcels of less than 35 acres which are a result of a zoning district amendment to the official county zoning map.
 - (6) Parcels of less than 35 acres which are zoned A-1 and defined as parcels of record or parent parcels.
- (Ord. No. 2022-12, § 11.04(f)(6)(v), 10-11-2022)

Sec. 22-282. Minimum width.

Minimum lot width in the A-1 Exclusive Agricultural District is as follows: 200 feet.
(Ord. No. 2022-12, § 11.04(f)(6)(vi), 10-11-2022)

Sec. 22-283. Minimum depth.

Minimum lot depth in the A-1 Exclusive Agricultural District is as follows: 200 feet.
(Ord. No. 2022-12, § 11.04(f)(6)(vii), 10-11-2022)

Sec. 22-284. Minimum yards.

Minimum yards in the A-1 Exclusive Agricultural District are as follows:

- (1) Front: See section 22-678(b).
- (2) Rear: 20 feet.
- (3) Side: 20 feet each, provided that agricultural structures do not exceed in height twice their distance from the nearest lot line (Wis. Admin. Code ch. ATCP 51 setbacks may differ).

(Ord. No. 2022-12, § 11.04(f)(6)(viii), 10-11-2022)

Sec. 22-285. Maximum building height.

Maximum building height in the A-1 Exclusive Agricultural District is as follows: 35 feet, except see section 22-675(b) for height standards for agricultural structures.
(Ord. No. 2022-12, § 11.04(f)(6)(ix), 10-11-2022)

Secs. 22-286—22-303. Reserved.*Subdivision VIII. A-2 Agricultural and Rural Business***Sec. 22-304. Purpose.**

The purpose of the A-2 Agricultural and Rural Business District is to provide for the proper location and regulation of manufacturing, storage warehousing and related marketing or industrial activities that are related to the agricultural industry and otherwise suited to a relatively isolated, rural location. This district may be considered within the agricultural preservation areas, rural hamlet areas, urban service areas, and limited-service areas as described in the county agricultural and land use plan. Uses listed for the A-2 district involve fixed locations, year-round or seasonal. A listed use that is mobile, moving from farm to farm, is not regulated. A site may have a conditional use without the primary use being established.

(Ord. No. 2022-12, § 11.04(f)(7)(i), 10-11-2022)

Sec. 22-305. Principal uses.

Principal uses in the A-2 Agricultural and Rural Business District are as follows:

- (1) Agriculture.
- (2) Horticulture.
- (3) Dairying.

- (4) Beekeeping.
 - (5) Livestock raising.
 - (6) Hatching of fowl.
 - (7) Nursery.
 - (8) Greenhouse.
 - (9) Stable, agricultural.
 - (10) Truck farm.
 - (11) Forest management.
 - (12) Game farm.
 - (13) Hunt club.
 - (14) Roadside stand for the sale of products grown or produced on the premises.
 - (15) Existing dwelling built before January 15, 1975, and its replacement, as long as the replacement dwelling is placed within 100 feet of the existing dwelling, unless otherwise reviewed and approved by the planning and zoning committee.
 - (16) On parcels with less than 35 acres of contiguous land, only one animal unit is allowed per acre, with a minimum of two acres required.
- (Ord. No. 2022-12, § 11.04(f)(7)(ii), 10-11-2022)

Sec. 22-306. Accessory uses.

Accessory uses in the A-2 Agricultural and Rural Business District are as follows:

- (1) Residential (R-2) uses for residences in this district.
 - (2) Local utilities.
- (Ord. No. 2022-12, § 11.04(f)(7)(iii), 10-11-2022)

Sec. 22-307. Conditional uses.

Conditional uses in the A-2 Agricultural and Rural Business District are as follows:

- (1) Residences will be occupied by a person who, or a family of which one adult member, earns a majority of his/her gross income from conducting the farm operations on the parcel or parcels in close proximity. Substantial evidence shall be provided to the committee documenting the intended agricultural use. A-2 Agricultural and Rural Business District rezonings for farm labor housing would count against the total number of A-3 lots available for the parent parcel. Multifamily housing for farm labor is considered as a conditional use under this provision.
- (2) Contract sorting, grading, and packaging services for fruits and vegetables.
- (3) Grist mill services.
- (4) Horticultural services.

- (5) Poultry hatchery services.
- (6) Canning of vegetables, fruits, and specialty foods.
- (7) Production of cheese.
- (8) Production of condensed and evaporated milk.
- (9) Wet milling of corn (custom).
- (10) Preparation of feeds for animals and/or fowl. Conditional use approval is required if the operation occurs on a non-farm parcel or if it is conducted on a commercial/custom basis for export to farms other than the one on which it is located.
- (11) Production of flour and other grain mill products.
- (12) Blending and preparing of flour.
- (13) Fluid milk processing.
- (14) Production of frozen fruits, vegetables, other specialties.
- (15) Meat packing.
- (16) Poultry, fish and small game dressing and packing, provided that all operations are conducted within an enclosed building.
- (17) Livestock sales facilities.
- (18) Grain elevators and bulk storage of feed grains.
- (19) Fertilizer production, sales, storage, mixing and blending.
- (20) Sale of farm implements and related equipment.
- (21) Grain drying where capacity exceeds 200,000 bushels per year.
- (22) Trap and skeet shoot, rifle range, motocross course, race track and festival grounds, and clubhouse for such operation.
- (23) Waste storage, treatment and/or disposal.
- (24) Kennel, veterinarian facility, animal hospital.
- (25) Mineral extraction and processing.
- (26) Storage of non-farm equipment.
- (27) Non-local utilities.
- (28) Campgrounds
- (29) Golf courses.
- (30) Public and semi-public uses.
- (31) Home occupation, conditional.
- (32) Fur farm.
- (33) Salvage yard.

- (34) Retail sales of agricultural related items not grown on the premises.
- (35) Storage of contractor's equipment and materials.
- (36) Mini warehousing/personal storage warehousing.
- (37) Bed and breakfast in an existing A-2 zone and an existing dwelling (as defined in Wis. Admin. Code ch. DHS 197).
- (38) Tourist roominghouse in an existing A-2 zone and an existing dwelling (as defined in Wis. Admin. Code ch. DHS 195).
- (39) Food stand, privately owned, associated with recreational use.
- (40) Stable, commercial.
- (41) Agricultural tourism.
- (42) Huntclub/game farm resort.
- (43) Winery, tasting room, store.
- (44) Farm store.
- (45) Garden center with retail store.
- (46) Recreational facility directly related to open space uses and the necessity for a rural location.
- (47) Recycling operation (stand alone or add to salvage yard).
- (48) Landscaping business.

These conditional uses are associated with adaptive reuse of barns as defined in this chapter (existing pre-1970 barns with a limitation for additions of no more than 25 percent of the existing footprint and no more than 25 percent replacement, modification, or repair of existing structural members). However, as part of the conditional use process the planning and zoning committee may consider replacement, modification or repair of the existing barn that exceeds this limitation if it meets the purpose and intent of this section. In addition, the limitations of article IX of this chapter still apply. As a condition of approval, the barn conversion shall meet all applicable federal, state and local codes for the conversion to a public building and place of employment. Notice of approval from the state shall be submitted to the zoning department prior to issuance of the zoning and land use permit which is required for conversion of use.

- (49) Winery, tasting room, store.
- (50) Antiques store.
- (51) Farm store.
- (52) Repair shop, machinery repair, auto repair, equipment repair, small engine repair AAA.
- (53) Garden center with store.

- (54) Recreation facility.
 - (55) Office space.
 - (56) Recycling facility.
 - (57) Conference center, banquet hall, event facility.
 - (58) Storage: mini storage, personal storage.
 - (59) Classroom, educational facility, art studio.
 - (60) Tourist roominghouse: would count as a residence under the A-3 regulations.
 - (61) Butcher shop, food processor.
- (Ord. No. 2022-12, § 11.04(f)(7)(iv), 10-11-2022)

Sec. 22-308. Maximum building height.

Maximum building height in the A-2 Agricultural and Rural Business District is as follows: 35 feet, except see section 22-675(b) for height standards for agricultural structures. (Ord. No. 2022-12, § 11.04(f)(7)(v), 10-11-2022)

Sec. 22-309. Minimum lot area.

Minimum lot area in the A-2 Agricultural and Rural Business District is as follows: minimum sufficient areas for the principal structures and accessory buildings. (Ord. No. 2022-12, § 11.04(f)(7)(vi), 10-11-2022)

Sec. 22-310. Minimum yards.

Minimum yards in the A-2 Agricultural and Rural Business District are as follows: same as A-3 yard requirements, with the option for greater setbacks set by the planning and zoning committee, dependent upon use. (Ord. No. 2022-12, § 11.04(f)(7)(vii), 10-11-2022)

Secs. 22-311—22-338. Reserved.

Subdivision IX. A-3 Agricultural/Rural Residential

Sec. 22-339. Purpose.

The purpose of the A-3 Agricultural/Rural Residential District is to allow limited rural residential development on lands in predominantly agricultural areas that are not suited for agricultural production or, due to the proposed location, would have limited impact on agricultural production. Lots are limited in number, size and location to minimize the impacts associated with rural residential development. Residents of this district may experience conditions associated with farming that are not necessarily compatible with rural residential use. This district may be considered within the agricultural preservation areas, rural hamlet areas, environmental corridor overlay, urban service areas, and limited-service

areas, as described in the county agricultural and land use plan. Within planned agricultural preservation areas, the number of A-3 lots created from a parcel of record shall be limited per the associated policies within that plan.

(Ord. No. 2022-12, § 11.04(f)(8)(i), 10-11-2022)

Sec. 22-340. Principal uses.

Principal uses in the A-3 Agricultural/Rural Residential District are as follows:

- (1) Single-family dwelling.
- (2) Mobile homes on foundation.
- (3) Community living arrangements and similar facilities in single-family dwelling, eight or fewer occupants.

(Ord. No. 2022-12, § 11.04(f)(8)(ii), 10-11-2022)

Sec. 22-341. Accessory uses.

Accessory uses in the A-3 Agricultural/Rural Residential District are as follows:

- (1) Garage, residential.
- (2) On-site parking and storage.
- (3) Residential accessory uses.
- (4) Home occupation, accessory.
- (5) Professional home office.
- (6) Home child care.
- (7) Household pets.
- (8) Raising/keeping of farm animals, provided that parcel is 2.0 acres or larger and number of animals will not exceed one animal unit per 1.0 acre.
- (9) Growing of field crops.
- (10) Roadside stands.
- (11) Local utilities.
- (12) Stable, agricultural.

(Ord. No. 2022-12, § 11.04(f)(8)(iii), 10-11-2022)

Sec. 22-342. Conditional uses.

Conditional uses in the A-3 Agricultural/Rural Residential District are as follows:

- (1) Duplex.
- (2) Non-local utilities.
- (3) Kennel.

- (4) Home occupations, conditional.
 - (5) Public and semi-public uses.
 - (6) Bed and breakfast (as defined in Wis. Admin. Code ch. DHS 197).
 - (7) Tourist roominghouse (as defined in Wis. Admin. Code ch. DHS 195).
 - (8) Stable, commercial.
- (Ord. No. 2022-12, § 11.04(f)(8)(iv), 10-11-2022)

Sec. 22-343. Minimum lot area.

Minimum lot area in the A-3 Agricultural/Rural Residential District is as follows: one acre.

(Ord. No. 2022-12, § 11.04(f)(8)(vi), 10-11-2022)

Sec. 22-344. Minimum width.

Minimum lot width in the A-3 Agricultural/Rural Residential District is as follows: 150 feet.

(Ord. No. 2022-12, § 11.04(f)(8)(vii), 10-11-2022)

Sec. 22-345. Minimum depth.

Minimum lot depth in the A-3 Agricultural/Rural Residential District is as follows: 200 feet.

(Ord. No. 2022-12, § 11.04(f)(8)(viii), 10-11-2022)

Sec. 22-346. Minimum yards.

Minimum yards in the A-3 Agricultural/Rural Residential District are as follows:

- (1) Front: See section 22-678(b).
 - (2) Rear: 20 feet.
 - (3) Side: 20 feet each.
- (Ord. No. 2022-12, § 11.04(f)(8)(ix), 10-11-2022)

Sec. 22-347. Maximum building height.

Maximum building height in the A-3 Agricultural/Rural Residential District is as follows: 35 feet, except see section 22-675(b) for height standards for agricultural structures.

(Ord. No. 2022-12, § 11.04(f)(8)(x), 10-11-2022)

Sec. 22-348. Maximum lot area.

Maximum lot area in the A-3 Agricultural/Rural Residential District is as follows: two acres, with the following possible exceptions and qualifiers:

- (1) Possible lot combinations under the policies for creation of A-3 lots within this chapter and the agricultural preservation and land use plan, which may allow for larger area in non-prime and prime agricultural land lots (e.g., one six-acre lot may be substituted for three two-acre lots in non-prime agricultural land or one four-acre lot may be substituted for two two-acre lots in prime agricultural land upon planning and zoning committee and county board approval). A lot combination may be considered by the committee in an environmental corridor if enough non-prime agricultural land is available, even though the maximum number of lots may have been reduced due to environmental corridor density provisions described in section 22-350.
- (2) A lot of greater than two acres in area shall be considered by the planning and zoning committee if necessary to accommodate a dwelling built before February 8, 2000, and its driveway and accessory structures, if the town board first approves the preliminary certified survey map. In such cases, lot area around the dwelling and accessory structures shall not exceed the maximum acreage allowed by this division. A lot of up to five acres in area may be considered by the planning and zoning committee in association with a farm consolidation for an existing residence and associated accessory structures, if the residence in question was constructed prior to January 15, 1975, (or was subsequently replaced with a newer home) and the parcel continues to be zoned A-1.

(Ord. No. 2022-12, § 11.04(f)(8)(xi), 10-11-2022)

Sec. 22-349. Maximum lot coverage by buildings.

Maximum lot coverage by principal and accessory structures in the A-3 Agricultural/Rural Residential District shall not exceed 30 percent of existing lot area.

(Ord. No. 2022-12, § 11.04(f)(8)(xii), 10-11-2022)

Sec. 22-350. Maximum number of lots.

(a) Three non-prime agricultural land A-3 lots or one or two prime agricultural land A-3 lots with clustering is recommended. The number of possible prime agricultural land lots is based on the amount and configuration of land owned (see the lot chart in subsection (b)(3) of this section). With less than 50 acres, one prime agricultural land lot is possible. With 50 acres or more, two prime agricultural land lots are possible. The minimum amount of prime agricultural land shall be utilized when approving the prime lot option. If an option is utilized to mix non-prime and prime agricultural land lots, the prime agricultural land maximum lot numbers shall apply. A-3 lots created since the 1977 adoption of the A-3 zoning district shall also be taken into account when determining how many A-3 lots may be available. All parcels of record may propose the maximum number of lots described in this

section unless the number of lots has been reduced due to A-3 lots being created from the parent parcel predating the parcel of record. Each parcel of record would have the possibility of at least one A-3 lot upon committee review and county board approval. A-3 lots proposed for dwellings constructed prior to December 13, 1977, do not count as having utilized an A-3 lot division.

(b) Environmental corridor overlays described in the plan may also impact the maximum number of possible A-3 lots available as described in the following lot chart by utilizing the development density of no greater than one dwelling unit per ten acres. Clear cutting upland wooded environmental corridor areas in existence at the time of the enactment of the ordinance from which this chapter is derived shall not increase the number of A-3 lots available (see the environmental corridor detailed policies in the county agricultural and land use plan). Also, A-2 lots for an agricultural residence shall reduce the number of lots available.

A-3 Agricultural/Rural Residential District Lot Chart

<i>Parcel of Record Size at Time of Ordinance Amendment</i>	<i>Prior A-3 Splits from Parent Parcel</i>	<i>May Use One or the Other</i>	
		<i>Non-Prime Lots / Prime Lots Available (May Use One or the Other)</i>	<i>Available</i>
Less than 50	3	1	1
	2	1	1
	1	2	1
	0	3	1
50 or greater	3	1	1
	2	1	1
	1	2	1
	0	3	2

(c) In order to achieve safer access, more effective clustering or protection of land resources, the committee may consider the consolidation of multiple parcels of record that are contiguous or divided only by a public road and under the same ownership. In reviewing the consolidation for the purpose of a proposed A-3 lots relocation, the committee must determine that they would have otherwise approved the number of lots on each separate parcel of record. Any proposed lots relocated in this manner would constitute use of all the lots from that separate parcel of record regardless of the number actually relocated. Proposed lots that would have been approved in a non-prime agricultural soil location cannot be relocated into prime agricultural soils unless the number of proposed lots is reduced to the prime soil numbers as described in this section. Conversely, the number of lots would not be increased if relocated from a prime soil location on the separate parcel of record to a non-prime agricultural soil location on the consolidated parcel of record. Town approval is required for any request for consolidation of parcels of record.

(d) Existing A-3 lots created on or after February 8, 2000, shall not be further divided so as to create additional lots. A-3 zoned lots created prior to February 8, 2000, may be further divided to create a maximum of two additional lots. The planning and zoning committee shall review and make a decision on the proposed A-3 division. Application for the redivision of an existing A-3 zoned lot shall be made to the zoning administrator who shall refer it to the committee. The committee shall request an opinion and recommendation from the town prior to scheduling a public hearing on the application. The committee shall also request an opinion from the road maintenance authority relating to driveway and access considerations. The committee shall schedule a public hearing on the application, publish a Class 2 notice according to Wis. Stats. ch. 985, and notify, by certified mail, the clerk of the town for which the proposed A-3 division is located and all persons listed in the county land information office as owning property within 500 feet of the exterior boundary of the proposed A-3 division at least ten days prior to the hearing date. The committee shall review the application, site, public hearing testimony, effect on farmland and prime agricultural soil, section 22-56, and consistency with the county comprehensive plan and agricultural preservation and land use plan before making a decision.
(Ord. No. 2022-12, § 11.04(f)(8)(xiii), 10-11-2022; Ord. No. 2023-27, 3-12-2024)

Secs. 22-351—22-373. Reserved.

Subdivision X. C Community

Sec. 22-374. Purpose.

The purpose of the C Community District is to identify those areas which have traditionally serviced the nearby farms and residences but were not legally incorporated into villages or cities and to recognize that these older communities have mixed their residential, commercial, and farming uses. The community zoning district shall be utilized in rural hamlet areas and limited-service areas as described in the county agricultural and land use plan. A site may have a conditional use without the principal use being established.
(Ord. No. 2022-12, § 11.04(f)(9)(i), 10-11-2022)

Sec. 22-375. Principal uses.

Principal uses in the C Community District are as follows:

- (1) Single-family detached home.
- (2) Parks, conservancy areas.
- (3) Community living arrangements and similar facilities in single-family dwellings, eight or fewer occupants.

(Ord. No. 2022-12, § 11.04(f)(9)(ii), 10-11-2022)

Sec. 22-376. Accessory uses.

Accessory uses in the C Community District are as follows:

- (1) Garage, residential.
 - (2) Residential accessory uses.
 - (3) Home occupations, accessory.
 - (4) Child care provided in a residence.
 - (5) Local utilities.
 - (6) Household pets (kennels separately defined, not included here).
 - (7) Growing of field crops.
- (Ord. No. 2022-12, § 11.04(f)(9)(iii), 10-11-2022)

Sec. 22-377. Conditional uses.

Conditional uses in the C Community District are as follows:

- (1) Church.
- (2) School.
- (3) Mobile home on foundation.
- (4) Mobile home park (including sales of mobile homes associated with park operation).
- (5) Multiple dwelling unit structures, established as a planned development, with overall density not exceeding five dwelling units per acre.
- (6) Duplex.
- (7) Rest home; nursing home.
- (8) Day care center.
- (9) Community living arrangements and similar facilities, nine or more occupants.
- (10) Extensive on-site parking or storage.
- (11) Home occupation, conditional.
- (12) Non-local utilities.
- (13) Public and semi-public uses.
- (14) Keeping of dogs as household pets on a noncommercial basis in excess of two per premises.
- (15) Raising/keeping of farm animals, provided that parcels are at least 2.0 acres and provided that the number of animals will not exceed one animal unit per 1.0 acre.
- (16) Private airstrips when lands are adjacent to an FAA-approved airport.
- (17) General merchandise store.

- (18) Food store.
 - (19) Building material, hardware, garden supply retail.
 - (20) Automotive dealer, mobile home dealer.
 - (21) Fuel dealer.
 - (22) Service station and repair shop.
 - (23) Apparel and accessory store.
 - (24) Furniture, home furnishings and equipment.
 - (25) General retail establishment.
 - (26) Finance, insurance and legal service.
 - (27) Real estate office.
 - (28) Personal services establishment.
 - (29) Business services.
 - (30) Repair services.
 - (31) Business association office.
 - (32) Civic, social and fraternal association.
 - (33) Church.
 - (34) Other professional services.
 - (35) Community buildings (local government owned).
 - (36) Community garages and storage facilities (local government owned).
 - (37) Communication services.
 - (38) Eating and drinking place.
 - (39) Hotel, motel.
 - (40) Movie theater.
 - (41) Amusement and recreation facility and services.
 - (42) Construction contractor.
 - (43) Transportation services.
 - (44) Wholesale trade.
 - (45) Residence.
 - (46) Public and semi-public uses.
- (Ord. No. 2022-12, § 11.04(f)(9)(iv), 10-11-2022)

Sec. 22-378. Minimum lot area.

Minimum lot area in the C Community District is as follows:

- (1) Sewered: 8,000 square feet except shoreland area, which shall be 10,000 square feet.
 - (2) Unsewered: See section 22-104.
- (Ord. No. 2022-12, § 11.04(f)(9)(v), 10-11-2022)

Sec. 22-379. Minimum width.

Minimum lot width in the C Community District is as follows:

- (1) Sewered: 80 feet.
 - (2) Unsewered: 100 feet.
- (Ord. No. 2022-12, § 11.04(f)(9)(vi), 10-11-2022)

Sec. 22-380. Minimum depth.

Minimum lot depth in the C Community District is as follows:

- (1) Sewered: 80 feet.
 - (2) Unsewered: 150 feet.
- (Ord. No. 2022-12, § 11.04(f)(9)(vii), 10-11-2022)

Sec. 22-381. Minimum yards.

Minimum yards in the C Community District are as follows:

- (1) Front: See section 22-678(b).
 - (2) Rear: 25 feet.
 - (3) Side: ten feet each.
- (Ord. No. 2022-12, § 11.04(f)(9)(viii), 10-11-2022)

Sec. 22-382. Maximum building height.

Maximum building height in the C Community District is as follows: three stories or 35 feet.

(Ord. No. 2022-12, § 11.04(f)(9)(ix), 10-11-2022)

Secs. 22-383—22-407. Reserved.*Subdivision XI. W Waterfront***Sec. 22-408. Purpose.**

The purpose of the W Waterfront District is to identify residential and commercial areas adjacent to the county's waterways.

(Ord. No. 2022-12, § 11.04(f)(10)(i), 10-11-2022)

Sec. 22-409. Principal uses.

Principal uses in the W Waterfront District are as follows:

- (1) Single-family dwelling, existing only, if located in floodway. Permitted in floodplain if all provisions of the floodplain zoning and private sewage system provisions are complied with.
 - (2) Park, conservancy areas.
 - (3) Non-structural open space and recreational uses.
- (Ord. No. 2022-12, § 11.04(f)(10)(ii), 10-11-2022)

Sec. 22-410. Accessory uses.

(a) Accessory uses in the W Waterfront District are as follows:

- (1) Residential garage, existing structures, only if in floodway.
- (2) Residential parking, storage, accessory structures, existing only, if located in floodway.
- (3) Other R-2 accessory uses, provided that no new structures are established to accommodate the use.
- (4) Boathouses, provided that standards of section 22-929 are met.
- (5) Boat docks and piers for private residential usage only.
- (6) Camping occupancy of camping trailers or similar vehicles, provided that the vehicle is of a type recognized by Wis. Admin. Code ch. HFS 178 and is under 400 square feet in area, that length of occupancy shall not exceed 14 days in any one continuous period nor more than 30 days cumulatively over any 12-month period, and provided that the unit is neither skirted nor connected to any porch except for essential steps or ramps.
- (7) Local utilities.

(b) No accessory structure may be used for human occupancy. All sanitary requirements shall be complied with and, during flood stage periods, all such units shall be removed from designated hazard areas.

(Ord. No. 2022-12, § 11.04(f)(10)(iii), 10-11-2022)

Sec. 22-411. Conditional uses.

Conditional uses in the W Waterfront District are as follows:

- (1) Water-related business (marinas, boat, bait, gift shops, taverns, restaurants). Newly established or abandoned uses, described above, shall meet all applicable sections of the floodplain zoning, private sewage system, and zoning regulations.
- (2) General retail, existing use only.
- (3) Expansion, alteration of parking areas for existing uses.

- (4) Non-local utilities.
- (5) Kennel (see definition of the term "kennel").
- (6) Boathouses on vacant lots.
- (7) Public and commercial access ramps to navigable waters.
(Ord. No. 2022-12, § 11.04(f)(10)(iv), 10-11-2022)

Sec. 22-412. Minimum lot area.

Minimum lot area in the W Waterfront District is as follows:

- (1) Sewered: 12,000 feet.
- (2) Unsewered: See section 22-104.
(Ord. No. 2022-12, § 11.04(f)(10)(v), 10-11-2022)

Sec. 22-413. Minimum width.

Minimum lot width in the W Waterfront District is as follows:

- (1) Sewered: 80 feet.
- (2) Unsewered: 100 feet.
(Ord. No. 2022-12, § 11.04(f)(10)(vi), 10-11-2022)

Sec. 22-414. Minimum depth.

Minimum lot depth in the W Waterfront District is as follows: 150 feet.
(Ord. No. 2022-12, § 11.04(f)(10)(vii), 10-11-2022)

Sec. 22-415. Minimum yards.

Minimum yards in the W Waterfront District are as follows:

- (1) Front: See section 22-678(b).
- (2) Rear: 20 feet.
- (3) Side: ten feet.
(Ord. No. 2022-12, § 11.04(f)(10)(viii), 10-11-2022)

Sec. 22-416. Maximum building height.

Maximum building height in the W Waterfront District are as follows: three stories or 35 feet.
(Ord. No. 2022-12, § 11.04(f)(10)(ix), 10-11-2022)

Secs. 22-417—22-445. Reserved.

Subdivision XII. S Shoreland-Wetland (Overlay Zone)

Sec. 22-446. Description and provisions of district.

Refer to section 22-925 for description and provisions applicable to this district. The shoreland-wetland district takes precedence over any underlying zone.
(Ord. No. 2022-12, § 11.04(f)(11)(intro. ¶), 10-11-2022)

Sec. 22-447. Purpose.

The S Shoreland-Wetland (Overlay Zone) is an overlay district to delineate the floodplain and to prevent unsuitable uses from locating in such floodplain.
(Ord. No. 2022-12, § 11.04(f)(11)(i), 10-11-2022)

Sec. 22-448. Principal uses.

Principal uses in the S Shoreland-Wetland (Overlay Zone) are as follows: any principal use allowed in the underlying district, provided the conditions of article X of this chapter are met.
(Ord. No. 2022-12, § 11.04(f)(11)(ii), 10-11-2022)

Sec. 22-449. Accessory uses.

Accessory uses in the S Shoreland-Wetland (Overlay Zone) are as follows:
(1) Essential services.
(Ord. No. 2022-12, § 11.04(f)(11)(iii), 10-11-2022)

Sec. 22-450. Conditional uses.

Conditional uses in the S Shoreland-Wetland (Overlay Zone) are as follows: any conditional use allowed in the underlying district, provided the conditions of article X of this chapter are met.
(Ord. No. 2022-12, § 11.04(f)(11)(iv), 10-11-2022)

Sec. 22-451. Minimum lot area.

Minimum lot area in the S Shoreland-Wetland (Overlay Zone) is as follows: as in the underlying district.
(Ord. No. 2022-12, § 11.04(f)(11)(v), 10-11-2022)

Sec. 22-452. Minimum width.

Minimum lot width in the S Shoreland-Wetland (Overlay Zone) is as follows: as in the underlying district.
(Ord. No. 2022-12, § 11.04(f)(11)(vi), 10-11-2022)

Sec. 22-453. Minimum depth.

Minimum lot depth in the S Shoreland-Wetland (Overlay Zone) is as follows: as in the underlying district.

(Ord. No. 2022-12, § 11.04(f)(11)(vii), 10-11-2022)

Sec. 22-454. Minimum yards.

Minimum yards in the S Shoreland-Wetland (Overlay Zone) are as follows:

(1) Front: as in the underlying district.

(2) Rear: as in the underlying district.

(3) Sides: as in the underlying district.

(Ord. No. 2022-12, § 11.04(f)(11)(viii), 10-11-2022)

Sec. 22-455. Maximum building height.

Maximum building height in the S Shoreland-Wetland (Overlay Zone) is as follows: as in the underlying district.

(Ord. No. 2022-12, § 11.04(f)(11)(ix), 10-11-2022)

Secs. 22-456—22-478. Reserved.*Subdivision XIII. N Natural Resource***Sec. 22-479. Purpose.**

The purpose of the N Natural Resource District is to identify those areas where development is prohibited due to groundwater, the presence of significant wildlife habitat and natural vegetation or the need to protect water quality; to allow for low impact agricultural uses, generally those which predated zoning to the N district and to be a state-certified farmland preservation zoning district to maintain property owner eligibility in the state's farmland preservation tax credit program in conjunction with the agricultural preservation and land use plan. All applicable sections of the agricultural preservation and land use plan shall be evaluated in determining a rezoning to this district. Rezoning out of the N district may occur only following the county planning and zoning committee conducting a public hearing and making findings as specified in Wis. Stats. § 91.48(1), as articulated in section 22-54.

(Ord. No. 2022-12, § 11.04(f)(12)(i), 10-11-2022)

Sec. 22-480. Permitted principal uses.

Permitted principal uses in the N Natural Resource District are as follows:

- (1) Undeveloped natural resource and open space area, including public lands recreational use such as hunting, fishing, hiking, and bridle path.

- (2) Raising of waterfowl, fish, or other wildlife, including necessary nonresidential buildings serving the use and meeting the requirements for accessory uses under Wis. Stats. § 91.01(1).
 - (3) 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.
 - (4) The practice of silviculture, including the planting, thinning and harvesting of timber.
- (Ord. No. 2022-12, § 11.04(f)(12)(ii), 10-11-2022)

Sec. 22-481. Permitted accessory uses.

Permitted accessory uses in the N Natural Resource District are as follows:

- (1) Essential services.
 - (2) Agricultural accessory structure.
- (Ord. No. 2022-12, § 11.04(f)(12)(iii), 10-11-2022)

Sec. 22-482. Conditional uses.

Conditional uses in the N Natural Resource District are as follows:

- (1) An agricultural use not listed as a principal use in the N district, except for:
 - a. A feedlot for more than 150 livestock units.
 - b. The housing of fowl for more than 10,000 birds (fowl housing is not regulated by Wis. Admin. Code ch. ATCP 51. See section 22-584(1)).
 - c. Wis. Admin. Code ch. ATCP 51 regulated livestock facilities for more than 150 animal units and poultry farm housing more than 10,000 birds (see section 22-584(2)).
 - (2) Watercourse relocation, filling, draining, dredging that qualifies under Wis. Stats. § 91.46(4).
 - (3) Dam, hydroelectric plant that qualifies under Wis. Stats. § 91.46(4).
- (Ord. No. 2022-12, § 11.04(f)(12)(iv), 10-11-2022)

Sec. 22-483. Minimum lot area.

Minimum lot area in the N Natural Resource District is as follows: two acres.
(Ord. No. 2022-12, § 11.04(f)(12)(v), 10-11-2022)

Sec. 22-484. Minimum width.

Minimum lot width in the N Natural Resource District is as follows: 100 feet.
(Ord. No. 2022-12, § 11.04(f)(12)(vi), 10-11-2022)

Sec. 22-485. Minimum depth.

Minimum lot depth in the N Natural Resource District is as follows: 100 feet.
(Ord. No. 2022-12, § 11.04(f)(12)(vii), 10-11-2022)

Sec. 22-486. Minimum yards.

Minimum yards in the N Natural Resource District are as follows:

- (1) Front: See section 22-678(b).
- (2) Rear: 75 feet.
- (3) Side: 75 feet each.

(Ord. No. 2022-12, § 11.04(f)(12)(viii), 10-11-2022)

Sec. 22-487. Maximum building height.

Maximum building height in the N Natural Resource District is as follows: 35 feet, except see section 22-675(b) for height standards for agricultural structures.

(Ord. No. 2022-12, § 11.04(f)(12)(ix), 10-11-2022)

Secs. 22-488—22-512. Reserved.*Subdivision XIV. R/R Residential/Recreational***Sec. 22-513. Purpose.**

The purpose of the R/R Residential/Recreational District is to identify those areas where predominantly recreational development has occurred or will be likely to occur, generally in 15-year growth areas, urban service areas, limited-service areas, and rural hamlet areas as described within the agricultural preservation and land use plan. Due to soil types, agricultural productivity class, topographic conditions, and adjacent uses, the area would be best suited to sparse residential and recreational development rather than intensive agricultural development. A site may have a conditional use without the principal use being established.

(Ord. No. 2022-12, § 11.04(f)(13)(i), 10-11-2022)

Sec. 22-514. Principal use.

(a) Principal uses in the R/R Residential/Recreational District are as follows:

- (1) One-family dwelling.
- (2) Mixture of recreational use such as lake resort area, golf course, bridle path, and residential use.

(b) No use shall be allowed until all requirements of the county private sewage systems ordinance are met.

(Ord. No. 2022-12, § 11.04(f)(13)(ii), 10-11-2022)

Sec. 22-515. Accessory uses.

(a) Accessory uses in the R/R Residential/Recreational District are as follows:

- (1) Essential services.
- (2) Home occupation, accessory.
- (3) Professional home office.
- (4) Private garage or parking areas.
- (5) Garage, residential.
- (6) Residential accessory uses.

(b) No use shall be allowed until all requirements of the county private sewage systems ordinance are met.

(Ord. No. 2022-12, § 11.04(f)(13)(iii), 10-11-2022)

Sec. 22-516. Conditional uses.

(a) Conditional uses in the R/R Residential/Recreational District are as follows:

- (1) Two-family and multifamily dwellings.
- (2) Cluster developments.
- (3) Condominium developments.
- (4) Single-family attached developments.
- (5) Public and semi-public uses (section 22-582).
- (6) Raising/keeping of farm animals, provided that parcels are at least 2.0 acres or more with one animal unit permitted for each 1.0 acre.
- (7) Taxiing and parking of airplanes on land adjacent to an FAA-approved airport.
- (8) Rest and nursing homes, club, fraternity.
- (9) Bed and breakfast (as defined in Wis. Admin. Code ch. DHS 197).
- (10) Tourist roominghouse (as defined in Wis. Admin. Code ch. DHS 195).
- (11) Extensive on-site storage.

(b) No use shall be allowed until all requirements of the county private sewage systems ordinance are met.

(Ord. No. 2022-12, § 11.04(f)(13)(iv), 10-11-2022)

Sec. 22-517. Minimum lot area.

Minimum lot area in the R/R Residential/Recreational District is as follows:

- (1) Sewered lots: 10,000 square feet.

- (2) Unsewered lots: 20,000 square feet.
(Ord. No. 2022-12, § 11.04(f)(13)(v), 10-11-2022)

Sec. 22-518. Minimum lot width.

Minimum lot width in the R/R Residential/Recreational District is as follows:

- (1) 100 feet for other than multifamily type developments.
(2) Lot width for multifamily type developments will be determined as part of the conditional use permit.
(Ord. No. 2022-12, § 11.04(f)(13)(vi), 10-11-2022)

Sec. 22-519. Minimum lot depth.

Minimum lot depth in the R/R Residential/Recreational District are as follows:

- (1) 150 feet for other than multifamily type developments.
(2) Lot width for multifamily type developments will be determined as part of the conditional use permit.
(Ord. No. 2022-12, § 11.04(f)(13)(vii), 10-11-2022)

Sec. 22-520. Minimum yards.

- (a) Minimum yards for other than multifamily type developments shall be as follows:
- (1) Front: See section 22-678(b).
(2) Rear: 40 feet.
(3) Side: 15 feet.
- (b) Minimum yards for multifamily type developments will be determined as part of the conditional use permit.
(Ord. No. 2022-12, § 11.04(f)(13)(viii), 10-11-2022)

Secs. 22-521—22-548. Reserved.

DIVISION 3. FIRST AMENDMENT PROTECTED ADULT-ORIENTED
ESTABLISHMENTS

Sec. 22-549. 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:

Adult arcade means any place to which the public is permitted or invited wherein coin, slug, electronically, or mechanically controlled or operated still or in motion picture machines, projectors, computers or other image-producing devices are maintained to show

images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing specified sexual activities or specified anatomical areas.

Adult bathhouse means a commercial establishment which provides a bath as a service and which provides to its patrons an opportunity for engaging in specified sexual activities.

Adult body painting studio means a commercial establishment wherein patrons are afforded an opportunity to be painted or to paint images on specified anatomical areas. An adult body painting studio does not include a tattoo parlor.

Adult bookstore means any commercial establishment having as its stock-in-trade the sale, rental or lease for any form of consideration, any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations which are distinguished or characterized by their emphasis on specified anatomical areas or specified sexual activities.
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- (3) Facilities for the presentation of adult entertainment, as defined herein, including adult-oriented films, motion pictures, video cassettes, video reproductions, slides or other visual representations for observation by patrons therein.

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which features:

- (1) Live performances which are characterized or distinguished by the exposure of specified anatomical areas or specified sexual activities; or
- (2) Films, motion pictures, video cassettes, video reproductions, slides or other visual representations which are distinguished or characterized by depicting or describing specified sexual activities or specified anatomical areas.

Adult entertainment means any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme, or is distinguished or characterized by, any one or more of the following:

- (1) Specified sexual activities;
- (2) Specified anatomical areas.

Adult massage parlor means a commercial establishment with or without sleeping accommodations which provides the service of massage or body manipulation, including exercise, heat and light treatment of the body, and any form or method of physiotherapy, which also provides its patrons with the opportunity to engage in specified sexual activities.

Adult motel means a hotel, motel or other similar commercial establishment which offers accommodations to the public for any form of consideration, provides patrons with closed

circuit television transmissions, film, motion pictures, video cassettes, video reproductions, slides, or other visual reproductions characterized by depicting or describing specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this type of adult entertainment, or:

- (1) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (2) Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.

Adult theater means an enclosed building such as theater, concert hall, auditorium or other similar commercial establishment which is used for presenting adult entertainment.

Adult-oriented establishment includes adult arcade, adult bathhouse, adult body painting studio, adult bookstore, adult cabaret, adult massage parlor, adult motel, adult theater, and any commercial establishment presenting adult entertainment, whether or not such establishment is operated or maintained for a profit and where alcohol is not served or consumed.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, vulva, anus, or the nipple and areola of the human female breast; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means and includes any of the following, simulated or actual:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, anilingus.
- (3) Showing of human genitals in a state of sexual stimulation or arousal.
- (4) Excretory functions during a live performance, display, or dance of any type.

Youth facility means any facility where minors gather for education or recreational activities, including, but not limited to, playgrounds, swimming pools, libraries, licensed child care facilities, youth clubs and youth camps.

(Ord. No. 2022-12, § 11.04(k)(1), 10-11-2022)

Sec. 22-550. Purpose and findings of fact.

(a) *Purpose.* It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of county citizens and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within county. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor

effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(b) *Findings.*

- (1) The board finds that adult-oriented establishments, as defined in this chapter, require special zoning in order to protect and preserve the health, safety, and welfare of the county.
- (2) Based on its review of studies conducted in Phoenix, AZ; Garden Grove, CA; Los Angeles, CA; Whittier, CA; Indianapolis, IN; Minneapolis, MN; St. Paul, MN; Cleveland, OH; Oklahoma City, OK; Amarillo, TX; Austin, TX; Beaumont, TX; Dallas, TX; Houston, TX; Newport News, VA; Bellevue, WA; New York, NY; Seattle, WA; and St. Croix County, WI; and the Report of the Attorney General's Working Group of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Preventions, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Colman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), *East of the River Enterprises II v. City of Hudson*, 2000 Wisc. App. Lexis 734 (Ct. App. August 1, 2000); *Ben's Bar, Inc. v. Village of Somerset*, F.3d, 2003 WL 132541 (7th Cir. 2003), the board finds that there is convincing evidence that the secondary effects of adult-oriented establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.
- (3) The board intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; and preserve the property values and character of surrounding neighborhoods and areas.
- (4) It is not the intent of the board to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of adult-oriented establishments while providing an outlet for First Amendment protected activities.
- (5) In order to minimize and control the secondary effects of adult-oriented establishments upon the county, it is the intent of the board to prevent the concentration of adult-oriented establishments within a certain distance of each other and within certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of adult-oriented establishments.

- (6) Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the board finds that a geographic separation of adult-oriented establishments from alcohol beverage licensed premises is warranted.
(Ord. No. 2022-12, § 11.04(k)(2), 10-11-2022)

Sec. 22-551. Location of First Amendment protected adult-oriented establishments.

(a) The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that adult-oriented establishments, as defined by this chapter, are entitled to certain protections. Therefore, an adult-oriented establishment shall be a permitted use in the B business zoning district and shall be a prohibited use in any other zoning district. The adult-oriented establishment may locate in the specified district only if an adult-oriented establishment license has been granted by a town or municipality requiring such license within the county which is subject to this chapter, and all the requirements of this section and the applicable zoning district regulations are met.

(b) Adult-oriented establishments shall be located at least 1,000 feet from:

- (1) Any residential district line where a single-family residence is a principal use, playground lot line, public park lot line, or publicly owned recreation area.
- (2) Any structure used as a residence, place of religious worship, public or private school, or youth facility, as defined in this chapter.
- (3) Any other structure housing an adult-oriented establishment.
- (4) Any structure housing an establishment which holds an alcohol beverage license.

(c) Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the adult-oriented establishment to the residential district boundary lines, to the lot line of any lot used for park, playground, or any structure listed in subsection (b) of this section.

(d) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.

(e) For adult-oriented establishments located in conjunction with other buildings, such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the adult-oriented establishment.

(f) For any adult-oriented establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the adult-oriented establishment (excluding emergency exits).

(g) Subsequent location of any establishments described in subsection (b) of this section within 1,000 feet of an existing adult-oriented establishment does not constitute a violation of this chapter by the adult-oriented establishment.

(Ord. No. 2022-12, § 11.04(k)(3), 10-11-2022)

Secs. 22-552—22-580. Reserved.

ARTICLE IV. CONDITIONAL USES

Sec. 22-581. Procedure.

(a) Application and hearing. Any conditional uses listed in this chapter shall be permitted only when authorized by the planning and zoning committee. Application for a conditional use permit shall be made to the zoning administrator who shall refer it to the committee. The committee shall then schedule a public hearing on the application, publish a Class 2 notice according to Wis. Stats. ch. 985, and notify by certified mail the clerks of any towns within 1,000 feet of the proposed use and all persons listed in the county land information office as of the date of the petition as owning property within one-quarter mile of the exterior boundary of the parcel for which the conditional use is requested at least ten days prior to the hearing date.

(b) Review. The committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Conditional uses shall be reviewed to be consistent with the agricultural preservation and land use plan.

(c) Approval or denial.

- (1) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions imposed by the county planning and zoning committee, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of this chapter and be based on substantial evidence.
- (2) The requirements and conditions described under subsection (c)(1) of this section must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use permit are or shall be satisfied, both of which must be supported by substantial evidence.
- (3) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the county may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in this chapter or by the committee.

(4) If a conditional use permit application is denied, the applicant may appeal the decision to the circuit court under the procedures contained in Wis. Stats. § 59.694(10).

(d) The committee shall request an opinion and recommendation from the county highway commissioner for any proposed conditional use within 500 feet of an existing county or state highway centerline or within one-half mile of a proposed interchange or turning lane at least 20 days before taking final action. If the highway commissioner does not provide an opinion and recommendation as requested, the committee may approve or deny the conditional use based on the evidence available.

(e) The planning and zoning committee shall impose conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, screening, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements. Additional conditions may be imposed by the committee upon its finding that they are necessary to fulfill the purpose and intent of this chapter.

(f) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading traffic, highway access, and performance standards, shall be required of all conditional uses.

(g) Violation. Any permitted conditional use which does not continue in conformity with the conditions of the permit shall be considered in violation of this chapter.

(h) Revocation of conditional use permits. Any conditional use permit granted by the planning and zoning committee may be revoked if it is found that the conditional use is not being conducted in compliance with the plans and specifications submitted with the application and subsequently approved or is being operated in violation of the conditions of the conditional use permit.

- (1) Revocation process. The planning and zoning committee will hold a public hearing following procedures set forth in subsection (a) of this section, after providing written notice to the permittee of the conditional use permit citing the violation or compliance issues with the permit.
- (2) Once notified in writing by the county, the permittee shall be allowed to present evidence on his/her behalf in writing and shall attend the public hearing.
- (3) After public hearing, the planning and zoning committee may revoke or modify the conditional use permit.

(Ord. No. 2022-12, § 11.05(a), 10-11-2022)

Sec. 22-582. Public and semi-public uses.

Except where such uses are not allowed by conditional use within the A-1 and N districts (per article IV, division 2, subdivisions VII and XII, respectively, of this chapter), the following public and semi-public uses shall be conditional uses. Wherever allowed, such uses shall also be subject to the included standards below:

- (1) Airports, airstrips, landing field, and helicopter landing areas, provided that these facilities meet the regulations contained in Wis. Stats. ch. 114.

- (2) Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
 - (3) Utilities and all towers such as radio and television (except in R-1, R-2, W, S districts) with associated buildings, but not including studios, or telecommunication towers. Telecommunication towers and facilities shall be regulated as set forth in article V of this chapter.
 - (4) Public passenger transportation terminals such as heliports, bus and rail depots, provided that all principal structures and uses are not less than 100 feet from any residential lot line.
 - (5) Public, private and parochial preschool, elementary and secondary schools, and churches, provided the lot area is not less than one acre and all principal structures and uses are not less than 50 feet from any lot line.
 - (6) Institutions. Colleges, universities, hospitals, sanitarium, religious, charitable, penal, and correctional institutions; cemeteries and crematoria, provided that all principal structures and uses are not less than 50 feet from any lot line.
- (Ord. No. 2022-12, § 11.05(b), 10-11-2022)

Sec. 22-583. Mineral extraction and processing.

Mineral extraction and processing operations are conditional uses in the following zoning districts: I, A-1, A-2, A-T. Such operations include mining, quarrying, borrow pits, crushing, washing, or other removal or processing of mineral resources, the erection of buildings and the installation of necessary machinery used in said extraction or processing, and the preparation of hot blacktop mix and ready-mixed concrete. Mineral extraction and processing uses shall be subject to the following standards where allowed:

- (1) Where, in the A-1 district only, the operation and its location shall be consistent with the purposes of the A-1 district and are reasonable and appropriate, considering alternative locations outside the A-1 district, or are specifically approved under state or federal law.
- (2) The operation shall be designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
- (3) The operation shall not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (4) No such operation shall commence, no such operation shall be expanded onto land, under separate ownership on the effective date of the ordinance from which this chapter is derived, and no operation which has been abandoned for a period of 12 months or longer shall be renewed, except in compliance with the provisions of this article and article V of this chapter and after a conditional use permit has been obtained.

- (5) The operation shall comply with Wis. Stats. ch. 295, subch. I and rules promulgated under that subchapter, with applicable provisions of the local provisions under Wis. Stats. § 295.13.
 - (6) Application for the conditional use permit shall include an adequate description of the proposed operation; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of any water which will be used; a topographic map of the site showing existing contours with minimum vertical contour intervals of two feet, trees and other ground cover, proposed and existing roads, and all buildings and property owners' names within 500 feet of the site boundaries; the depth of all existing and proposed excavations; and a restoration plan.
 - (7) An applicant shall have an approved reclamation plan and permit (Wis. Admin. Code ch. NR 135) from the county land and water conservation department. The planning and zoning committee may review and approve a conditional use permit contingent on receiving the reclamation plan and permit from the land and water conservation department.
 - (8) The applicant shall furnish the sureties which will enable the county to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon reasonable cost estimates, and the form and type of such sureties shall be approved by the county's legal counsel.
 - (9) The conditional use permit shall be in effect for a specified period of time, but not less than one year nor more than ten years. It may be renewed upon application, at which time additional conditions or modifications may be imposed.
 - (10) The committee shall consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality, and shall also consider the practicality of the proposed restoration plan for the site.
 - (11) Excavating and other operations and activities producing noise, smoke, or dust shall not take place within 300 feet of a residence, or within 500 feet of a school or institution.
 - (12) No excavation shall take place within 50 feet of a lot line.
 - (13) Screening in accordance with section 22-677 shall be required.
- (Ord. No. 2022-12, § 11.05(c), 10-11-2022)

Sec. 22-584. Fowl and feedlot facilities (non-ATCP-51 livestock facilities); Wis. Admin. Code ch. ATCP 51 livestock facilities.

Pursuant to the provisions of Wis. Stats. § 93.90, the county adopts and incorporates into this article and article V of this chapter the provisions of Wis. Stats. § 93.90 and Wis. Admin. Code ch. ATCP 51 inclusive of all future amendments to any provisions of these sections.

- (1) Fowl and feedlot facilities (non-ATCP-51 livestock facilities).
 - a. *Location.* The proposed operation should not conflict with existing land uses or planned future uses of the residences. The site should not negatively impact environmental corridor areas.

- b. *Water contamination.* The necessary structures of facilities should be provided to prevent wastes from entering surface and subsurface waters.
 - c. *Waste management.* The necessary means should be available to properly manage or to recycle a volume of wastes greater than that which is anticipated from the operation.
- (2) Wis. Admin. Code ch. ATCP 51 livestock facilities (cattle, swine, poultry, sheep or goats).
- a. *ATCP 51 provisions.* These provisions are applicable as well as are the provisions of sections 22-581(a) and (f) and 22-60.
 - b. *Administration.* The political subdivision for the purpose of these provisions is the county planning and zoning committee.
 - c. *Fees.* Fees in an amount as provided in the county fee schedule, for conditional use review payable to the county planning and zoning department, and in an amount as provided in the county fee schedule for completeness review, payable to the county land and water conservation department.
 - d. *Certification of construction compliance.* The permittee shall certify in writing by a professional engineer or a person with appropriate engineering job approval according to NRCS standards that the animal waste storage was installed or closed as planned. A copy of the signed certification sheet shall be given to the land and water conservation department within one month of completion of installation or closure. Any approved changes made to the animal waste storage facility plan or closure design shall be specified in the certification. Land and water conservation department personnel may conduct site inspections during and following construction to determine that the facility was installed or closed as planned and designed. This certification shall be filed at least ten days prior to population of the facilities by the animal unit count approved under the permit.
 - e. *Inspections.* The county may conduct periodic inspections as may be deemed appropriate. Written notice shall be sent by the county planning and zoning department to the livestock facility with consent from the owner or agent thereof prior to entering the premises for the purpose of determining compliance with the conditional use permit. If the facility owner refuses to give permission for the inspection, the county has the authority to seek inspection warrants under Wis. Stats. § 66.0119. The use of such inspection warrants would normally be a last resort.
 - f. *Compliance and enforcement.* Failure to comply with Wis. Admin. Code ch. ATCP 51, subch. II, representations made in the application for approval and subsequently the conditional use permit shall constitute a violation of this chapter that may result in any or all actions stated in subsections (2)f.1 through 3 of this section. Annually, the owner shall provide statements from the

agricultural consultant that the operation remains in compliance with the standards in Wis. Admin. Code ch. ATCP 51, subch. II, and the conditional use permit.

1. Citations as prescribed in the county citation provisions.
 2. Other legal remedies as prescribed in sections 22-19 and 22-20.
 3. Withdrawal of approval by the committee as prescribed in Wis. Admin. Code ch. ATCP 51. Use of this process would require a public hearing to gather testimony utilizing procedures prescribed in section 22-581(a) and notice as prescribed in section 22-60 for conditional uses.
- g. *Appeals.* Appeals of the committee decisions on such matters would be made to the livestock facility review board as described in Wis. Admin. Code ch. ATCP 51 and Wis. Stats. § 93.90(5).
- h. *Authorization for changes.* Authorization for changes to an approved conditional use under this article and article V of this chapter may be made upon request by the owner or agent to the committee at a regularly scheduled committee meeting if it is determined that such changes are only for the purpose of modifying the type of practices necessary to comply with state standards identified in Wis. Admin. Code ch. ATCP 51, subch. II, and does not impact the number of animals proposed or negatively change the odor index score. If the proposed change does not comply with the above statements, then the normal conditional use process would be applicable.

(Ord. No. 2022-12, § 11.05(d), 10-11-2022)

Sec. 22-585. Mobile home parks.

All mobile home parks shall be conditional uses and shall conform to the following standards:

- (1) Minimum size: 20 acres.
- (2) Minimum lot size per mobile home: 5,000 square feet.
- (3) Minimum lot width: 50 feet.
- (4) Minimum distance between mobile home and lot line: ten feet; service road: ten feet.
- (5) Water and sewer. Each mobile home lot shall be connected to either public or private water supply and sewage disposal systems, in accordance with Wis. Admin. Code ch. ADM 65, approved by the appropriate state agency.
- (6) Solid waste: Each mobile home lot shall have adequate garbage and refuse disposal service.
- (7) Recreation area: At least five percent of the total area of each park shall be designated as a recreation area with play equipment furnished and maintained by the park owner.

- (8) Roads and parking: All roadways, parking areas, and walkways shall be hard surfaced. Roadways shall be a minimum of 66 feet in width and adequately lighted. The planning and zoning committee may permit a roadway of less than 66 feet, as requested by the applicant. The committee shall review the reasons for the reduced road width and the ability for the public and emergency vehicles to access the campground. There shall be one off-street parking space for each mobile home and additional parking spaces for automobiles within the park, totaling not less than two parking spaces for each mobile home lot.
 - (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) Pad: Each mobile home shall be placed upon a washed rock or hard-surfaced pad or foundation with six tie-down anchors.
 - (11) All mobile homes shall meet the construction standards of the mobile home manufacturing association, and all state, federal and local codes.
- (Ord. No. 2022-12, § 11.05(e), 10-11-2022)

Sec. 22-586. Campgrounds.

All campgrounds shall be conditional uses and shall conform to the following standards:

- (1) The minimum size of any campground shall be 40 acres in gross area.
- (2) The maximum number of travel trailers or campsites shall be 20 per acre as computed from the gross area of the park or campgrounds, and in no case shall the square feet of each site be less than 2,000 square feet.
- (3) Before beginning operation of any camp, 50 percent of the sites and 100 percent of the facilities shall be completed.
- (4) In addition to the setback from the right-of-way of any state, county, or town road, all campgrounds shall have a boundary zone of 40 feet between any campsite and any side or rear lot line.
- (5) The minimum width of roads within campgrounds shall be two rods or 33 feet.
- (6) All access roads to and from the campgrounds shall be well lighted and hard surfaced with asphalt or better materials.
- (7) Every campground shall conform to all applicable state laws and Wis. Admin. Code ch. ATCP 79, as amended from time to time.
- (8) All wiring within a camp must conform to state electrical codes.
- (9) Designated spots on each site will be marked or constructed for outside cooking or the building of campfires, and no fires will be allowed outside of these designated areas.

(10) The perimeter of the camping area or perimeter of the parcel must be fenced and screened as required by the planning and zoning committee.
(Ord. No. 2022-12, § 11.05(f), 10-11-2022)

Sec. 22-587. Solid waste disposal operations; junk, salvage or wrecking yards.

(a) *License required.* It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, or operate a solid waste disposal operation without first obtaining a conditional use permit and an annual license from the committee.

(b) *Application requirements.* Application shall be in writing to the zoning administrator and shall include:

- (1) Location and description of the premises to be licensed.
- (2) Nature of the operation to be conducted.
- (3) Type of solid waste material to be disposed of, and the detailed method of disposal of the material.
- (4) Construction details of any buildings to be used in connection with the operation.
- (5) Description of all land uses within 1,000 feet of the premises.
- (6) Name and address of the owner and of all persons who will directly participate in the management of the site.
- (7) Any additional information deemed necessary by the zoning administrator for full evaluation of the proposed operation.

(c) *Procedure.* The review and approval procedure in section 22-581 shall apply for the initial issuance of a license. All licenses shall expire on July 31 and may be renewed by the committee upon satisfactory evidence that the license and the operation remain in compliance with this article and article V of this chapter.

(d) *Requirements.* All solid waste disposal operations shall in all respects comply with the solid waste disposal standards of the department of natural resources (DNR), and the standards of any other state agency having control over the type of operation involved.

(e) *Location.* No solid waste disposal operation shall be located within 500 feet of any residence other than the owner of the premises or any residential, business, community, or waterfront district; 300 feet from a lake, river, or stream unless otherwise out of view of the public; or 150 feet from any highway right-of-way.

(f) *Screening requirements.* Screening requirements of section 22-677 shall apply.

(g) *Revocation.* Upon the complaint of the zoning administrator or one or more interested persons, the committee may, after notice and public hearing, revoke a license issued hereunder for violation of this chapter or the solid waste disposal standards referred to herein.

(Ord. No. 2022-12, § 11.05(g), 10-11-2022)

Secs. 22-588—22-608. Reserved.

ARTICLE V. MOBILE TOWER SITING PERMIT

Sec. 22-609. Purpose.

(a) The purpose of this article is to regulate by zoning permit:

- (1) The siting and construction of any new mobile service support structure and facilities;
- (2) With regard to a Class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and
- (3) With regard to a Class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

(b) It is the intent of the county to regulate mobile service support structures and facilities as permitted by Wis. Stats. § 66.0404.

(Ord. No. 2022-12, § 11.055(a), 10-11-2022)

Sec. 22-610. Authority.

The county board has the specific authority under Wis. Stats. §§ 59.69 and 66.0404 to adopt and enforce the ordinance from which this article is derived.

(Ord. No. 2022-12, § 11.055(b), 10-11-2022)

Sec. 22-611. Definitions.

All definitions contained in Wis. Stats. § 66.0404(1) are incorporated by reference.

(Ord. No. 2022-12, § 11.055(d), 10-11-2022)

Sec. 22-612. Exempt from permitting.

The following shall be exempt from the requirement to obtain a land use permit, unless otherwise noted:

- (1) The use of all receive-only television antenna and satellite dishes.
- (2) Amateur radio and/or receive-only antennas. This article shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive-only purposes.
- (3) Mobile services providing public information coverage of news events of a temporary or emergency nature.

(Ord. No. 2022-12, § 11.055(e), 10-11-2022)

Sec. 22-613. Application process for siting and construction of any new mobile service support structure and facilities and Class 1 collocation.

(a) A county zoning permit is required for the siting and construction of any new mobile service support structure and facilities.

(b) A written permit application must be completed by any applicant and submitted to the county planning and zoning department. The application must contain the following information:

- (1) The name and business address of, and the contact individual for, the applicant.
- (2) The location of the proposed or affected support structure.
- (3) The location of the proposed mobile service facility.
- (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
- (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) A permit application will be provided by the county upon request to any applicant.

(d) If an applicant submits to the county an application for a permit to engage in an activity described in this article, which contains all of the information required under this article, the county shall consider the application complete. If the county does not believe that the application is complete, the county shall notify the applicant in writing, within ten days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(e) Within 90 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 90-day period:

- (1) Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this article, this chapter.

- (2) Make a final decision whether to approve or disapprove the application.
- (3) Notify the applicant, in writing, of its final decision.
- (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(f) The county may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under subsection (b)(6) of this section.

(g) If an applicant provides the county with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the county provides the applicant with substantial evidence that the engineering certification is flawed.

(h) The fee for the permit is in an amount as provided in the county fee schedule per Wis. Stats. § 66.0404(4)(d).

(i) Limitations. Land use permits for siting and construction of any new mobile service support structure and facilities and land use permits for Class 1 collocations shall only be granted, provided the following conditions exist:

- (1) If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other providers and there is no other lease provision operating as a bar to collocation of other providers.
- (2) The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.
- (3) The applicant and/or agent have copies of findings of no significant impacts (FONI) statement from the Federal Communications Commission (FCC) or environmental assessment or environmental impact study (EIS), if applicable.
- (4) The applicant and/or agent have copies of the determination of no hazard from the Federal Aviation Administration (FAA), including any aeronautical study determination or other findings, if applicable.
- (5) The applicant and/or agent has plans indicating security measures (i.e., access, fencing, lighting, etc.).
- (6) For new mobile service support structures, the applicant has obtained a report prepared by an engineer licensed by the state certifying the structural design of the tower and its ability to accommodate additional antennas.
- (7) The applicant and/or agent has proof of liability coverage.
- (8) The applicant and/or agent has copies of an affidavit of notification indicating that all operators and owners of airports located within five miles of the proposed site have been notified via certified mail.

- (9) The facility or collocation is designed to promote site sharing, such that space is reasonably available to collocators and such that telecommunication towers and necessary appurtenances, including, but not limited to, parking areas, access road, and utilities, are shared by site users whenever possible.

(Ord. No. 2022-12, § 11.055(f), 10-11-2022)

Sec. 22-614. Class 2 collocation application process.

(a) A county zoning permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the county but still requires the issuance of the county permit.

(b) A written permit application must be completed by any applicant and submitted to the county planning and zoning department. The application must contain the following information:

- (1) The name and business address of, and the contact individual for, the applicant.
- (2) The location of the proposed or affected support structure.
- (3) The location of the proposed mobile service facility.

(c) A permit application will be provided by the county upon request to any applicant.

(d) A Class 2 collocation is subject to the same requirements for the issuance of a zoning permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a zoning permit shall be in an amount as provided in the county fee schedule.

(e) If an applicant submits to the county an application for a zoning permit to engage in an activity described in this article, which contains all of the information required under this article, the county shall consider the application complete. If any of the required information is not in the application, the county shall notify the applicant in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(f) Within 45 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 45-day period:

- (1) Make a final decision whether to approve or disapprove the application.
- (2) Notify the applicant, in writing, of its final decision.
- (3) If the application is approved, issue the applicant the relevant permit.
- (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(g) The fee for the permit is in an amount as provided in the county fee schedule per Wis. Stats. § 66.0404(4)(d).

(Ord. No. 2022-12, § 11.055(g), 10-11-2022)

Sec. 22-615. Information report.

(a) The purpose of the report under this section is to provide the county with accurate and current information concerning the telecommunications facility owners and providers who offer or provide telecommunications services within the county, or that own or operate telecommunications facilities within the county, to assist the county in enforcement of this section, and to assist the county in monitoring compliance with local, state, and federal laws.

(b) Information report.

- (1) All telecommunications tower owners of any new telecommunications tower shall submit to the planning and zoning department a telecommunications facility information report (the report) within 45 days:
 - a. Following conditional use approval;
 - b. Of receipt of a written request from the county department of planning and zoning; and
 - c. Of any change in occupancy of the tower.
- (2) The report shall include the tower owner names, addresses, telephone numbers, contact persons, and proof of bond as security for removal. The tower owner shall supply the tower height or current occupancy, if applicable, the number of collocation positions designated, occupied or vacant. This information shall be submitted on the county form provided and designated for such use and shall become evidence of compliance.

(Ord. No. 2022-12, § 11.055(h), 10-11-2022)

Sec. 22-616. Removal/security for removal.

(a) *Removal.* It is the express policy of the county and this article that telecommunications towers be removed once they are no longer in use and not a functional part of providing telecommunications service, and that it is the telecommunications provider's responsibility to remove such telecommunications tower and restore the site to its original condition or a condition approved by the county planning and zoning department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to five feet below the surface. After a telecommunications tower is no longer in operation, the provider shall have 180 days to effect removal and restoration unless weather prohibits such efforts. The permittee shall record a document with the county register of deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

(b) *Security for removal.* The owner of any telecommunications tower shall provide to the county, prior to the issuance of the conditional use permit or the issuance of a zoning permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or \$20,000.00, whichever is less, to guarantee that the telecommunications tower will be removed when no longer in operation. The county will be named as

obligee in the bond and must approve the bonding company. The county may require an increase in the bond amount after five-year intervals to reflect increases in the Consumer Price Index. The provider shall supply any increased bond within a reasonable time, not exceeding 60 days, after the county's request. A permittee may submit a letter of credit in the amount set forth above, or, in the alternative, a permittee with several sites in the county may submit a master bond to cover all of said sites. A master bond or a letter of credit may, in the committee's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount used as the master bond or letter of credit covers any other site in the county.

(Ord. No. 2022-12, § 11.055(i), 10-11-2022)

Sec. 22-617. Structural, design and environmental standards.

(a) *Mobile service support structure, antenna and facilities requirements.* All mobile service facilities and mobile service support structures, except exempt facilities as defined in section 22-611, shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below:

- (1) Mobile service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the county to be otherwise.
- (2) Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.
- (3) Equipment compounds shall be constructed of nonreflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping and shall be located or designed to minimize their visibility.
- (4) Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with the state uniform building code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, county subdivision ordinance, county sanitation ordinance, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), and American National Standards Institute (ANSI) in effect at the time of manufacture. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or supervisory controlled automated data acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the county.

(b) *Site development.* A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located so as to permit expansion for mobile service facilities to serve all potential collocators.

(c) *Vegetation protection and facility screening.*

- (1) Except exempt facilities as defined in section 22-611, all mobile service facilities shall be installed in a manner as to minimize disturbance to existing native

vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, the term "mature landscaping" shall mean trees, shrubs, or other vegetation of a minimum initial height of five feet that will provide the appropriate level of visual screening immediately upon installation.

- (2) Upon project completion, the owners/operators of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site.

(d) *Fire prevention.* All mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.

(e) *Noise and traffic.* All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile service facilities, except exempt facilities as defined in section 22-611:

- (1) Noise-producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair; and
- (2) Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes.

(f) *Separation requirements.* Mobile service support structures shall be separated by a minimum of 2,640 feet, except that:

- (1) Two mobile service support structures may be permitted to be located within 100 feet of each other subject to approval of the county planning and zoning committee.
 - (2) Camouflaged mobile service support structures are exempt from the separation between mobile service support structures requirement listed in this subsection (f).
- (Ord. No. 2022-12, § 11.055(j), 10-11-2022)

Sec. 22-618. Abandonment.

Any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of 12 months shall be considered abandoned. Upon application, the committee may extend the time limit to abandon once for an additional 12-month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:

- (1) The owner of such antenna, mobile service facility or mobile service support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, buildings and foundations to the depth as otherwise herein required within 90 days of receipt of notice from the planning and zoning department notifying the owner of such abandonment. If removal to the satisfaction of the planning and zoning department does not occur

within said 90 days, the county zoning director may order removal utilizing the established bond as provided under section 22-614 and salvage said antenna, mobile service facility or mobile service support structure, including all supporting equipment and buildings. If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.

- (2) The recipient of a zoning permit allowing a mobile service support structure and facility under this article, or the current owner or operator, shall notify the county planning and zoning department within 45 days of the date when the mobile service facility is no longer in operation.

(Ord. No. 2022-12, § 11.55(k), 10-11-2022)

Secs. 22-619—22-639. Reserved.

ARTICLE VI. TRAFFIC, LOADING, PARKING, AND ACCESS

Sec. 22-640. Traffic visibility.

(a) In each quadrant of every public street intersection and street-railroad intersection, there shall be a visual clearance triangle bounded by the street centerline and a line connecting points on them 300 feet from a Class A or B highway intersection, 200 feet from a Class C highway intersection, 150 feet from a Class D highway intersection, and 100 feet from a Class E highway intersection.

(b) Within this triangle, no object over 2½ feet in height above the roadbeds shall be allowed if it obstructs the view across the triangle.

(c) The following objects and activities are permitted within visual clearance triangles: open fences; telephone, telegraph, and power transmission poles, lines, and portable equipment; the planting and harvesting of field crops; the growing of shrubbery and trees, provided that vision is not obstructed.

(Ord. No. 2022-12, § 11.06(a), 10-11-2022)

Sec. 22-641. Loading requirements.

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

(Ord. No. 2022-12, § 11.06(b), 10-11-2022)

Sec. 22-642. Parking requirements.

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

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

- (2) Size of each parking space shall be not less than 200 square feet exclusive of the space required for ingress and egress. A single stall garage or one stall in a multiple-stall garage may replace a single required parking space.
- (3) Location to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway except in residential, community, or waterfront districts shall be closer than 25 feet from the residential, community, or waterfront district lot line or a street line opposite such a district.
- (4) Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- (5) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (6) a. Number of parking stalls required is shown in the following table:

<i>Use</i>	<i>Minimum Parking Required</i>
Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Multifamily dwellings	1.5 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room, plus 1 stall for each 3 employees
Hospitals, clubs, lodges, dormitories, lodging and boardinghouses	1 stall for each 2 beds, plus 1 stall for each 3 employees
Sanitarium institutions, rest and nursing homes	1 stall for each 5 beds, plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees, plus 1 stall for each 10 students of 16 years of age or more
Restaurants, bars and places of entertainment	1 stall for each 50 square feet of floor area used by patrons
Repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for each 2 employees
Financial institutions, business, government and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 4 seats
Bowling alleys	5 stalls for each alley

- b. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- c. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

(Ord. No. 2022-12, § 11.06(c), 10-11-2022)

Sec. 22-643. Interchange area overlay zone.

(a) *Purpose.* To supplement the controls of the zoning districts by providing special regulations as required by the unique characteristics of land development and traffic generation and movement in interchange areas.

(b) *Application.*

- (1) The general standards set forth hereunder will apply to all lands within the delineated areas surrounding any existing or planned highway interchange and shall be overlaid upon the primary zoning districts already applied to the same lands. In the event of conflicting standards between the underlying zoning and interchange overlay regulations, the more restrictive shall apply.
- (2) The following rules shall apply for an area of one-half mile outside the interchange right-of-way or for a distance of one-half mile along and either side of an intersecting highway from the most remote end of interchange ramp taper, whichever is greater.

(c) *Access control on intersecting highway.*

- (1) On a dual-lane highway, there shall be no access within 1,000 feet of the most remote end of any ramp taper.
- (2) On other intersecting highways, there shall be no access within 700 feet of the most remote end of taper.
- (3) There shall be no access point closer than 700 feet to another access point.
- (4) Access points on opposite sides of the highway shall be directly opposite each other or opposite a median crossover or separated by at least 300 feet of lateral distance.
- (5) Frontage roads or interior access roads shall be utilized to minimize the number of direct access points to the intersecting highway.

(d) *Setbacks.* From an intersecting highway, 160 feet from the centerline or 100 feet from the right-of-way line, whichever is greater, or 50 feet from the right-of-way of the frontage road.

(e) *Dedication.* Every property shall dedicate land for either a frontage road or an interior street in the amount of 66 feet.

(Ord. No. 2022-12, § 11.06(d), 10-11-2022)

Secs. 22-644—22-674. Reserved.

ARTICLE VII. MODIFICATIONS

Sec. 22-675. Height.

(a) Communication structures and utilities, except transmission lines, which shall have no height limitation, shall not exceed in height twice their distance from the nearest lot line.

(b) Agricultural structures, such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.

(c) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitarium, libraries, governmental offices, and stations, may be erected to a height of 60 feet, provided that all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

(d) Essential services are exempt from the height requirements of this chapter.
(Ord. No. 2022-12, § 11.07(a), 10-11-2022)

Sec. 22-676. Yards.

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

- (1) In any R, B, C or W district, accessory uses and detached accessory structures shall not exceed 18 feet in height, shall not occupy more than 15 percent of the yard area, and shall not be closer than three feet to any lot line. The 18 feet height limitation for detached garages may be modified through conditional use permit approval under extensive on-site parking and storage.
- (2) Essential services are exempt from the yard and distance requirements of this chapter.
- (3) Landscaping and vegetation are exempt from the yard requirements of this chapter.
- (4) Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

(Ord. No. 2022-12, § 11.07(b), 10-11-2022)

Sec. 22-677. Screening regulations.

Any use required by this chapter to be screened in accordance with this article shall be contained within an opaque fence or wall eight feet high, or a visual screen consisting of evergreen, or evergreen-type hedges or shrubs, spaced at intervals of not more than six feet, located and maintained in good condition within 15 feet of the property line, or in any way out of view of the public.

(Ord. No. 2022-12, § 11.07(c), 10-11-2022)

Sec. 22-678. Highway setback requirements.

(a) *Classification.* For the purposes of this chapter, the highway classifications as set forth in the county jurisdictional highway planning study (see section 22-679) are divided into functional classifications as follows:

<i>Functional Classification</i>	<i>Highway Classification</i>
Class A	Principal arterial highways
Class B	Minor arterial highways
Class C	Major collector highways and all state trunk highways not in Class A or Class B
Class D	Minor collector highways, local highways, town roads and all county trunk highways not in Class A, B or C
Class E	Town roads located within subdivisions

(b) *Setbacks.* Except as otherwise provided, all structures shall conform to the following minimum setbacks. The more restrictive distance shall apply.

<i>Functional Classification</i>	<i>Setback from Right-of-Way</i>	<i>Setback from Centerline</i>
Class A	100'	200'
Class B	70'	140'
Class C	50'	110'
Class D	50'	85'
Class E	30'	63'

(c) *State law.* Where more restrictive setbacks are established by state law or by administrative rules, such laws or rules shall apply.

(d) *Reduced setbacks.* A setback of less than the required setback is permitted where there are at least five existing main buildings which are within the required setback within 500 feet of the proposed building site. In such cases, the setback shall be the average of the nearest main building on each side of the proposed site, or if there is no building on one side, the average of the setback for the main building on one side and the required setback.

(Ord. No. 2022-12, § 11.07(d), 10-11-2022)

Sec. 22-679. County 1995 rural functional systems county roads.

As specified in section 22-678(b), the highway setback is determined by the road's functional classification. The highways contained in this listing are defined by county as statewide and areawide arterials on the 1970 functional system map.

Principal arterial	I-94	Dane county line to STH 26
	I-94	STH 26 to Waukesha county line
	USH 12	Cambridge city limits to Fort Atkinson city limits
	USH 12	Fort Atkinson city limits to Whitewater city limits
	USH 16	Dodge county line to Oconomowoc Chaffee Street
	STH 26	CTH Y to Jefferson city limits
	STH 26	Jefferson city limits to Fort Atkinson city limits
	STH 26	Farmco Street (City of Fort) to Rock county line

Minor arterial	USH 18	USH 12 to Jefferson city limits
	USH 18	Jefferson city limits to CTH F
	USH 18	CTH F to Waukesha county line
	STH 19	Dane county line to Watertown city limits
	STH 59	Waukesha county line to Walworth county line
	STH 89	Dane county line to Lake Mills city limits
	STH 89	Lake Mills city limits to USH 18
	STH 89	USH 18 to Fort Atkinson city limits
	STH 106	Dane county line to Fort Atkinson city limits
	STH 106	Fort Atkinson city limits to Palmyra Village
Major collector	CTH A	Lake Mills city limits south to Watertown city limits
	CTH A	STH 89 south to USH 18
	CTH B	CTH O East to Lake Mills city limits
	CTH B	Lake Mills city limits east to Johnson Creek village limits
	CTH B	STH 26 east to CTH F
	CTH B	CTH F east to Waukesha county line
	CTH C	Dane county line East to USH 12
	CTH CI	STH 106 east to CTH Z
	CTH CW	Watertown city limits East to Dodge county line
	CTH CW	CTH SC east to Waukesha county line
	CTH D	CTH E south to CTH B
	CTH D	CTH B south to CTH Y
	CTH D	CTH Y south to STH 106
	CTH D	STH 106 south to STH 59
	CTH E	Watertown city limits south to CTH F
	CTH F	STH 16 south to CTH CI
	CTH H	STH 59 south to Walworth county line
	CTH K	Jefferson city limits south to STH 26
	CTH M	USH 12 east to CTH N
	CTH O	Waterloo city limits south to Dane county line
CTH O	Dane county line south to STH 134 (London)	
CTH U	CTH N east to CTH D	
CTH V	CTH B east to CTH B	
CTH W	Jefferson city limits south to STH 89	
CTH Y	STH 26 south to Johnson Creek village limits	

Minor collector	CTH E	Sullivan village limits south to STH 59
	CTH G	STH 19 south to STH 89
	CTH H	CTH Z south to STH 59
	CTH J	Jefferson city limits southwest to CTH C
	CTH K	USH 12 south to Rock county line
	CTH N	CTH A south to Jefferson city limits
	CTH N	Jefferson city limits south to Walworth county line
	CTH Q	STH 19 south to CTH A
	CTH Q	CTH A south to STH 89
	CTH S	CTH B south to CTH A
	CTH Y	CTH 26 south to USH 18
	CTH Y	USH 18 south to CTH D
	CTH Y	CTH D east to CTH F (Rome)
	CTH Z	Waukesha county line south to CTH H
Local	CTH A	USH 18 south to USH 12
	CTH A	USH 12 south to STH 106
	CTH G	STH 89 south to USH 12
	CTH J	CTH C south to STH 106
	CTH P	CTH E south to CTH B
	CTH P	CTH B south to CTH F (Rome)
	CTH SC	CTH CW south to USH 16
	CTH T	CTH Q east to Watertown city limits
	CTH X	Watertown city limits south to CTH B
	CTH Z	STH 59 south to Waukesha county line
	Annex Road	CTH W to end

(Ord. No. 2022-12, app. B, 10-11-2022)

Secs. 22-680—22-701. Reserved.

ARTICLE VIII. SIGNS

Sec. 22-702. Purpose.

The purpose of this article is to provide the minimum regulations, provisions and requirements to ensure the public safety, general welfare and preserve the scenic beauty by regulating and controlling the installation of signs and other advertising structures within the county.

(Ord. No. 2022-12, § 11.08(a), 10-11-2022)

Sec. 22-703. Definitions; general provisions; permits.

(a) *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:

Erect means to construct, build, raise, assemble, place, fix, attach, create, paint, draw, or in any other way bring into being or establish.

Political sign means any sign that is designed, intended, or used to advertise or inform the public about an issue scheduled for a referendum, a candidate for a local, state or federal office or advocate a position on an issue.

Sign means any outdoor sign, structure, display, device, painting, figure, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

(b) *General provisions.*

- (1) Signs shall not be designed and installed to imitate or simulate any highway marker, signal or traffic control sign.
- (2) Signs shall not have any flashing or rotating lights.
- (3) Signs shall not be placed to obscure the vision of any official highway marker, signal, or traffic control sign.
- (4) A railroad crossing shall be considered the same as a highway intersection.
- (5) Signs shall not be attached to trees, fence posts or fences or utility structures and shall not be painted on rocks or other natural objects.
- (6) Signs shall be kept in good state of repair.
- (7) The provisions of this chapter which define permitted locations of signs along the public roads and highways are held to be the minimum standards to ensure safety on the public roads and highways.

(c) *Permits.*

- (1) Permits are required for the installation or erection of all signs, except for political, real estate, development, temporary and crop demonstration signs.
- (2) The application for a permit to install or erect a sign shall contain such information as required by the zoning administrator.
- (3) Fees. The minimum fee for a sign permit in the county shall be in an amount as provided in the county fee schedule. A double fee shall be charged if the construction of a sign or media of advertising is started prior to obtaining a permit.
- (4) The permit fee for signs along the interstate system and the federal aid primary system shall be in an amount as provided in the county fee schedule.

- (5) On state and federal highways which are controlled by these agencies, their permit must be presented as evidence before a county permit can be issued.
- (6) For the purpose of this chapter, the responsibility of securing a permit to erect or repair a sign in the county falls not only with the owner of such sign, but to the mechanic who erects or repairs and to the owner of the property on which said sign is erected. All are held equally responsible. In any violation, action shall be taken against the above individually and every day the violation exists constitutes a separate offense as set forth in section 22-20.

(d) *Removal of certain signs.*

- (1) Any sign now or hereafter existing which no longer advertises a bona fide business or a product available shall be removed within 30 days after notification by certified mail by the zoning administrator to the owner of the sign.
- (2) Any sign for which the permit fee is not paid by January 10 shall be removed within 30 days after notification by certified mail by the zoning administrator to the owner of the sign.
- (3) If the order for removal of a sign sent to the sign owner is not deliverable by certified mail, the notice shall be sent by certified mail to the owner of the land on which the sign is located.
- (4) Any political sign in violation of the political sign location requirements will be removed by the order of the county zoning administrator. The sign owner may reclaim political signs for a period up to ten days after removal. Political signs that are unclaimed after the ten day period may be disposed of.

(e) *Amortization of nonconforming signs.*

- (1) Any sign now in existence which was installed or erected before August 1, 1973, shall be made to conform to the provisions of this chapter within one year of the effective date of the ordinance from which this chapter is derived, or at the end of one year shall be ordered removed by the zoning administrator under procedures outlined in subsections (d) of this section.
- (2) Any sign in existence which was installed or erected since August 1, 1973, and for which a permit has been issued by the zoning administrator, shall be made to conform to the provisions of this chapter within three years of the effective date of the amendment of the ordinance from which this chapter is derived or at the end of three years shall be ordered removed by the zoning administrator under procedures outlined in subsection (d) of this section.
- (3) Any sign in existence which was installed or erected since August 1, 1973, and for which a permit has never been issued by the zoning administrator, shall be made to conform to the provisions of this chapter within 90 days of the effective date of the

amendment of the ordinance from which this chapter is derived or at the end of 90 days shall be ordered removed by the zoning administrator under procedures in subsection (d) of this section.

(f) *Signs located in the area covered by Wis. Stats. § 84.30.*

(1) Along the interstate system and federal primary system defined by the state department of transportation, a county permit will be made available upon submission of the department of transportation sign permit and the payment of the proper fee required in this chapter.

(2) Where the state department of transportation's regulations apply, they supersede this chapter with the exception of subsection (c) of this section.

(Ord. No. 2022-12, § 11.08(k), 10-11-2022)

Sec. 22-704. Advertising, billboards and posterboard signs.

(a) *Size.* Sign area shall not exceed 300 square feet. Trim area shall not exceed 25 percent of sign area.

(b) *Location of signs.*

(1) Signs may be placed at the right-of-way line of any highway except that signs shall not be permitted between the points of tangency on a curve to the right of any highway.

(2) Signs shall not be permitted within 300 feet of any intersection. The beginning of a curve on a highway interchange ramp or the beginning of a curved access to an intersection shall be considered as the intersection for the purpose of sign location.

(c) *Distance between signs.*

(1) Two sign faces shall be permitted at any location and the distance between signs shall be 300 feet.

(2) Back-to-back signs shall be permitted, except that each sign face shall require a separate permit.

(d) *Height of sign.* Signs shall not exceed 35 feet in height above the mean centerline grade of the adjacent highway.

(e) *Permitted districts.* Permitted zoning districts: B, business; I, industrial.

(Ord. No. 2022-12, § 11.08(b), 10-11-2022)

Sec. 22-705. Directory signs.

(a) *Size.*

(1) Sign area shall not exceed 96 square feet. Trim area shall not exceed 20 percent of the sign area.

- (2) No more than 50 percent of the sign area shall be devoted to advertising a product or service not exclusively available at the premises or location to which the sign directs attention.

(b) *Location.*

- (1) Signs may be placed at the right-of-way line of any highway, except that signs shall not be permitted between the points of tangency on a curve to the right of any highway.
- (2) Signs shall not be permitted within 300 feet of any intersection. The beginning of a curved access to an intersection shall be considered as the intersection for the purpose of sign location.
- (3) When located on the same highway as the business, service, or entertainment to which it directs attention, a directory sign shall be located not more than three miles from such place. When more than one Class A, B, or C highway must be traveled to reach a business, service or entertainment, a directory sign may be placed in each approaching direction to the intersection and such a sign shall not be more than five air miles from the business, service or entertainment advertised. When the business, service or entertainment advertised is located within the corporate limits of any village or city, the distance requirements shall be measured from the corporate limits at its intersection of the highway on which the sign is to be located.

(c) *Distance between signs.*

- (1) One sign shall be permitted at any location and the distance between signs shall be 1,320 feet.
- (2) Back-to-back signs shall be permitted; except, however, a separate permit shall be required for each sign face.

(d) *Permitted zoning districts.* Permitted zoning districts shall be as follows:

- (1) B business;
- (2) I industrial;
- (3) A agricultural.

(Ord. No. 2022-12, § 11.08(c), 10-11-2022)

Sec. 22-706. On-premises signs.

(a) *Location.*

- (1) On-premises signs may be attached to the building they are intended to serve.
- (2) Freestanding on-premises signs shall be located within the required yard of the building they are intended to serve.
- (3) If the business, service or entertainment is located at a highway intersection, an on-premises sign shall not be located within the vision clearance triangle.

(b) *Height.*

- (1) On-premises signs shall not exceed the height of any building permitted in the zoning district in which the sign is located.
- (2) The gross size of the on-premises signs for each business establishment shall be 150 square feet or less. This area may be divided into not more than four panels.

(c) *Permitted zoning districts.* Permitted zoning districts shall be as follows:

- (1) B business;
- (2) I industrial;
- (3) A agricultural;
- (4) F floodplain.

(Ord. No. 2022-12, § 11.08(d), 10-11-2022)

Sec. 22-707. Home occupation signs.

(a) *Size.* Home occupation signs shall not exceed six square feet in area.

(b) *Location.* Home occupation signs shall be attached to the residential building in which a home occupation is permitted. Home occupation signs shall not be lighted at night.

(c) *Permitted zoning districts.* Permitted zoning districts shall be as follows:

- (1) R-1 residential;
- (2) R-2 residential;
- (3) A agricultural;
- (4) C community;
- (5) W waterfront;
- (6) F floodplain.

(Ord. No. 2022-12, § 11.08(e), 10-11-2022)

Sec. 22-708. Real estate signs.

(a) *Size.* Real estate signs shall not exceed 12 square feet in area.

(b) *Location.* Real estate signs shall be located on the premises offered for sale, rent, lease or trade.

(c) *Removal.* Real estate signs shall be removed immediately upon the signing of a sales, rent, lease or trade contract.

(Ord. No. 2022-12, § 11.08(f), 10-11-2022)

Sec. 22-709. Development signs.

(a) *Size.* Development signs shall not exceed 32 square feet in area.

(b) *Location.*

- (1) For buildings under construction, the sign shall be on the same premises as the building under construction.
- (2) For subdivisions in which lots are offered for sale, one sign may be located on each outer boundary of the subdivision.

(c) *Removal.*

- (1) Building construction signs shall have been removed before a certificate of compliance shall be issued by the zoning administrator.
- (2) Subdivision signs shall be removed when more than 75 percent of the lots have been sold.

(d) *Permitted zoning districts.* Permitted zoning districts shall be as follows: all zoning districts.

(Ord. No. 2022-12, § 11.08(g), 10-11-2022)

Sec. 22-710. Temporary signs.

(a) *Size.* Temporary signs shall not exceed eight square feet in area.

(b) *Location.* Temporary signs shall not be located within the right-of-way lines of any road or highway and shall not be attached to any official highway marker, emblem or traffic control sign or device.

(c) *Removal.* Temporary signs shall be removed not later than seven days after the last day on which an event occurred.

(d) *Permitted zoning districts.* Permitted zoning districts shall be as follows: all zoning districts.

(Ord. No. 2022-12, § 11.08(h), 10-11-2022)

Sec. 22-711. Crop demonstration signs.

(a) *Size.* Crop demonstration signs shall not exceed eight square feet in area.

(b) *Location.* Crop demonstration signs shall be located on the same premises as the crop used. A separate sign for each seed or plant variety being grown is permitted. A separate sign for each fertilizer, herbicide, pesticide or insecticide being used is permitted. Signs may designate a variety or brand name and shall not direct attention to a dealer or place where such products are sold.

(c) *Removal.* Crop demonstration signs shall be removed not later than ten days following crop harvest.

(d) *Permitted zoning districts.* Permitted zoning districts shall be as follows: A agricultural.
(Ord. No. 2022-12, § 11.08(i), 10-11-2022)

Sec. 22-712. Political signs.(a) *Location.*

- (1) Political signs shall not be located within the right-of-way lines of any road or highway and shall not be attached to any official highway marker, emblem or traffic control sign or device.
- (2) Political signs that exceed four square feet in area shall not be located within the vision clearance triangle.

(b) *Date of placement.* Political signs may not be erected prior to:

- (1) The first day that nomination papers may be circulated for the general election for which they are posted.
- (2) The first day that a referendum is scheduled for the general and/or special election for which they are posted.
- (3) The first day that a recall election is scheduled for which they are posted.

(c) *Height of sign.* Political signs located within the vision clearance triangle shall not exceed three feet in height above the mean centerline grade of the adjacent roadway.

(d) *Removal.* Political signs shall be removed not later than 15 days following the election for which they were posted.

(e) *Permitted zoning districts.* Permitted zoning districts shall be as follows: all zoning districts.

(Ord. No. 2022-12, § 11.08(j), 10-11-2022)

Secs. 22-713—22-737. Reserved.**ARTICLE IX. NONCONFORMING USES, STRUCTURES, AND LOTS****Sec. 22-738. Existing nonconforming uses.**

The lawful nonconforming uses of a structure, land or water existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued, some for specific periods of time, although the use does not conform with the provisions of this chapter; however:

- (1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when authorized by state law or required to do so by law or order so as to comply with the provisions of this chapter.
- (2) Total lifetime structural repairs or alterations shall not exceed 50 percent of the structural members of the existing structure with additions not exceeding 50 percent of existing foundation footprint whether vertical or horizontal, and the addition shall meet all setbacks at the time of it becoming a nonconforming use unless it is

permanently changed to conform to the use provisions of this chapter. Any alteration, structural member replacement or repair or addition to a structure with an existing nonconforming use shall also meet all the requirements of article X of this chapter, the county floodplain provisions, and Wis. Stats. § 87.30.

- (3) Substitution of new equipment may be permitted by the board of adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (4) One new structure may be constructed on the premises if all yard requirements of the district can be met. This structure cannot increase the gross cubage of the buildings by more than 40 percent.
- (5) Land area upon which use is located may be expanded not more than 30 percent of the square feet of land area existing on the adoption date of the ordinance from which this chapter is derived.

(Ord. No. 2022-12, § 11.09(a), 10-11-2022)

Sec. 22-739. Abolishment or replacement.

(a) If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter. Replacement or reconstruction of a nonconforming structure or use shall meet Wis. Stats. § 59.69(10m) which states:

"Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this section may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to paragraph (b), location, and use that it had immediately before the damage or destruction occurred or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

- (a) 1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
- (a) 2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- (b) An ordinance enacted under this section to which paragraph (a) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements."

(b) This section does not apply to floodplain structures or uses. See floodplain provisions and Wis. Stats. § 87.30 for applicable floodplain restrictions regarding damage by flood.

(c) A current file of all nonconforming uses shall be maintained by the zoning administrator listing the following: owner's name and address; use of the structure, land or water; and assessed value at the time of it becoming a nonconforming use.

(Ord. No. 2022-12, § 11.09(b), 10-11-2022)

Sec. 22-740. Existing nonconforming structures.

(a) The lawful nonconforming structure existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however, it shall not be extended, enlarged, moved, or structurally altered in excess of 50 percent of the structural members of the existing structure with additions not exceeding 50 percent of existing foundation footprint whether vertical or horizontal and the addition shall meet all setbacks or go no closer to any side, rear or road setback. For an existing nonconforming structure located within any road right-of-way or existing over a lot line, no additions or alteration of structural members, not including ordinary maintenance, shall be permitted. Any alteration or addition to any nonconforming structure shall also meet all the requirements of article X of this chapter, county floodplain regulations and Wis. Stats. § 87.30. The repair, maintenance, renovation, rebuilding or remodeling of a nonconforming structure or any part of a nonconforming structure is not prohibited and does not require a variance if done so in accordance with this article.

(b) For this section, a structural member includes the number of existing walls, foundation walls, floor, and roof. Any alteration to a structural member qualifies for inclusion in the calculation of the 50 percent provisions.

(Ord. No. 2022-12, § 11.09(c), 10-11-2022)

Sec. 22-741. Changes and substitutions.

Once a nonconforming use or structure has been changed to conform to the requirements of this chapter, it shall not revert back to a nonconforming use or structure. Once the zoning board of adjustment has granted a variance to a more restrictive use from an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the zoning board of adjustment.

(Ord. No. 2022-12, § 11.09(d), 10-11-2022)

Sec. 22-742. Substandard lots.

(a) In any residential, waterfront or community district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the county register of deeds' office. All current sections and subsequent amendments of this chapter, the county private sewage system and the county floodplain regulations shall apply.

(b) In accordance with Wis. Stats. § 66.10015(2)(e), a property owner of a legal substandard lot may:

- (1) Convey ownership interest in a substandard lot;
- (2) Use the substandard lot or parcel as a building site if all of the following apply:
 - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

- b. The substandard lot or parcel is developed to comply with all other requirements of this chapter.
- c. In any zoning district, the substandard lot shall not be used without full compliance with the provisions of all current sections and subsequent amendments of the ordinance from which this chapter is derived, the county private sewage system regulations, and the county floodplain regulations. For a substandard parcel in any district, all of the district requirements shall be complied with insofar as practicable, but shall not be less than the following, and shall meet all requirements of the county's private sewage system regulations, floodplain regulations and article X of this chapter.

(Ord. No. 2022-12, § 11.09(e), 10-11-2022)

Sec. 22-743. Lot dimensions.

Lot dimensions shall be as follows:

- (1) *Lot width.*
 - a. Minimum 40 feet (served by public sewer).
 - b. Minimum 50 feet (served by private sewer).
- (2) *Lot area.*
 - a. Minimum 5,000 square feet (served by public sewer).
 - b. Minimum 10,000 square feet (served by private sewer).

(Ord. No. 2022-12, § 11.09(f), 10-11-2022)

Sec. 22-744. Yard setbacks.

Yard setbacks shall be as follows:

- (1) Street: Minimum 25 feet from lot line; the second street yard on corner lots shall be not less than ten feet from the lot line.
- (2) Rear: Minimum 15 feet from lot line.
- (3) Side: Minimum five feet from lot line.
- (4) Shore: Minimum 75 feet.
- (5) Accessory structures: A minimum yard for detached accessory structures is three feet if located in rear yard area of principal structure.

(Ord. No. 2022-12, § 11.09(g), 10-11-2022)

Sec. 22-745. Non-farm residences within the A-1 district.

Residences within the A-1 district legally constructed before January 15, 1975, but not defined as a farm residence under section 22-7, may continue as prior nonconforming uses, and shall not be subject to any standard or limitation under this article, except for the following:

- (1) A residence as established under section 22-743, which has been removed, abandoned, or is no longer used as a residence, may be replaced, reconstructed, or improved if

substantial evidence is provided documenting the previous existence of such legal residence and the replacement, reconstruction, or improvement occurs within 15 years of the residence's removal, abandonment, or nonuse as a residence. If the replacement or reconstruction is requested more than 15 years after the removal, abandonment, or nonuse as a residence, the request shall be made to the planning and zoning committee. The committee shall review the request for compliance with this chapter and the agricultural preservation and land use plan. The replacement or reconstruction shall meet all provisions of this chapter.

- (2) Where such a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity, or is dismantled for the purpose of reconstruction, it may be restored or replaced, as long as the replacement residence is placed within 100 feet of the residence built before January 15, 1975, and in compliance with all other county ordinances and state laws.

(Ord. No. 2022-12, § 11.09(h), 10-11-2022)

Secs. 22-746—22-773. Reserved.

ARTICLE X. SHORELAND

DIVISION 1. GENERALLY

Sec. 22-774. Statutory authorization.

The ordinance from which this article is derived is adopted pursuant to the authorization in Wis. Stats. § 59.692 to implement Wis. Stats. §§ 59.692 and 281.31.

(Ord. No. 2022-12, § 11.10(a)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(a)(1), 8-8-2023)

Sec. 22-775. 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 state legislature 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, regulate the placement of structures and land uses; and preserve shore cover and natural beauty. This responsibility is hereby recognized by the county.

(Ord. No. 2022-12, § 11.10(a)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(a)(2), 8-8-2023)

Sec. 22-776. Purpose and intent.

For the purpose of promoting the public health, safety, convenience, and welfare, and to 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.
- (Ord. No. 2022-12, § 11.10(a)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(a)(3), 8-8-2023)

Sec. 22-777. Definitions.

(a) For the purpose of administering and enforcing this article, all distances unless otherwise specified shall be measured horizontally.

(b) In addition to the definitions in section 22-7, 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:

Access and viewing corridor means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

Accessory structure means a subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts. The term "accessory structure" means any facility, structure, building or use which is accessory or incidental to the principal use of the property, structure, or building.

Boathouse 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.

Building envelope means the three-dimensional space within which a structure is built.

Conditional use means a use which is permitted by this chapter, provided that certain conditions specified in this chapter are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

County zoning agency 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.

Department means the department of natural resources.

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 substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition or extraction of materials.

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.

Existing development pattern means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

Floodplain means the land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Wis. Admin. Code ch. NR 116.

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), the term "footprint" means 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.

Generally accepted forestry management practices 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.

Impervious surface 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 to be calculated as impervious surfaces.

Lot means a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this chapter.

Lot area means the area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high-water mark of navigable waters.

Lot of record means any lot, the description of which is properly recorded with the register of deeds which, at the time of its recordation, complied with all applicable laws, ordinances, and regulations.

Mitigation means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

Navigable waters 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 the state, including the state portion of boundary waters, which are navigable under the laws of the 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:

- (1) 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
- (2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

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.

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.

Routine maintenance of vegetation means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

Shoreland 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.

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.

Shoreland-wetland district means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the state wetland inventory maps prepared by the department.

Structure means a principal structure or any accessory structure, including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or fire pit.

Substandard lots means 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 for a new lot.

Unnecessary hardship 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 chapter.

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 chapter.

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.

(Ord. No. 2022-12, § 11.10(r), 10-11-2022; Ord. No. 2023-10, § 11.10(r), 8-8-2023)

Sec. 22-778. 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. Lakes, ponds or flowages in the county shall be presumed to be navigable if they are listed in the state department of natural resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: <http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf> or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.
- (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. Rivers and streams in the county shall be presumed to be navigable if they are designated as

perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000 scale). Flood hazard boundary maps, flood insurance rate maps, flood boundary floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

- (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 state department of transportation is not subject to local shoreland zoning ordinances if Wis. Stats. § 30.2022(1m) applies (NR 115.02). Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stats. §§ 61.353 and 62.233.
- (4) Lands under Wis. Stats. § 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, shall not be affected by this article and shall not apply to:
 - a. Lands adjacent to farm drainage ditches if:
 1. Such lands are not adjacent to a natural navigable stream or river;
 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - b. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

(Ord. No. 2022-12, § 11.10(b)(4), 10-11-2022; Ord. No. 2023-10, § 11.10(b)(1), 8-8-2023)

Sec. 22-779. Determinations of navigability and ordinary high-water mark.

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 of natural resources 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).

(Ord. No. 2022-12, § 11.10(b)(5), 10-11-2022; Ord. No. 2023-10, § 11.10(b)(2), 8-8-2023)

Sec. 22-780. Shoreland-wetland maps.

The most recent version of the state 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://dnrmaps.wi.gov/H5/?Viewer=SWDV>.

(Ord. No. 2022-12, § 11.10(b)(6), 10-11-2022; Ord. No. 2023-10, § 11.10(b)(3), 8-8-2023)

Sec. 22-781. Compliance.

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, or 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.

(Ord. No. 2022-12, § 11.10(b)(7)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(b)(4), 8-8-2023)

Sec. 22-782. 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 state department of transportation are exempt when Wis. Stats. § 30.2022(1) applies.

(Ord. No. 2022-12, § 11.10(b)(8), 10-11-2022; Ord. No. 2023-10, § 11.10(b)(5), 8-8-2023)

Sec. 22-783. Abrogation and greater restrictions.

The provisions of this article supersede any provision in a county zoning ordinance that solely relate to shorelands. If a zoning standard only applies to lands that lie within the shoreland and applies because the lands are within the 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. Additional abrogation and restrictions include:

- (1) This article shall not require approval or be subject to disapproval by any town or town board.
- (2) 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) Provisions of the county zoning ordinance shall only apply to the shoreland area when they impose greater restrictions than this article otherwise imposes and are hereby incorporated by reference.

- (5) 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 22-776.
 - (6) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that require any of the following:
 - a. Approval to install or maintain outdoor lighting in shorelands, imposition of any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or other prohibition or regulation of outdoor lighting in shorelands if the lighting is designed or intended for residential use.
 - b. Inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
 - (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. chs. 30, 31, 281 or 283.
 - (8) The term "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.
- (Ord. No. 2022-12, § 11.10(b)(9), 10-11-2022; Ord. No. 2023-10, § 11.10(b)(6), 8-8-2023)

Sec. 22-784. Interpretation.

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 state statutes. Where a provision of this article is required by statute and a standard in Wis. Admin. Code ch. NR 115, and where this 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. No. 2022-12, § 11.10(b)(7)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(b)(7), 8-8-2023)

Secs. 22-785—22-806. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

*Subdivision I. In General***Sec. 22-807. Administrative provisions.**

The county-adopted shoreland ordinance from which this article is derived requires all of the following:

- (1) The appointment of an administrator and such additional staff as the workload may require.
- (2) The creation of a zoning agency as authorized by Wis. Stats. § 59.69, a board of adjustment as authorized by Wis. Stats. § 59.694 and a county planning agency as defined in Wis. Stats. § 236.02(1) and required by Wis. Stats. § 59.692(3).
- (3) A system of permits for all 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, unless prohibited by Wis. Stats. § 59.692(1k).
- (4) Regular inspection of permitted work in progress to ensure conformity of the finished structures with the terms of this article.
- (5) 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 as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance. A conditional use procedure shall be used for uses presenting special problems.
- (6) The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.
- (7) 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 division 4 of this article.
- (8) Submission to the appropriate office of the department, within ten days after grant or denial, copies of 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.
- (9) Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.

- (10) 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).
- (11) The prosecution of violations of this article.
(Ord. No. 2022-12, § 11.10(m), 10-11-2022; Ord. No. 2023-10, § 11.10(m), 8-8-2023)

Sec. 22-808. Shoreland-wetland map amendments.

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. 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. No. 2022-12, § 11.10(n), 10-11-2022; Ord. No. 2023-10, § 11.10(n), 8-8-2023)

Secs. 22-809—22-839. Reserved.

Subdivision II. Zoning Administrator

Sec. 22-840. Duties.

The zoning administrator shall have the following duties and powers:

- (1) To establish a system for issuing 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) To conduct regular inspections of permitted work in progress to ensure conformity of the finished structures with the terms of this article.
- (3) To establish 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) To establish a special exception (conditional use) procedure.
- (5) To keep a complete record of all proceedings before the board of adjustment and the planning and zoning committee.
- (6) To ensure that written notice is forwarded 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 division 4 of this article.

- (7) To ensure 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) To map zoning districts and record on an official copy of such map all district boundary amendments.
 - (9) To enforce through appropriate penalties 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) To prosecute violations of this article.
- (Ord. No. 2022-12, § 11.10(o)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(o)(1), 8-8-2023)

Sec. 22-841. Permits.

(a) *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 administrator or board of adjustment/planning and zoning committee before any new development.

(b) *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:

- (1) Name and address of applicant and property owner.
- (2) Legal description of the property and type of proposed use.
- (3) 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.
- (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
- (5) Plans for appropriate mitigation when required.
- (6) Payment of the appropriate fee.
- (7) Additional information required by the zoning administrator.

(c) *Expiration of permit.* Zoning permits shall expire 24 months from date issued if no substantial work has commenced.

(d) *Certificates of compliance.* No land or building shall be occupied or used until a certificate of compliance is issued by the zoning administrator subject to the following conditions:

- (1) The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this article.
- (2) Application for such certificate shall be concurrent with the application for a zoning permit.
- (3) The certificate of compliance shall be issued within ten days after notification of the completion of the work specified in the zoning permit if the building or premises or proposed use thereof conforms with all the provisions of this article.

(e) *Temporary certificate.* The zoning administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the county board.

(f) *Issuance of certificate.* Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of the ordinance from which this article is derived, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this article.

(Ord. No. 2022-12, § 11.10(o)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(o)(2), 8-8-2023)

Sec. 22-842. Conditional use permits.

(a) *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 administrator and a conditional use permit has been granted by the county planning and zoning committee. To secure information upon which to base its determination, the county planning and zoning committee requires the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- (1) A plan of the area showing surface contours, soil types, ordinary high-water marks, groundwater conditions, subsurface geology, and vegetative cover.
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space, and landscaping.
- (3) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
- (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this article.
- (6) Rationale for why the proposed conditional use meets all of the conditional criteria listed in this article.

(b) *Notice, public hearing and decision.* Before deciding whether to grant or deny an application for a conditional use 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 county planning and zoning 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 county planning and zoning committee shall state in writing the grounds for granting or denying a conditional use permit.

(c) *Standards applicable to all conditional uses.* In deciding a conditional use application, the county planning and zoning committee shall evaluate the effect of the proposed use upon:

- (1) The maintenance of safe and healthful conditions.
- (2) The prevention and control of water pollution including sedimentation.
- (3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- (4) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (5) The location of the site with respect to existing or future access roads.
- (6) The need of the proposed use for a shoreland location.
- (7) Its compatibility with uses on adjacent land.
- (8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- (9) Location factors under which:
 - a. Domestic uses shall be generally preferred.
 - b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
 - c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

(d) Conditions attached to conditional uses.

- (1) 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 county planning and zoning 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.

(2) In granting a conditional use permit, the county planning and zoning committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where this article is silent as to the extent of restriction, the board may impose any reasonable permit conditions to effect the purpose of this article.

(e) Recording. When a conditional use 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 conditional use permit shall be provided to the appropriate office of the department within ten days after it is granted or denied.

(f) Revocation. Where the conditions of a conditional use permit are violated, the special exception permit shall be revoked.

(Ord. No. 2022-12, § 11.10(o)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(o)(3), 8-8-2023)

Sec. 22-843. Variances.

(a) *Variance granted.* The board of adjustment may grant upon appeal a variance from the standards of this article where an applicant convincingly demonstrates that:

- (1) Literal enforcement of the provisions of this article will result in unnecessary hardship on the applicant;
- (2) The hardship is due to special conditions unique to the property; and
- (3) The variance is not contrary to the public interest.

(b) *Notice, hearing and decision.* 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.

(c) *Board of adjustment.*

- (1) 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).
- (2) Powers and duties.
 - 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 variances pursuant to section 22-807(5).
- d. It may grant a variance from the standards of this article pursuant to section 22-807(5).
- 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 effect the purpose of this article.

(d) *Appeals to the board of adjustment.* 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.

(e) *Hearing appeals and applications for variances and conditional use permits.*

- (1) 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, conditional uses, and appeals for map or text interpretations.
 - (2) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, 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.
 - (3) 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 chair 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.
 - (4) At the public hearing, any party may appear in person or by agent or by attorney.
- (f) *Fees.* 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) Conditional use permits.
- (7) Variances.
- (8) Administrative appeals.
- (9) Other duties as determined by the county board.
(Ord. No. 2022-12, § 11.10(o)(4), 10-11-2022; Ord. No. 2023-10, § 11.10(o)(4), 8-8-2023)

Secs. 22-844—22-864. Reserved.

Subdivision III. Changes and Amendments

Sec. 22-865. County board may alter regulations.

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.
(Ord. No. 2022-12, § 11.10(p)(intro. ¶), 10-11-2022; Ord. No. 2023-10, § 11.10(p)(intro. ¶), 8-8-2023)

Sec. 22-866. Amendments generally.

Amendments to this article may be made on petition of any interested party as provided in Wis. Stats. § 59.69(5).
(Ord. No. 2022-12, § 11.10(p)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(p)(1), 8-8-2023)

Sec. 22-867. Shoreland-wetland map amendments.

(a) Every petition for a 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. No. 2022-12, § 11.10(p)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(p)(2), 8-8-2023)

Secs. 22-868—22-897. Reserved.

*Subdivision IV. Enforcement and Penalties***Sec. 22-898. Generally.**

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.

(Ord. No. 2022-12, § 11.10(q)(intro. ¶), 10-11-2022; Ord. No. 2023-10, § 11.10(q)(intro. ¶), 8-8-2023)

Sec. 22-899. 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 \$25.00 nor more than \$5,000.00 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 administrator shall refer violations to the corporation counsel who shall prosecute violations.

(Ord. No. 2022-12, § 11.10(q)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(q)(1), 8-8-2023)

Sec. 22-900. Injunction.

Any use or action which violates the provisions of this article shall be subject to a court injunction prohibiting such violation.

(Ord. No. 2022-12, § 11.10(q)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(q)(2), 8-8-2023)

Sec. 22-901. 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 their designee. 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).

(Ord. No. 2022-12, § 11.10(q)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(q)(3), 8-8-2023)

Sec. 22-902. Suspension of permit.

Whenever the zoning administrator or their designee determines there are reasonable grounds for believing there is a violation of any provision of this article, the zoning administrator or their designee 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 prevails 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 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 or their designee or apply to the county board of adjustment for a variance from the strict rule of this article within 30 days of receipt of a notice or order.

(Ord. No. 2022-12, § 11.10(q)(4), 10-11-2022; Ord. No. 2023-10, § 11.10(q)(4), 8-8-2023)

Sec. 22-903. Emergency conditions.

Whenever the zoning 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 chair 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 to the board of adjustment after emergency conditions have ceased.

(Ord. No. 2022-12, § 11.10(q)(5), 10-11-2022; Ord. No. 2023-10, § 11.10(q)(5), 8-8-2023)

Secs. 22-904—22-924. Reserved.

DIVISION 3. SHORELAND-WETLAND DISTRICT

Sec. 22-925. Designation.

(a) The shoreland-wetland district shall include all shorelands within the jurisdiction of this article which are designated as wetlands on the most recent version of the state wetland inventory as depicted on the department of natural resources surface water data viewer.

(b) Locating shoreland-wetland boundaries. Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the state 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 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 after discovery of the wetland mapping error.

(Ord. No. 2022-12, § 11.10(c)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(c)(1), 8-8-2023)

Sec. 22-926. Purpose.

The shoreland-wetland 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 shall occur in a manner that minimizes adverse impacts upon the wetland.

(Ord. No. 2022-12, § 11.10(c)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(c)(2), 8-8-2023)

Sec. 22-927. 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 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 or subsection (2) of this section, but only to the extent specifically provided below:
 - 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 section 22-929(b).
 - 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 this subsection (3); 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 section 22-929(b).

(Ord. No. 2022-12, § 11.10(c)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(c)(3), 8-8-2023)

Sec. 22-928. Prohibited uses.

Any use not listed in section 22-927(3)b or c is prohibited unless the wetland or portion of the wetland has been rezoned by amendment of this article in accordance with section 22-929 and Wis. Stats. § 59.69(5)(e).

(Ord. No. 2022-12, § 11.10(c)(4), 10-11-2022; Ord. No. 2023-10, § 11.10(c)(4), 8-8-2023)

Sec. 22-929. Rezoning of lands in the shoreland-wetland district.

(a) 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:

- (1) 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 state wetland inventory map adopted as part of this article describing any proposed rezoning of a shoreland-wetland;

- (2) Written notice of the public hearing to be held on a proposed amendment at least ten days prior to such hearing;
- (3) A copy of the county zoning department's findings and recommendations on each proposed amendment within ten days after the submission of those findings and recommendations to the county board; and
- (4) Written notice of the county board's decision on the proposed amendment within ten days after it is issued.

(b) 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:

- (1) Stormwater and floodwater storage capacity;
- (2) 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;
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreline protection against soil erosion;
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) 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://docs.legis.wisconsin.gov/code/admin_code/nr/100/103.pdf.

(c) 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 (b) 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. No. 2022-12, § 11.10(c)(5), 10-11-2022; Ord. No. 2023-10, § 11.10(c)(5), 8-8-2023)

Secs. 22-930—22-946. Reserved.

DIVISION 4. LAND DIVISION

Sec. 22-947. Land division review.

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:

- (1) Hazards to the health, safety, or welfare of future residents.
 - (2) Proper relationship to adjoining areas.
 - (3) Public access to navigable waters, as required by law.
 - (4) Adequate stormwater drainage facilities.
 - (5) Conformity to state law and administrative code provisions.
- (Ord. No. 2022-12, § 11.10(d)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(d)(1), 8-8-2023)

Sec. 22-948. Planned unit development (PUD).

(a) *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 ensure 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.

(b) *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:

- (1) *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.
 - (2) *Lots.* Any proposed lot in the planned unit development that does not meet the minimum size standards of section 22-973 and 22-974 shall be a non-riparian lot.
 - (3) *Lot sizes, widths, setbacks, and vegetation removal.* When considering approval of a planned unit development, the county board 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 22-1098 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.
- (Ord. No. 2022-12, § 11.10(d)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(d)(2), 8-8-2023)

Sec. 22-949. Sanitary regulations.

To incorporate the requirements of Wis. Admin. Code § NR 115.05(3) and the county private sewage system ordinance set forth in chapter 16, article V, the following sanitary regulations for the protection of health and the preservation and enhancement of water quality must be complied with:

- (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 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. No. 2022-12, § 11.10(d)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(d)(3), 8-8-2023)

Secs. 22-950—22-971. Reserved.

DIVISION 5. MINIMUM LOT SIZE

Sec. 22-972. Purpose.

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.

(Ord. No. 2022-12, § 11.10(e)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(e)(1), 8-8-2023)

Sec. 22-973. Sewered lots; minimum area and width for each lot.

For sewered lots, the minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet. Minimum lot width will be measured by having a building envelope for the placement of all structures that meets the minimum lot width and depth for that zoning district.

(Ord. No. 2022-12, § 11.10(e)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(e)(2), 8-8-2023)

Sec. 22-974. Unsewered lots; minimum area and width for each lot.

For unsewered lots, the minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet. Minimum lot width will be measured by having a building envelope for the placement of all structures that meets the minimum lot width and depth for that zoning district.

(Ord. No. 2022-12, § 11.10(e)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(e)(3), 8-8-2023)

Sec. 22-975. Substandard lots.

(a) 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.

(b) 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 should 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 tax 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.

(Ord. No. 2022-12, § 11.10(e)(4), 10-11-2022; Ord. No. 2023-10, § 11.10(e)(4), 8-8-2023)

Sec. 22-976. Other substandard lots.

Except for lots which meet the requirements of section 22-975, a building permit for the improvement of a lot having lesser dimensions than those stated in sections 22-973 and 22-974 shall be issued only if a variance is granted by the board of adjustment.

(Ord. No. 2022-12, § 11.10(e)(5), 10-11-2022; Ord. No. 2023-10, § 11.10(e)(5), 8-8-2023)

Secs. 22-977—22-995. Reserved.

DIVISION 6. BUILDING SETBACKS

Sec. 22-996. Purpose.

Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards, and avoid water pollution.

(Ord. No. 2022-12, § 11.10(f)(intro. ¶), 10-11-2022; Ord. No. 2023-10, § 11.10(f)(intro. ¶), 8-8-2023)

Sec. 22-997. Shoreland setbacks.

(a) Unless exempt under subsection (b) of this section, or reduced under section 22-998, 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.

(b) All of the following structures are exempt from the shoreland setback standards in subsection (a) of this section:

- (1) Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation and meet the following conditions:
 - a. Are not constructed or placed below the ordinary high-water mark of any navigable waters.
 - b. Are not used for human habitation.
 - c. Are designed solely for the storage of boats and related equipment and not have more than one boathouse per lot.
 - d. Does not exceed 400 square feet in area.
 - e. Any boathouse roof used as a deck must:
 1. Have a flat roof.
 2. Have no side walls or screens.
 3. Have a railing that meets the department of safety and professional services standards.
 - f. Must be located within the viewing and access corridor described in subsection (b)(1) of this section.
 - g. Must use earth tone colors for all exterior surfaces.
 - h. Must meet the provisions of the county floodplain ordinance which prohibits boathouses in the floodway.
 - i. Must be limited to one boathouse on a lot as an accessory structure.
 - j. The main door must face the water.
 - k. Patio doors, fireplaces, and other features must be consistent with the use of the structure exclusively as a boathouse.
- (2) 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) and meet the following conditions:
 - a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.
 - b. The floor area of all the structures in the shoreland setback area does not exceed 200 square feet. Boathouses shall be excluded from the calculation.

- c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 - d. 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.
 - e. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation. The statutory requirements under Wis. Stats. § 59.692(1v) which require the establishment of a vegetative buffer for the construction of open-sided structures is not superseded by Wis. Stats. § 59.692(1f)(a).
- (3) Fishing rafts that are authorized on the Wolf River and Mississippi River under Wis. Stats. § 30.126.
 - (4) 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.
 - (5) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code 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.
 - (6) Walkways, stairways, or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60 inches in width.
 - a. The stairway, walkway and lift must be located within the access and viewing corridor unless such location is not feasible, or it is determined by zoning department staff that locations outside the access and viewing corridor better serve the intent of this article.
 - b. Walkways, stairways, and lifts shall be designed in a matter that does not cause erosion and will minimize stormwater runoff. Vegetation shall be established upon completion and shall be maintained, to stabilize all land disturbed during the construction or placement of the walkway, stairway, or lift.
 - (7) Devices or systems used to treat runoff from impervious surfaces.
 - (8) A fence associated with a roadway that meets all of the following requirements (as required by Wis. Stats. § 59.692(1n)(d)(7) or by any amendments thereto which shall be incorporated into this section):
 - a. A height not taller than 15 feet.
 - b. Located not less than two feet landward of the ordinary high-water mark.
 - c. Located entirely outside of a highway right-of-way.

- d. Located not less than ten feet from the edge of a roadway and not more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater.
- e. Generally perpendicular to the shoreline:
 - 1. A bridge for which the department has issued a permit under Wis. Stats. § 30.123.
 - 2. Existing exempt structures. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(Ord. No. 2022-12, § 11.10(f)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(f)(1), 8-8-2023)

Sec. 22-998. Reduced principal structure setback.

A setback less than the 75 feet required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows:

- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark, provided all of the following are met:
 - a. Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.
 - b. Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.
 - c. Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.
 - d. The average setback shall not be reduced to less than 35 feet from the ordinary high-water mark of any navigable water.
- (2) Where there is an existing principal structure in only one direction, the setback shall equal the average of 75 feet and the distance that the existing structure is set back from the ordinary high-water mark provided all of the following are met:
 - a. The existing principal structure is located on the adjacent lot to the proposed principal structure.
 - b. The existing principal structure is located within 250 feet of the proposed principal structure and is the closest structure.
 - c. The existing principal structure is located less than 75 feet from the ordinary high-water mark.

- d. The average setback shall not be reduced to less than 35 feet from the ordinary high-water mark of any navigable water.

(Ord. No. 2022-12, § 11.10(f)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(f)(2), 8-8-2023)

Sec. 22-999. Floodplain structures.

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with the county floodplain ordinance, set forth in chapter 6, article III.

(Ord. No. 2022-12, § 11.10(f)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(f)(3), 8-8-2023)

Secs. 22-1000—22-1026. Reserved.

DIVISION 7. VEGETATION

Sec. 22-1027. Purpose.

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 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.

(Ord. No. 2022-12, § 11.10(g)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(g)(1), 8-8-2023)

Sec. 22-1028. Activities allowed within a vegetative buffer zone.

To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, this article designates land that extends from the ordinary high-water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibits removal of vegetation in the vegetative buffer zone except as follows:

- (1) For routine maintenance of vegetation.
- (2) For removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Pursuant to Wis. Stats. § 59.692(1f)(b), the maximum width of an access and viewing corridor may be ten feet or up to 35 percent of the shoreline frontage, whichever is greater, except that the maximum width of an access and viewing corridor may not exceed 200 feet. The viewing corridor may run contiguously for the entire maximum allowed width of 200 feet of shoreline frontage owned.
- (3) For the 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 be consistent with these practices.

- (4) For 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) Upon issuance of a permit for 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 water body; improve the plant community by replanting in the same area; and maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.
- (Ord. No. 2022-12, § 11.10(g)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(g)(2), 8-8-2023)

Sec. 22-1029. Cutting more than 35 feet inland.

From the inland edge of the 35-foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

(Ord. No. 2022-12, § 11.10(g)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(g)(3), 8-8-2023)

Secs. 22-1030—22-1056. Reserved.

DIVISION 8. FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND
EXCAVATING

Sec. 22-1057. When permitted.

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.

(Ord. No. 2022-12, § 11.10(h)(intro. ¶), 10-11-2022; Ord. No. 2023-10, § 11.10(h)(intro. ¶), 8-8-2023)

Sec. 22-1058. General standards.

Filling, grading, lagooning, dredging, ditching, or excavating which does not require a permit under section 22-1059 may be permitted in the shoreland area, provided that:

- (1) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
- (2) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of section 22-927(2) and (3).

- (3) All applicable federal, state, and local authority is obtained in addition to a permit under this article.
 - (4) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.
- (Ord. No. 2022-12, § 11.10(h)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(h)(1), 8-8-2023)

Sec. 22-1059. Permit required.

A permit is required:

- (1) 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:
 - a. Any filling or grading on slopes of more than 20 percent.
 - b. Filling or grading of more than 1,000 square feet on slopes of 12 percent to 20 percent.
 - c. Filling or grading of more than 2,000 square feet on slopes less than 12 percent.
 - d. Filling, grading, or excavating within 35 feet of the ordinary high-water mark, on all slopes.
 - (2) 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.
- (Ord. No. 2022-12, § 11.10(h)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(h)(2), 8-8-2023)

Sec. 22-1060. Permit conditions.

In granting a permit under section 22-1059, the county shall attach the following conditions, where appropriate, in addition to those provisions specified in sections 22-842(c):

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover (such as mulch or jute netting) shall be used, and permanent vegetative cover shall be established.
- (3) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- (4) Lagoons shall be constructed to avoid fish trap conditions.
- (5) Fill shall be stabilized according to accepted engineering standards.
- (6) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

- (7) 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.
(Ord. No. 2022-12, § 11.10(h)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(h)(3), 8-8-2023)

Secs. 22-1061—22-1088. Reserved.

DIVISION 9. IMPERVIOUS SURFACE STANDARDS

Sec. 22-1089. Purpose.

The purpose of this division 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 non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

(Ord. No. 2022-12, § 11.10(i)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(i)(1), 8-8-2023)

Sec. 22-1090. Calculation of percentage of impervious surface.

(a) Percentage of impervious surfaces 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. Impervious surfaces described in section 22-1093 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.

(b) For properties that have been "condominiumized," the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. Mitigation 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.

(Ord. No. 2022-12, § 11.10(i)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(i)(2), 8-8-2023)

Sec. 22-1091. General impervious surface standard.

Except as allowed in sections 22-1092 and 22-1093, 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 shall be allowed.

(Ord. No. 2022-12, § 11.10(i)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(i)(3), 8-8-2023)

Sec. 22-1092. Maximum impervious surface.

A property may exceed the impervious surface standard under section 22-1091, provided the following standards are met:

- (1) For properties where the general impervious surface standard applies under section 22-1091, 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 section 22-1091 but do not exceed the maximum standard under this section, a permit can be issued for development with a mitigation plan that meets the standards found in section 22-1161.
- (Ord. No. 2022-12, § 11.10(i)(4), 10-11-2022; Ord. No. 2023-10, § 11.10(i)(4), 8-8-2023)

Sec. 22-1093. Treated impervious surfaces.

(a) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 22-1091:

- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems.
- (2) 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.
- (3) To qualify for the statutory exemption, property owners shall submit a complete permit application, that is reviewed and approved by the county. The application shall include the following:
 - a. Calculations from a licensed engineer showing how much runoff is coming from the impervious surface areas.
 - b. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area. The proposed treatment must be equivalent to the proposed development/increase.
 - c. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.
 - d. The enforceable obligations shall be evidenced by an affidavit recorded in the office of the register of deeds prior to the issuance of the permit.

(b) The provisions in this section are an exemption from the impervious surface standards and as such should be read and construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with this section will be considered pervious for the purposes of

implementing the impervious surface standards in this article. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under this section. (Ord. No. 2022-12, § 11.10(i)(5), 10-11-2022; Ord. No. 2023-10, § 11.10(i)(5), 8-8-2023)

Sec. 22-1094. Existing impervious surfaces.

(a) For existing impervious surfaces that were lawfully placed when constructed, but that do not comply with the impervious surface standard in section 22-1091 or the maximum impervious surface standard in section 22-1092, 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 ordinance from which this article is derived, and the impervious surface meets the applicable setback requirements in Wis. Admin. Code § NR 115.05(1)(b).

(b) The impervious surface standards in this division shall not be construed to supersede other provisions in this article. All of the provisions of this article still apply to new or existing development.

(Ord. No. 2022-12, § 11.10(i)(6), 10-11-2022; Ord. No. 2023-10, § 11.10(i)(6), 8-8-2023)

Secs. 22-1095—22-1111. Reserved.

DIVISION 10. HEIGHT

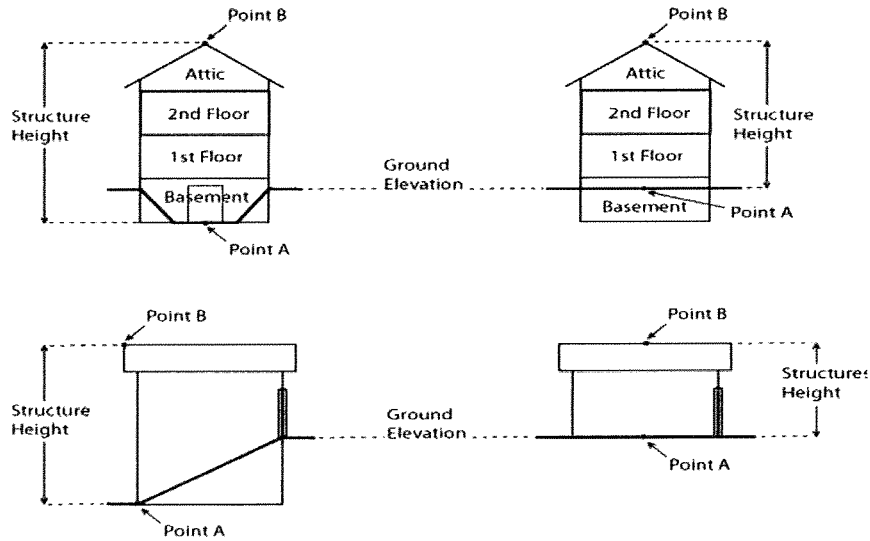
Sec. 22-1112. Generally.

To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, the county does not permit any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

(Ord. No. 2022-12, § 11.10(j)(intro. ¶), 10-11-2022; Ord. No. 2023-10, § 11.10(j)(intro. ¶), 8-8-2023)

Sec. 22-1113. Structure height.

Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersection 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.



(Ord. No. 2022-12, § 11.10(i)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(j)(1), 8-8-2023)

Secs. 22-1114—22-1134. Reserved.

DIVISION 11. NONCONFORMING USES AND STRUCTURES

Sec. 22-1135. Discontinued nonconforming use.

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.

(Ord. No. 2022-12, § 11.10(k)(1), 10-11-2022; Ord. No. 2023-10, § 11.10(k)(1), 8-8-2023)

Sec. 22-1136. Maintenance, repair, replacement or vertical expansion of nonconforming structures.

(a) 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.

(b) Wis. Admin. Code § NR 115.05(1)(b)1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

(Ord. No. 2022-12, § 11.10(k)(2), 10-11-2022; Ord. No. 2023-10, § 11.10(k)(2), 8-8-2023)

Sec. 22-1137. Lateral expansion of nonconforming principal structure within the setback.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 22-997 and 22-998 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 22-1161.

- (5) All other provisions of this article shall be met.

(Ord. No. 2022-12, § 11.10(k)(3), 10-11-2022; Ord. No. 2023-10, § 11.10(k)(3), 8-8-2023)

Sec. 22-1138. Expansion of a nonconforming principal structure beyond setback.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under sections 22-997 may be expanded horizontally, landward or vertically, provided that the expanded area meets the building setback requirements per section 22-997 and that all other provisions of this article are met. A mitigation plan is not required solely for expansion under this section but may be required per division 9 of this article.

(Ord. No. 2022-12, § 11.10(k)(4), 10-11-2022; Ord. No. 2023-10, § 11.10(k)(4), 8-8-2023)

Sec. 22-1139. Relocation of nonconforming principal structure.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 22-997 and 22-998 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 22-997.
 - (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 22-1161 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 this article shall be met.
- (Ord. No. 2022-12, § 11.10(k)(5), 10-11-2022; Ord. No. 2023-10, § 11.10(k)(5), 8-8-2023)

Sec. 22-1140. Maintenance, repair, replacement or vertical expansion of structures that were authorized by variance.

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 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. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(Ord. No. 2022-12, § 11.10(k)(6), 10-11-2022; Ord. No. 2023-10, § 11.10(k)(6), 8-8-2023)

Sec. 22-1141. Maintenance, repair, replacement of buildings or structures in violation of a shoreland zoning standard, this chapter and in place for more than ten years.

A structure that is in violation of a shoreland zoning standard or this chapter and has been in place for more than ten years may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the structure vertically or laterally.

(Ord. No. 2022-12, § 11.10(k)(7), 10-11-2022; Ord. No. 2023-10, § 11.10(k)(7), 8-8-2023)

Secs. 22-1142—22-1160. Reserved.

DIVISION 12. MITIGATION

Sec. 22-1161. Generally.

(a) When the county issues a permit requiring mitigation under sections 22-997(b)(1)b, 22-1139, 22-1092, and 22-1137, 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, natural scenic beauty and meet the purpose and intent as stated in section 22-776.
- (2) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.
 - a. The enforceable obligations shall be evidenced by an instrument recorded in the office of the register of deeds.
 - b. All shoreland mitigation measures must begin within one year of the recording date of the mitigation affidavit or in accordance with a timeline that is written into the mitigation plan and must be completed in accordance with said timeline or within two years of the recording date if a timeline has not been established.
- (3) Mitigation plan to install stormwater control systems or shoreland mitigation practice that are designed to contain the two-year 24-hour rainfall event for impervious areas, meet division 9 of this article pertaining to impervious surface standards and designed by an engineer or landscaper/landscape architect. A mitigation plan with recorded maintenance agreement shall include options such as:
 - a. Mitigation plan requirements. The application shall include a scaled plot plan of the lot, including the following information:
 1. Location of all existing and proposed structures, including paths, stairways, retaining walls, decks, patios, vegetative cover, etc., with accurate distances shown between the structures and all property lines.
 2. Location of any areas of existing and proposed land disturbance.
 3. Location of septic and well facilities.
 4. Location of the viewing and access corridor.
 5. Location of parking areas and driveways.
 6. Location of ordinary high-water mark and any wetland areas.
 7. Maps showing the existing and proposed topography and slope of the property.

8. Impervious surface calculations.
 9. A minimum of four photos of the property. These photos shall include a photo taken from the water, along the shoreline and from the principal structure. If necessary, the planning and zoning department may require additional photos and/or a site inspection of the property.
 10. Properties which include flood hazard areas shall be required to submit documentation showing the base flood elevation and its location on the property. Note: This may require a licensed surveyor to provide elevation data on the plan.
- b. Mitigation options.
1. Shoreland buffer restoration of at least 35 feet landward side from the ordinary high-water mark.
 - (i) A plan for the restoration of the shoreland buffer is required and shall include:
 - A. All requirements as required by subsection (3)a of this section.
 - B. Identification of the vegetation to be cut and the size and type of species to be removed.
 - C. A list of desired native species appropriate for the site (or cultivars of native species) to include in the restoration area and a schedule for their planting.
 - D. A scaled plot plan showing the placement, size, and densities of each species to be planted within the buffer area.
 - E. A narrative description of how the applicant intends to carry out the project including the erosion control measures that will be used during construction. Please include the name and phone number of the landscape architect or consultant, if applicable.
 - F. The restoration plan will be reviewed according to United States Department of Agriculture, Natural Resources Conservation Service, Shoreland Habitat Standard and Wisconsin Biology Technical Note 1: Shoreland Habitat within the shoreland buffer area. The plan must also fulfill the intent and purpose of division 7 of this article. The above-mentioned standards can be located at: <http://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf> and <http://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSshorehabstandard.pdf> or the County Planning and Zoning Department, 311 S. Center Ave., Jefferson, WI 53549. (See Table 1 below.)

Table 1. Shoreland Buffer Planting Standards

Layer	Woodland Buffer		Prairie Buffer	
	Minimum Number of Species	Density ³	Minimum Number of Species	Density ³
Tree canopy ¹	2	0.5—5 per 100 ft. ²	1	0—0.2 per 100 ft. ²
Shrub understory	3	1—4 per 100 ft. ²	2	0.2—0.5 per 100 ft. ²
Groundcover plant plugs ²	3	25—75 per 100 ft. ²	5	50—100 plants per 100 ft. ²
Groundcover seedlings ²	3	4—8 oz. per 1,000 sq. ft.	5	4—8 oz per 1,000 sq. ft.
		Forbs: 2—4 oz per 1,000 sq. ft.		Forbs: 2—4 oz. per 1,000 sq. ft.

¹Trees must be greater than two feet in height about the root collar.

²The ground cover area shall comprise of a minimum of 30 percent native grasses.

³Density requirements will be based upon established existing vegetation and physical characteristics of the property.

Shoreland buffers plans must be approved by the county planning and zoning department.

The buffer shall consist of three layers of vegetation: a tree canopy, a shrub understory, and a groundcover layer.

- (ii) Certification of completion. Restoration is required to be completed within one year of issuance of the zoning permit but may be extended upon approval of the planning and zoning department; the property owner shall complete the required shoreland buffer and shall certify in writing to the administrator the required shoreland buffer has been completed. As part of the certification, the property owner shall submit photos documenting the mitigation measures and the county planning and zoning department staff may conduct an on-site compliance inspection to ensure compliance with the plan.
2. Evaluation/replacement of private on-site waste treatment system performed by a state-licensed plumber.
 3. Any proposed device or system designed by an engineer or landscape architect that mitigates surface water runoff or infiltrates runoff and furthers the purpose and intent of shoreland zoning. Examples include:
 - (i) Construction of stormwater detention basin or implementation of other stormwater management plan activities.
 - (ii) Replacement of seawalls with bio-engineered structures.
 4. Wetland restoration.
 5. Elimination of nonconforming accessory structures such as garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck retaining wall, porch,

fire pit. Note: This option may require the removal of several accessory structures to be considered proportional in scope with the proposed project's impact.

6. Removal of other shoreland modifications/items such as seawalls, beaches, or impervious surfaces. Note: This option may require the removal of several modifications/items to be considered proportional in scope with the proposed project's impact.
7. Relocating a nonconforming principal structure to a conforming location.
8. Elimination of existing erosion and sedimentation on areas that have surface drainage towards the water.
9. Any other mitigation that is deemed appropriate by the planning and zoning department and that meets the mitigation requirements set forth in this section. Factors to be considered for approval of alternative mitigation practices shall include, but are not limited to:
 - (i) Cost of implementation;
 - (ii) Runoff diversion and/or retention;
 - (iii) Lot configuration;
 - (iv) Parcel size;
 - (v) Location of impervious areas;
 - (vi) Sensitivity and level of development of the water body;
 - (vii) Significance toward meeting article objectives;
 - (viii) Maintaining and protecting large undeveloped native areas within the parcel from development.

(b) Disagreements between the applicant or designer and the planning and zoning department's determination may, in the discretion of the applicant or designer, be reviewed by the county planning and zoning committee before making an appeal to the county board of adjustment under Wis. Stats. § 59.694(4). In such case, the time to appeal to the board of adjustment will be stayed pending a determination by the planning and zoning committee, but not more than 60 days from the date the applicant or designer requested review by the planning and zoning committee.

(Ord. No. 2022-12, § 11.10(1), 10-11-2022; Ord. No. 2023-10, § 11.10(1), 8-8-2023)

Secs. 22-1162—22-1185. Reserved.

ARTICLE XI. PERFORMANCE STANDARDS

Sec. 22-1186. Compliance.

This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

(Ord. No. 2022-12, § 11.14(a), 10-11-2022)

Sec. 22-1187. Sound.

The volume of sound inherently and recurrently generated shall not exceed the following standards at any points along the boundaries of the zone in which the use is located:

- (1) Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.
- (2) Maximum sound pressure levels shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and shall not exceed the values for octave bands lying within the several frequency limits given in the following table after the application of appropriate corrections:

<i>B, I, C and A Districts</i>	
<i>Frequency Ranges Containing Standard Octave Bands in Cycles Per Second</i>	<i>Octave Band Sound Pressure Level in Decibels</i>
0—74	72
75—149	67
150—299	59
300—599	52
600—1,199	46
1,200—2,399	40
2,400—4,800	34
Above 4,800	32

<i>Types of Operation or Noise</i>	<i>Correction in Decibels</i>
Daytime operation only	+5
Noise of impulsive character (e.g., hammering)	-5
Noise of periodic character (e.g., hum, screech)	-5

(Ord. No. 2022-12, § 11.14(b), 10-11-2022)

Sec. 22-1188. Vibration.

An operation which creates vibrations that can be measured without instruments (e.g., heavy drop forges, heavy hydraulic surges), shall be set back in I and C districts a distance of not less than 500 feet from all lot lines.

(Ord. No. 2022-12, § 11.14(c), 10-11-2022)

Sec. 22-1189. Radioactivity.

No operation shall be permitted which causes radioactivity in violation of title 10, chapter 1, part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," dated June 16, 1957, or any subsequent revisions or amendments.

(Ord. No. 2022-12, § 11.14(d), 10-11-2022)

Sec. 22-1190. Odor.

(a) In the I, B, and C districts, no emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

(b) In the A district, no emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along zone boundaries without use of instruments and in such quantity as to produce a public nuisance or hazard beyond lot lines shall be permitted.

(c) Odors associated with Wis. Admin. Code ch. ATCP 51 livestock facilities are regulated pursuant to those provisions within Wis. Admin. Code ch. ATCP 51 as incorporated into this chapter.

(Ord. No. 2022-12, § 11.14(e), 10-11-2022)

Sec. 22-1191. Toxic or noxious matter.

No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business, shall be permitted.

(Ord. No. 2022-12, § 11.14(f), 10-11-2022)

Sec. 22-1192. Glare.

No direct or reflected glare from any B or I district shall be detectable from any R or C district boundary.

(Ord. No. 2022-12, § 11.14(g), 10-11-2022)

Sec. 22-1193. Heat.

No direct or reflected heat from an I district shall be detectable from any R or B district boundaries.

(Ord. No. 2022-12, § 11.14(h), 10-11-2022)

Sec. 22-1194. Dust.

No solid or liquid particles shall be emitted in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air.

(Ord. No. 2022-12, § 11.14(i), 10-11-2022)

Sec. 22-1195. Fly ash.

(a) No emission of fly ash in excess of the quantity specified in the following table shall be permitted:

<i>Heat in Fuel Burned (British Thermal Units per Hour)</i>	<i>Fly Ash: Rate of Emission (Pounds per Hour)</i>
1,000,000	1
100,000,000	100
400,000,000	330
1,000,000,000	750
2,000,000,000	1,365
3,000,000,000	1,850
4,000,000,000	2,260
5,000,000,000	2,640
6,000,000,000	2,950
7,000,000,000	3,200
8,000,000,000	3,410
10,000,000,000	3,750

(b) For heat content between any two consecutive heat contents given in the table in subsection (a) of this section, the fly ash limitation shall be as determined by interpolation. (Ord. No. 2022-12, § 11.14(j), 10-11-2022)

Sec. 22-1196. Smoke.

No emission of smoke from any source, as measured on the Ringelmann Chart published by the U.S. Bureau of Mines, shall be permitted, in I, A and B districts in excess of a density described as Ringelmann No. 2, provided that a density equal to Ringelmann No. 3 may be emitted for not more than three minutes in any 15 consecutive minutes. (Ord. No. 2022-12, § 11.14(k), 10-11-2022)

Sec. 22-1197. Violation.

Any violator of this section will be subject to section 1-14 and, in addition, shall pay any of the actual costs of measuring the emissions. (Ord. No. 2022-12, § 11.14(l), 10-11-2022)

CODE COMPARATIVE TABLE

LEGISLATION

The following table gives the location of ordinances and resolutions within the Code.

Legislation	Date	Section	Code Section		
Ord. of 7-9-1968	7-9-1968	—	8-194		
Res. No. 1971-13		—	8-1		
Ord. No. 342.40	9-11-1972	—	20-4		
Res. No. 1976-22	5-11-1976	—	14-116		
Ord. No. 83-10	9-13-1983	24.2	14-137		
		24.3	14-138		
		24.4	14-139		
		24.5	14-140		
		24.6	14-141		
		24.7	14-142		
		24.8	14-143		
		24.9	14-117		
		24.10	14-144		
		24.11	14-145		
		24.12	14-146		
		24.14	14-118		
		Ord. No. 84-10	11-17-1988	1	1-15
				2	1-15
3	1-15				
4	1-15				
5	1-16				
6	1-15				
Res. No. 1994-23	6-21-1994	—	8-2		
Ord. No. 96-14	9-10-1996	2	16-2		
Ord. No. 97-05	5-13-1997	1	2-1		
Ord. No. 98-46	1-12-1999	1(16.01)	18-67		
		1(16.02)	18-68		
		1(16.03)	18-69		
		1(16.04)	18-70		
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