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CHAPTER 1

Zoning

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ARTICLE A

Purpose of Zoning Code; Definitions

SEC. 10-1-1 TITLE OF CHAPTER.

This Chapter shall be known, cited and referred to as the City of Neillsville Zoning Ordinance or Zoning Code.

SEC. 10-1-2 INTENT AND PURPOSE.

This Chapter is adopted for the following reasons:

- (a) To provide for the citizens of Neillsville adequate light, pure air, safety from fire and other dangers; to conserve the value of land and buildings; to lessen or avoid congestion of traffic in the public streets; and to promote the public health, safety, comfort, convenience, morals and general welfare;
- (b) To promote the character and stability of residential, business and manufacturing areas within the City of Neillsville and to promote the orderly and beneficial development of such areas;
- (c) To preserve the aesthetic quality of the City, and also historic and cultural areas;
- (d) To establish restrictions in order to attain these objectives by adopting a zoning ordinance which will update the districts into which the City is divided, the restrictions to which land and buildings may be subjected, the restrictions upon the location and height of buildings, the requirements upon the intensity of the use of land and buildings, the requirements of off-street parking facilities, the provision for administration and enforcement of the Chapter, the penalties for violation of the Chapter, and the procedure, powers and duties of the Board of Appeals.

SEC. 10-1-3 DEFINITIONS.

- (a) **WORD USAGE.** Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory. The word "person" includes an individual, all partnerships, associations, and bodies political and corporate. The word "lot" includes the word "plot" or "parcel" or "tract." The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."
 - (1) Accessory Building. A subordinate building, the use of which is purely incidental to the permitted use of the main building, is seventy-five (75%) percent of the area of one floor of the principal building, and is unattached from the principal building by a minimum of five (5) feet.
 - (2) Advertising Sign. An advertising sign, billboard, poster panel which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such "advertising sign" is located or to which it is affixed, but does not include those business signs, billboards, or poster panels which direct attention to the business on the premises to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
 - (3) Alley. A way which affords only a secondary means of access to abutting property.
 - (3a) Antenna. The word antenna shall be interpreted to include satellite earth stations (dish shaped antenna).
 - (4) Apartment. A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

- (5) Automobile Wrecking Yard. Any premises on which two or more self-propelled vehicles not in running order or operating condition are stored in the open.
- (6) Basement. A portion of a building or structure partly underground designed for human occupancy.
- (7) Billboard. An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment of the property upon which it is located.
- (8) Board. The Zoning Board of Appeals.
- (9) Boarding House. A building, other than a hotel, where meals or lodging and meals are provided for compensation for not more than six (6) persons.
- (10) Building. A structure having a roof supported by columns or walls, and intended for the shelter, housing, or enclosure of persons, animals, or chattels; each portion of a building separated by a division of walls from the ground up, without openings in those walls, is a separated building for the purpose of this Zoning Code.
- (11) Building, Alterations of. Any change or rearrangement of the supporting members (such as bearing walls, beams, columns or girders) of a building, an addition to a building, or movement of a building from one location to another.
- (12) Building, Height of. The vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable or gambrel, hip or pitch roof.
- (13) Building, Principal. A building in which is conducted the main use of the lot on which said building is located.
- (14) Building Line, Front. A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.
- (15) Clinic. An establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises. For purposes of this Chapter, a doctor's or dentist's office in a residence, when it complies with the requirements of this ordinance relating to such office shall not be considered a clinic, but any doctor's or dentist's office which is not part of his home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.
- (16) Club. 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.
- (16a) Day Care Facilities, Adult And Child. An establishment or facility that is licensed by the State of Wisconsin or certified by the County of Clark to be used to provide adult or child day care services. These facilities do not include establishments or facilities that provide adult or child care services to individuals after 9:00 p.m. and before 5:00 a.m. unless specifically approved by the Common Council. These facilities do not include babysitting or day care facilities that are unlicensed or uncertified.
- (17) Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- (18) Dwelling, Single Family. A detached building designed for and occupied exclusively by one (1) family.
- (19) Dwelling, Two Family. A detached building designed for and occupied exclusively by two (2) families living independently of each other.
- (20) Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels, and townhouses.
- (21) Family. Any number of individuals living and cooking together on the premises as a single housekeeping unit.
- (22) Forest Industries. The cutting and storing of forest products, the operation of portable sawmills, the production of maple syrup and sugar.

- (23) Garage, Public. A building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as "gasoline stations" or "service stations."
- (24) Gasoline Station. Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubrication substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning such vehicles.
- (25) Home Occupation. Any occupation for gain or support conducted entirely within a building by resident occupants, which is customarily incidental to the principal use of the premises; does not exceed fifteen (15%) percent of the area of any floor; and no article is sold or offered for sale except such as is produced by such home occupation. A household occupation includes such uses as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.
- (25a) Home Offices, Non-professional Repair And Service Provider. Offices used by the below noted that do not exceed one-half (1/2) of the area of only one (1) floor of the residence and only one (1) non-residential person is employed at the office. These offices are not to be used for the actual physical service work or employment for retail or wholesale customers unless specifically approved by the Common Council.
- a. Residences of the following persons primarily involved in the following repair work or employment where they have established a home office:
 1. Carpenters
 2. Plumbers
 3. Electricians
 4. Painters
 5. Well drillers
 6. Masons
 7. Dry wallers
 8. Air condition and refrigeration contractors
 9. Excavating contractors
 10. Furnance and heating contractors
 11. Related home, appliance and structure repair services
 - b. Residences of the following persons primarily involved in the following non-professional service work or employment where they have established a home office:
 1. Barbers
 2. Beauticians
 3. Real estate agents
 4. Insurance agents
 5. Stock brokers
 6. Computer services
 7. Appraisal services
 8. Photographers
 9. Assessor services
 10. Tree and landscape services
 11. Tax and accounting services
 12. Travel agents
 13. Home health services
 14. Janitor services
 15. Mail order services

16. Music training services
 17. Specialty items and printing services
 18. Taxidermists
 19. Small engine repair services
 20. Other similar retail service providers
- (26) Hospital. Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments. Shall be limited to places for the diagnosis, treatment or other care of human ailments with provisions for keeping such patients overnight on the premises.
- (27) Hotel. An establishment for transient guests having sleeping rooms without individual cooking facilities for more than six (6) persons for compensation and may or may not provide meals.
- (28) Interchange. A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting streets or highways.
- (29) Junkyard. An open space where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A "junkyard" also includes an auto wrecking yard, but does not include uses established entirely within closed buildings.
- (30) Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress or egress to a public street or alley.
- (31) Lot. A division of land occupied or designed to be occupied by one building and its accessory buildings or uses, including open spaces required by this Ordinance. A lot may be a parcel of land designated in a plat laid out prior to the effective date of this amendment, whether or not such division abuts a public street or other officially approved place recorded in the office of the Register of Deeds, or any part of a larger division when such parts comply with the requirements of this Chapter as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
- (32) Lot Coverage. The percent of the area of a lot occupied by buildings or structures including accessory buildings or structures.
- (33) Modular Units. A detached single or double family dwelling unit designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; which is or was designed to be mounted on a permanent foundation.
- (34) Mobile Home. A detached single or double family dwelling unit designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; which is or was designed to be transported on its own wheels and is not specifically designed to be mounted on its own foundation.
- (35) Mobile Home Park. Any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation, and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.
- (36) Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is no permanent occupancy of any unit, except by the owner, his agent or his employees.
- (37) Parking Space. An off-street space available for the parking of a motor vehicle and which is held to be an area the dimensions of which are ten feet by twenty feet (10' x 20') or which covers two hundred (200) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- (38) Place of Assembly. Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.

- (39) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to conduct their professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and one (1) non-resident person is employed.
- (40) Restaurant. A space within a suitable building providing an adequate and sanitary kitchen equipment and dining room of related capacity, having employees for preparing, cooking, and serving suitable food.
- (41) Roadside Stand. A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises.
- (42) Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not cooking or eating purposes.
- (43) Rooming House. A building, other than a hotel, where rooming units but not meals are provided for compensation for not more than six (6) persons.
- (44) School, Commercial. A school limited to special instructions such as business, art, music, trades, handicraft, dancing, or riding.
- (45) Setback. The minimum horizontal distance from the front line of the lot, the right-of-way line of the highway or the centerline of the highway, as designated in the Zoning Code, to the front wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such front lot line, right-of-way line or centerline of highway.
- (46) Sign. Anything erected, hung, suspended, painted or attached to any other structure carrying words, letters, figures, phrases, sentences, names, designs, trade names or trademarks or any other devices placed so as to be visible from a street or highway, and calling attention to a business, trade, profession, commodity, product, persons, firm, or corporation.
- (47) Special Exceptions. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as an "approved" use in any particular district or districts. In each case, after due consideration by the Board of Adjustment of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "special exemption" may or may not be granted.
- (48) Street. A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic or both.
- (49) Street, Arterial. A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as major thoroughfares, highways and parkways.
- (50) Structure. Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground but not including utility lines and their normal accessory equipment.
- (51) Structural Alterations. Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles.
- (51a) Transitional Housing Facility. A premises used for the temporary placement of persons on parole, extended supervision, or probation in a controlled environment, including supervision or monitoring and including a halfway house.
- (52) Travel Trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of mobile home or modular unit.
- (53) Variance. A departure from the terms of this Chapter as applied to a specific building, structure or parcel of land, which the Zoning Board of Appeals may permit, contrary to the regulations of this Chapter for the district in which such building, structure or parcel of land is located, when the Board

of Appeals finds that a literal application of such regulation will affect 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 compensation gain to the public health, safety or welfare.

- (54) Vision Clearance. 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 and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this Chapter.
- (55) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.
- (56) Yard, Front. A yard fronting on any street extending across the full width of a lot, having a depth equal to the minimum horizontal distance between the front property line and the nearest point of the principal structure, excluding permitted projections.
- (57) Yard, Rear. A yard, unoccupied, except by accessory buildings, extending from the rear line of the main building to the rear lot line for the entire width of the lot, excluding such projections as are permitted herein.
- (58) Yard, Side. A yard or open space on each side of the main building extending from the side lot line to the side wall of the building, exclusive of permitted projections and from the front yard to the rear yard, when an accessory building is constructed as part of the main building, the side yard requirements shall be the same for the accessory building as required for the main building.

§ 10-1-3a - Created: Ord. 929, 3/28/95

§ 10-1-16a - Created: Ord. 938, 1/22/97

§ 10-1-25a - Created: Ord. 938, 1/22/97

§ 10-1-51a - Created: Ord. 1013, 12/12/96

SEC. 10-1-4 THROUGH 10-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

General Provisions

SEC. 10-1-10 MINIMUM REQUIREMENTS.

The provisions of this Zoning Code shall be held to be minimum requirements for the promotion of public health, safety, morals, welfare and aesthetic quality in the City of Neillsville.

SEC. 10-1-11 RELATIONSHIP WITH OTHER LAWS.

Where the conditions imposed by this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Chapter or any other laws, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or impose higher standards or requirements) shall be enforced.

SEC. 10-1-12 EFFECTS ON EXISTING AGREEMENTS.

This Chapter does not abrogate existing easements, covenants, or any other private agreements provided that where the regulations of this Chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements the requirements of this Chapter shall prevail.

SEC. 10-1-13 SCOPE OF REGULATIONS.

Except as may otherwise be provided in the "Non-Conforming Use" section, all buildings erected hereafter, all structural alteration or relocation, all uses of land or buildings established and all enlargements of or additions to existing uses occurring after the adoption of this ordinance shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

SEC. 10-1-14 NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

Any lawful building, structure, or use existing at the time of the enactment of this Ordinance may be continued, even though such building, structure or use does not conform to the provisions of this Chapter for the district in which it is located and whenever a district shall be changed thereafter, the then existing lawful use may be continued subject to the provisions of the non-conforming use section of this article.

SEC. 10-1-15 BUILDING PERMIT.

Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within ninety (90) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued.

SEC. 10-1-16 LOT COVERAGE.

After the adoption of this Ordinance, no lot area shall be so reduced that the dimensions and yard requirements imposed by this Zoning Code cannot be met.

SEC. 10-1-17 ACCESSORY BUILDINGS.

Accessory buildings shall not occupy more than thirty (30%) percent of the required area for the rear yard.

SEC. 10-1-18 YARD OBSTRUCTIONS.

Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices, and ornamental features. In addition, the following obstructions are also permitted:

- (a) Fire escapes. These may not extrude more than five (5) feet.
- (b) Open terraces not over four (4) feet above the average level of adjoining ground but not including permanently roofed-over terrace or porch.
- (c) Awnings and canopies.
- (d) Steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
- (e) Chimneys, provided they do not project more than eighteen (18) inches into a required yard.
- (f) Recreational equipment.
- (g) Laundry-drying equipment.
- (h) Arbors, trellises, landscaping and trees.
- (i) Flag poles.
- (j) Television and/or radio antennas provided the base unit is within thirty (30) inches of the eaves of the principal structure and the entire antenna does not project more than eight (8) feet into any required side or rear yard. In no case may an antenna project into the required front yard.
- (k) Fences, wall and continuous linear shrubbery, such as hedges are allowed in all yards provided they are within the height limitations as follows unless otherwise stated:
 - (1) In front yards, not to exceed four (4) feet in height except at corner lots where it may not exceed three (3) feet.
 - (2) In side and rear yards not to exceed five (5) feet.
- (l) Overhanging eaves and gutters projecting into the yard for a distance not exceeding forty (40%) percent of the required yard width or three (3) feet.
- (m) Visual clearance. No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two and one-half (2-1/2) and ten (10) feet above the average curb grades or the street or highway grades at the centerline where there is no curb, within the triangular space formed by any two (2) existing or proposed intersection streets, highway or alley right-of-way lines and a line adjoining points on such lines located a minimum of fifteen (15) feet from their intersection.
- (n) Exceptions. This section shall not apply to electric, gas and communication lines installed and maintained under regulation of a governmental agency provided that a permit shall be required for more than one pole to be erected within the fifteen (15) foot traffic visibility area at any intersection of two public roads. In the case of arterial highways intersecting with other arterial highways or railways, the distances

establishing the triangular vision clearance space shall be increased to fifty (50) feet, except that necessary street lighting and power transmission poles shall be exempt from this increased setback requirement.

SEC. 10-1-19 DETERMINANTS AS TO USE NOT LISTED.

- (a) BOARD OF APPEALS DETERMINATION. In order to ensure that the Zoning Code will permit all similar uses in each district, the Zoning Board of Appeals, upon its own initiative or upon any written application, shall determine whether a use not specifically listed as a permitted use or a special use in Commercial, Residential or Industrial Districts shall be deemed a permitted use or a special use in one or more districts on the basis of similarity to uses specifically listed.
- (b) APPLICATION. Application for determination that a specific use should be included as a permitted use or a special use in Commercial, Residential or Industrial Districts shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Zoning Board of Appeals to facilitate the determination.
- (c) INVESTIGATION. The Zoning Board of Appeals shall make or have made such investigations as it deems necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the Ordinance and to make a determination of its classification.
- (d) DETERMINATION. The determination of the Zoning Board of Appeals shall be rendered in writing within sixty (60) days from application and shall include findings supporting the conclusion.
- (e) EFFECTIVE DATE OF DETERMINATION. Within five (5) days following the date of a decision of the Zoning Board of Appeals on a request on determination as to use not listed, the Board shall transmit to the Common Council and petitioner written notice of the decision.

SEC. 10-1-20 NON-CONFORMING USES.

- (a) PURPOSE. The purpose of this Section is to minimize the hardships that may unintentionally occur to citizens whose present use of their lots, buildings and structures thereon do not conform wholly with the provisions of this Chapter. Only uses which were lawful under existing ordinances before the adoption of this Chapter are protected by the provisions of this Section.
- (b) SPECIAL CONDITIONS OF NON-CONFORMING USE. Present uses of buildings and premises may be continued even though they do not meet the provisions of this Chapter, provided any consequent structural repairs or alterations of such buildings and premises may not exceed fifty (50%) percent of their assessed value at the time they become a non-conforming use. All outdoor advertising structures, signs and businesses existing before the adoption of this Chapter may be continued, their non-conforming structures notwithstanding.
- (c) DISCONTINUANCE OF USE. A non-conforming use may be discontinued when the following conditions prevail:
 - (1) Where a non-conforming use is discontinued for a period of at least twelve (12) consecutive months or whenever there is a clear evidence on the part of the owner to abandon a non-conforming use. Such use after being discontinued or abandoned may not be continued. This provision applies to both residential and non-residential uses.
 - (2) Where a structure containing non-conforming use is destroyed by any means to the extent that fifty (50%) percent of its total value is destroyed, the structure

can only be reconstructed and used as a conforming use, unless the only non-conforming use is lot size, in which case this section will not apply. Restoration or repair of the structure must be started within a period of ninety (90) days from the date of damage or destruction, and diligently pursued to completion.

- (3) Only normal maintenance of structures containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations provided such repairs and alterations do not extend and intensify a non-conforming use.

§ 10-1-20(c)(2) - Amended: Ord. 917, 5/24/94

SEC. 10-1-21 HOME OCCUPATIONS.

- (a) **PURPOSE.** The purpose of this section is to regulate the conditions under which occupations may be carried on at homes in order that such home occupations may not undermine the general intents and purposes of this Chapter and the specific purposes of the residential districts.
- (b) **CONDITIONS OF USE.** The following provisions are conditions of use for home occupations, except that the provisions of Section 10-1-3(b)(3) shall apply to professional home offices:
- (1) Only those occupations which by their nature can be carried out safely in homes without generating any nuisance or hazards are allowed.
 - (2) Such occupations shall not have more than one principal and one assistant involved in the operation other than family members living on the premises.
 - (3) Home occupations may not occupy more than fifteen (15%) percent of the total floor area of the house.
 - (4) Activities which involve the manufacture, storage, utilization, processing or storage of inflammable and explosive materials shall not be carried out.
 - (5) No operation producing any form of glare or heat shall be carried out as home occupations.
 - (6) Home occupations shall not produce noise or sound that may be heard in the adjacent property.
 - (7) No odors or vibrations may emanate from home occupations.
 - (8) No activity shall emit radioactive or electrical disturbances outside the premises that are dangerous or may adversely affect the use of neighboring premises.
 - (9) Garage sales shall be restricted to the conditions and licensing requirement of Title 7, Chapter ___ of this Code of Ordinances.

SEC. 10-1-22 KEEPING OF ANIMALS.

No animal, reptile or fowl, including horses, cows, sheep, chickens, geese, ducks, swine and goats, shall be kept within the City, except domestic pets such as dogs and cats, and except by majority vote of those elected to the Common Council. The commercial raising of all animals and fowl is prohibited except by majority vote of those elected to the Common Council. No bees or hive of bees shall be kept or allowed to remain in the open upon private property in the City of Neillsville, except as a conditional use.

Recreated: Ord. 868, 8/12/86

SEC. 10-1-23 THROUGH 10-1-29 RESERVED FOR FUTURE USE.

ARTICLE C**Zoning Districts****SEC. 10-1-30 ZONING DISTRICTS ESTABLISHED.**

For the purpose and provision of this Chapter, the City of Neillsville, Wisconsin, is hereby organized into the following districts:

Residential Districts:	R1	One-Family Residential District
	R2	Two-Family Residential District
	R3	Multiple Family Residential District
Commercial Districts:	CL	Local Commercial District, i.e., Neighborhood Shopping Centers
	CG	General Commercial District
	CH	Highway Commercial District
Industrial Districts:	IL	Light Industrial District
	IG	General Industrial District
Conservancy Districts:	CN	
Urban Transitional Districts:	UT	

SEC. 10-1-31 ZONING MAPS.

- (a) The boundaries of the aforesaid zoning districts are hereby established as shown on the maps entitled "Zoning Map of Neillsville, Wisconsin," dated 1975. These official maps and all explanatory matter thereon and attached thereto are adopted by reference and declared to be part of this Chapter.
- (b) The "Zoning Map of Neillsville, Wisconsin" and all official explanatory matter attached thereto bears the signature of the City Clerk-Treasurer of Neillsville, Wisconsin and shall be on file in the office of the Zoning Administrator.

SEC. 10-1-32 DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Maps, the following rules shall apply:

- (a) District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended otherwise indicated.
- (b) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps

measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets, highways or railroad rights-of-way unless otherwise indicated.

- (c) Where a lot held in one ownership and of record on the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than twenty-five (25) feet.

SEC. 10-1-33 ZONING OF STREETS, ALLEYS, PUBLICWAYS, WATERWAYS, AND RIGHTS-OF-WAY.

All streets, alleys, publicways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, publicways, or waterways and railroad rights-of-way. Where the center serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

SEC. 10-1-34 RESIDENTIAL DISTRICTS - GENERAL PURPOSE.

The general purposes of the R1, R2 and R3 Residential Districts are as follows:

- (a) To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and objectionable factors.
- (b) To protect residential areas against unduly heavy motor vehicle traffic, especially through traffic control and to minimize congestion by promoting off-street parking.
- (c) To protect and promote the public health and comfort against undue congestion of public streets and other public facilities by controlling the density of population through regulation of bulk of buildings.
- (d) To protect and promote the public health and comfort by providing for ample light and air to buildings and windows thereof.
- (e) To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
- (f) To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet for necessary and desirable development, and to protect the value of land and improvements and so enhance the economic base of the City.
- (g) To preserve, among other things the following: suitable locations for single family, two-family, and multiple dwellings at a reasonable range of densities provided that they meet sound standards of public health and safety to ensure adequate light, air, privacy and open space for each dwelling unit; to minimize traffic congestion and to avoid overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them; to provide off-street parking and loading zones.

SEC. 10-1-35 R1 DISTRICT - ONE FAMILY RESIDENTIAL DISTRICT.

- (a) PURPOSE. The R1 District is intended to provide a quiet, spacious living neighborhood in which residents are protected from hazards such as fire and nuisances such as noise, odors, vibration, congestion, environmental and aesthetic degradation and other uses which are incompatible with the provisions of this Chapter for this district.

- (b) PERMITTED USES. No building or land may be used and no building may be erected, converted, enlarged or structurally altered in the R1 District except for one or more of the following uses, unless otherwise provided in this Chapter.
 - (1) The family detached dwellings excepting mobile homes.
 - (2) Home occupations as defined in this Ordinance.
 - (3) Parks, forest preserves, recreational areas when publicly owned and operated, and community buildings.
 - (4) Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
 - (5) Accessory uses, including off-street parking as provided by this Ordinance.
 - (6) Churches and schools - elementary, junior, and senior high and libraries.
 - (7) Municipal Buildings. This excludes generally buildings whose uses may cause public and private nuisances. Specifically, sewage treatment plants, garbage incinerators, warehouses, public garages, public shops or storage yards, penal or correctional institutions and asylums are excluded.
 - (8) One private garage and accessory buildings.
 - (9) Uses which are customarily attendant or incidental to any of the above uses provided that such uses do not encroach the health, comfort and welfare of the neighborhood and do not generate more traffic or create public or private nuisance.
- (c) CONDITIONAL PERMITTED USES.
 - (1) Any conditional use denoted in the conditional use section of this Chapter as permitted in the R1 District.
 - (2) Every conditional use permitted in the R1 District shall be located on a lot size of which shall be specified at the time a Conditional Use Permit is authorized.
- (d) LOT SIZE.
 - (1) Minimum lot area per family shall be ten thousand (10,000) square feet.
 - (2) Minimum lot width shall be one hundred (100) feet.
 - (3) In situations where there are existing open lots in the City, the lot restrictions can be compromised providing set backs of present zoning ordinances are adhered to.
- (e) YARDS.
 - (1) Front yard setback.....20 feet
 - (2) Side yard - Principal building..... 8 feet on each side
 - (3) Side and Rear yard - Accessory building setback..... 3 feet from building overhang
 - a. An accessory structure shall maintain a five (5) foot clearance from a principal building or any other accessory structure on the same lot.
 - b. Accessory structures shall maintain a minimum of three (3) feet from the rear lot line, except along an improved alley where five (5) feet is required.
 - c. On corner lots, an accessory structure shall have side and rear setbacks of not less than three (3) feet. However, for the side yard that fronts on a street, the accessory structure shall meet the front yard setback requirement of the adjoining property.
 - (4) Rear yard setback.....20 feet
- (f) HEIGHT.
 - (1) Maximum building height.....35 feet
- (g) PROHIBITED USES.
 - (1) Transitional housing facilities, halfway homes, or any other government funded program or project or any established program or project designed to house individuals convicted of a crime.

§ 10-1-35(d)(3) - Created: Ord. 950, 9/23/97
 § 10-1-35(e) - Amended: Ord. 1005, 7/13/04
 § 10-1-35(g)(1) - Created: Ord. 1013, 12/ 12/06

SEC. 10-1-36 R2 DISTRICT - TWO-FAMILY RESIDENTIAL DISTRICT.

- (a) PURPOSE. The purpose of the R2 District is to provide pleasant and suitable residences in which citizens are protected from man-made hazards such as fire and natural hazards such as floods; and nuisances which may include noise, odors, vibration, glare, traffic hazards, environmental and aesthetic degradation and other uses which are incompatible with this district.
- (b) PERMITTED USES. Unless otherwise provided in this Chapter, no building may be erected, converted, enlarged or structurally altered in the R2 District except for one or more of the following uses:
 - (1) One family detached dwelling.
 - (2) Two-family dwelling.
 - (3) Home occupations as defined in this Chapter.
 - (4) Parks and forest preserves, recreation areas (where publicly owned and operated), historic and cultural features and structures and community buildings.
 - (5) Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
 - (6) Accessory use, including off-street parking in accordance with provision of this Chapter.
 - (7) Signs as permitted by this Chapter.
 - (8) Churches and schools -- elementary, junior, and senior high and libraries.
 - (9) Municipal Buildings. This excludes generally buildings whose uses may cause public and private nuisances. Specifically, sewage treatment plants, garbage incinerators, warehouses, public garages, public shops or storage yards, penal or correctional institutions and asylums are excluded.
 - (10) One private garage and accessory buildings.
 - (11) Uses which are customarily attendant or incidental to any of the above uses provided that such uses do not encroach the health, comfort and welfare of the neighborhood and do not generate more traffic or create public or private nuisance.
- (c) CONDITIONAL PERMITTED USES.
 - (1) Any conditional use denoted in the conditional use section of this Chapter which is permitted in the R1 District is also permitted in this district.
 - (2) Every conditional use permitted in the R2 District shall be located on a lot size of which shall be specified at the time a Conditional Use Permit is authorized.
- (d) LOT SIZE.
 - (1) Minimum lot area shall be ten thousand (10,000) square feet.
 - (2) Minimum lot width shall be one hundred (100) feet.
 (e) YARD AREAS. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
 - (1) Front yard setback.....20 feet
 - (2) Side yard - Principal building..... 8 feet on each side
 - (3) Side and Rear yard - Accessory building setback.....3 feet from building overhang
 - a. An accessory structure shall maintain a five (5) foot clearance from the principal building or any other accessory structure on the same lot.
 - b. Accessory structures shall maintain a minimum of three (3) feet from the rear lot line, except along an improved alley where five (5) feet is required.
 - c. On corner lots, an accessory structure shall have side and rear setbacks of not less than three (3) feet. However, for the side yard that fronts on a street, the accessory structure shall meet the front yard setback requirement of the adjoining property.
 - (4) Rear yard setback.....20 feet
- (f) HEIGHT.
 - (1) Maximum building height.....35 feet

SEC. 10-1-37 R3 DISTRICT -- MULTIPLE FAMILY RESIDENTIAL DISTRICT

- (a) PURPOSE. It is the intention of the R3 District in furtherance of the general and specific purposes spelled out (in sections dealing with general and specific purposes) to provide a living area or neighborhood that is pleasant, peaceful and devoid of public and private nuisance.
- (b) PERMITTED USES.
 - (1) Any use permitted in R2 District.
 - (2) Multi-family dwellings and apartments.
 - (3) Home occupations as defined in this Chapter.
 - (4) Parks, forest preserves and recreational areas when owned and operated by the public.
 - (5) Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
 - (6) Off-street parking as provided by this Chapter.
 - (7) Signs as permitted by this Chapter.
 - (8) Charitable institutions, churches, rest homes, private non-profit clubs and lodges.
- (c) CONDITIONAL PERMITTED USES.
 - (1) Any conditional use denoted in the conditional use section for R3 District may be allowed by a Conditional Use Permit in accordance with the provisions of this Chapter.
 - (2) Every conditional use permitted in the R3 District shall be located on a lot size of which shall be specified at the time a Conditional Use Permit is authorized.
- (d) LOT SIZE.
 - (1) The minimum lot size shall be ten thousand (10,000) square feet, and in addition two thousand, two hundred (2,200) square feet per multi-family unit building.
 - (2) Minimum lot width shall be one hundred (100) feet.
- (e) YARD AREAS. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement.
 - (1) Front yard setback.....20 feet
 - (2) Side yard - Principal building..... 8 feet on each side
 - (3) Side and Rear yard - Accessory building setback.....3 feet from building overhang
 - a. An accessory structure shall maintain a five (5) foot clearance from the principal building or any other accessory structure on the same lot.
 - b. Accessory structures shall maintain a minimum of three (3) feet from the rear lot line, except along an improved alley where five (5) feet is required.
 - c. On corner lots, an accessory structure shall have side and rear setbacks of not less than three (3) feet. However, for the side yard that fronts on a street, the accessory structure shall meet the front yard setback requirement of the adjoining property.
 - (4) Rear yard setback.....45 feet

§ 10-1-37(e) - Amended: Ord. 1005, 7/13/04

SEC. 10-1-38 COMMERCIAL DISTRICTS -- GENERAL PURPOSE.

- (a) GENERAL PURPOSE. The purpose of these districts is to provide an area for businesses which by their nature caters for the everyday basic need and special needs of residents.
- (b) DISTRICTS ESTABLISHED. For this purpose, three Commercial Districts are designated for the purpose of this Chapter.
 - (1) CL -- Local Commercial District.
 - (2) CG -- General Commercial District.
 - (3) CH -- Highway Commercial District.

SEC. 10-1-39 CL -- LOCAL COMMERCIAL DISTRICT.

- (a) PURPOSE. The Local Commercial District is designated for the convenient shopping of persons residing in adjacent residential areas. Only uses which appear to supplement the daily needs of residents will be permitted.
- (b) PERMITTED USES. Only the following uses shall be permitted:
 - (1) Bakeries (retail)
 - (2) Barbershop
 - (3) Beauty parlors
 - (4) Cafes
 - (5) Candy and ice cream shops
 - (6) Delicatessens
 - (7) Drugstores
 - (8) Dry cleaning establishments
 - (9) Dry cleaning, dyeing and laundry pick-up stations
 - (10) Dwelling units
 - (11) Food stores and grocery stores
 - (12) Haberdashery
 - (13) Hardware stores
 - (14) Laundromats
 - (15) Meat markets
 - (16) Shoe repairs
- (c) CONDITIONAL PERMITTED USES. The following uses may be allowed by Conditional Use Permit in accordance with the provisions of this Chapter:
 - (1) Other retail sales and services accessory to these centers and serving the immediate residential neighborhood.
 - (2) Offices accessory to the business centers and serving the immediate residential neighborhood.
 - (3) Public and community service uses
- (d) LOT SIZE.
 - (1) Minimum lot size in this district shall be seven thousand (7,000) square feet.
 - (2) Minimum lot width shall be seventy (70) feet.
- (e) YARD AREA.
 - (1) Front yard setback.....20 feet

- (2) Side yard setback:
 - a. When abutting Residential, Conservancy, and Urban Transitional..... 8 feet on each side
 - b. When abutting Industrial or Commercial properties, no setback is required.
- (3) Rear yard setback.....20 feet
- (f) HEIGHT.
 - (1) Maximum building height.....35 feet
- (g) CONDITIONS OF USE. Any one permitted in the local commercial district shall be limited to the following uses:
 - (1) In any structure harboring a commercial use, dwelling units are only permitted above the first floor.
 - (2) In no case shall the overall height of the building exceed thirty-five (35) feet.
 - (3) All business (off-street parking and loading excluded) shall be conducted within completely enclosed buildings.
 - (4) "Drive-in" types of establishments are not permitted.
 - (5) All business establishments shall be retail or service establishments dealing directly with the consumer.

SEC. 10-1-40 CG -- GENERAL COMMERCIAL DISTRICT.

- (a) PURPOSE. The General Commercial District is meant to accommodate the general business and commercial needs of the City including all retail sales and services which by their nature attract patronage from more than the immediate neighborhood in which it is located but from all over the City.
- (b) PERMITTED USES. The following uses are permitted in the General Commercial District:
 - (1) Any use permitted in the Local Commercial District.
 - (2) Any use permitted in the Multi-family Residential District.
 - (3) Post offices.
 - (4) Parking lots.
 - (5) Businesses which might not generate smoke, dust, noise, glare, vibration, odors or private or public nuisance. These generally include:
 - a. Banks, commercial or professional offices.
 - b. Telephone offices.
 - c. Hotels and motels.
 - d. Theaters, bowling alleys, and places of amusement.
 - e. Restaurants, taverns and bars.
 - f. Personal services, automotive services and equipment service establishments.
 - g. Bus depots.
 - h. Uses customarily incidental to any of the above uses.
 - i. Package liquor stores.
- (c) USES PROHIBITED. Uses prohibited in this district are those which by their nature generate noise, odors, smoke and other nuisances. This includes uses such as but not limited to the following:
 - (1) Industrial uses as specified in the Industrial District.
 - (2) The sale or storage of materials or products which are not sold on the premises or which are not used in the production of some materials or items which will be sold on the premises.
 - (3) Wholesale trade of farm products or animal products.
 - (4) Sale of metals, minerals, scrap, and waste materials.

- (5) Warehousing and storage of materials or products which are not sold on the premises or which are not used in the production of some materials or items which will be sold on the premises.
- (d) LOT SIZE, YARDS, AND SETBACKS. In cases where the building occupies two adjacent lots in a row, the building may not occupy more than ninety-six (96%) percent of total lot area.
 - (1) Front yard setback.....None
 - (2) Side yard setback:
 - a. When abutting Residential, Conservancy, and Urban Transitional.....20 feet
 - b. When abutting Industrial or Commercial properties, no setback is required.
 - (3) Rear yard setback:
 - a. When abutting Residential, Conservancy, and Urban Transitional.....20 feet
 - b. When abutting Industrial or Commercial properties, no setback is required.
- (e) HEIGHT. Maximum building height not to exceed forty-five (45) feet.

SEC. 10-1-41 CH -- COMMERCIAL HIGHWAY DISTRICT.

- (a) PURPOSE. The Commercial Highway District is designed to enhance and facilitate the orderly and compatible groupings of those commercial establishments which by their nature and locational requirements are attracted to highway locations.
- (b) PERMITTED USES. Unless otherwise stated in this Chapter, the following highway-oriented uses are permitted in the Highway Commercial District:
 - (1) "Drive-in" establishments serving food or beverages for consumption.
 - (2) Motels.
 - (3) Service stations, washing and repair stations and garages provided that all gas pumps are not less than thirty (30) feet from the existing or proposed street line.
 - (4) Recreational establishments including drive-in theaters, golf and baseball driving ranges, archery fields, miniature golf courses or similar uses.
 - (5) Warehousing.
 - (6) Uses distinctively similar and related to those listed above.
- (c) CONDITIONAL PERMITTED USES. The following uses may be allowed by Conditional Use Permit in accordance with the provisions of this Chapter.
 - (1) All permitted and conditionally permitted uses listed in the General Commercial (CG) zoning district.
 - (2) Public and community service uses.
- (d) LOT SIZE.
 - (1) Minimum lot size in this district shall be ten thousand (10,000) square feet.
 - (2) Minimum lot width shall be one hundred (100) feet.
- (e) YARD AREA.
 - (1) Front yard setback.....25 feet
 - (2) Side yard setback:
 - When abutting Residential, Conservancy, and Urban Transitional.....8 feet
 - When abutting Industrial or Commercial properties, no setback is required.
 - (3) Rear yard setback.....20 feet
- (f) HEIGHT. Maximum building height not to exceed thirty-five (35) feet.

SEC. 10-1-42 IL -- LIGHT INDUSTRIAL DISTRICT.

- (a) **PURPOSE.** The Light Industrial District (IL) is intended to accommodate light industrial, wholesale and research establishments. The IL District may be located in various areas throughout the community and may or may not be in close proximity to the residential districts. Any industrial use may be permitted, except those that would present danger to residents of the community or generate noise, smoke, traffic, or air and water pollution, or that would create a public or private nuisance. Emphasis is placed on providing land for warehousing and light assembly industries. Outdoor storage of raw materials or finished products is not allowed. All other uses (residential, commercial and public) are prohibited, except that a dwelling may be provided for a caretaker or superintendent if the industrial use requires constant supervision.
- (b) **PERMITTED USES.** Besides the general uses described in Subsection (a) above, the following uses may be allowed by Special Use Permit in accordance with the provisions of this Chapter:
 - (1) Wholesaling and warehousing.
 - (2) Production, processing, servicing, testing, repair, or storage of materials, equipment, and goods.
 - (3) Public and community services.
 - (4) Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
 - (5) Accessory uses, including off-street parking and loading as permitted or required in this Chapter.
- (c) **LOT SIZE.**
 - (1) Minimum lot size in this district shall be ten thousand (10,000) square feet.
 - (2) Minimum lot width shall be one hundred (100) feet.
- (e) **YARD AREA.**
 - (1) Front yard setback.....20 feet
 - (2) Side yard -- Principal building.....20 feet on each side
 - (3) Rear yard setback:.....40 feet
- (f) **HEIGHT:** Maximum building height shall be 35 feet.

SEC. 10-1-43 IG -- GENERAL INDUSTRIAL DISTRICT.

- (a) **PURPOSE.** The General Industrial District is intended to accommodate those industrial uses which are not permitted in the IL District. Such industrial undertakings need not to be enclosed where the type of undertaking requires that the activities be carried on outside. All production, processing, servicing, testing, repair, or storage of materials or goods may take place in enclosed buildings. All outdoor storage shall be screened by a site obscuring fence or shrubs when the zoning lot is fronting a street or highway and/or is adjacent to residential districts.
- (b) **PERMITTED USES.** Any use permitted in the Light Industrial District is also permitted in this district.
- (c) **CONDITIONAL PERMITTED USES.** The following uses may be allowed by conditional permit in accordance with the provisions of this Chapter:
 - (1) Any use which may be allowed as a conditional permit in the Light Industrial (IL) District.
 - (2) Stone and gravel pits.
 - (3) Railroad roundhouses, maintenance buildings, and switching yards.
- (d) **LOT SIZE.**
 - (1) Minimum lot size shall be ten thousand (10,000) square feet.

- (2) Minimum lot width shall be one hundred (100) feet.
- (e) YARD AREA.
 - (1) Front yard setback.....45 feet
 - (2) Side yard setback.....20 feet
 - (3) Rear yard setback.....15 feet
- (f) HEIGHT.
 - (1) Maximum building height.....45 feet

SEC. 10-1-44 CONSERVANCY DISTRICT.

- (a) PURPOSE.
 - (1) To discourage development and disturbance to the natural setting in areas with unique features.
 - (2) To provide protected areas to insure proper water conservation and flood control.
 - (3) To give primary consideration to outdoor recreation and forestry pursuits.
 - (4) To provide areas where native flora and fauna may prosper in a natural habitat.
- (b) PERMITTED USES. The following uses are permitted within the Conservancy District:
 - (1) Management of forestry, wildlife and fish.
 - (2) The harvesting of wild crops such as marsh hay, ferns, moss, berries, fruit trees and tree seeds.
 - (3) Hunting, fishing and trapping.
 - (4) Dams, power stations, transmission lines.
 - (5) Water pumping and storage facilities, golf courses, and public parking grounds are permitted provided the City Council acting on the recommendation of the Planning Commission issues written permission.
 - (6) Bicycle or hiking trails.
 - (7) Parks.
 - (8) Uses customarily incidental to any of the above uses.
- (c) LOT SIZE. Every principal permitted use in this section shall be located on a tract of land not less than one (1) acre in size and have a width at the established building line of not less than one hundred twenty-five (125) feet. This requirement shall not apply to railroad right-of-way and trackage.
- (d) YARD AREA. No building shall be erected or enlarged unless it is in compliance with the distances specifically enumerated within this section for specific use, or established when a special use permit is approved as follows:
 - (1) Front yard25 feet
 - (2) Side yard - Principal Building.....12 feet
 - (3) Side yard - Accessory Building..... 8 feet
 - (4) Rear yard25 feet

SEC. 10-1-45 URBAN TRANSITIONAL DISTRICT.

- (a) PURPOSE. To permit the conduct of limited agricultural pursuits on land within the City or land that may be annexed and to prevent premature urban development of certain lands which eventually will be appropriate for urban use, until the installation of streets, utilities and community facilities make orderly development possible.

- (b) **REQUIRED CONDITIONS.** No uses shall be permitted and no process, equipment or material shall be employed which is found by the City Council to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reasons of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or traffic or to involve any hazard of fire or explosion.
- (c) **PERMITTED USES.** Unless otherwise provided in this Chapter, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the Urban Transitional District except for one of the following uses:
 - (1) Uses commonly classed as agricultural, horticultural, or forestry, including crop and tree farming, truck gardening, gardening, (but not including animal husbandry) together with the operation of any machinery or vehicles incidental to the above uses, provided that the permitted agricultural pursuits are conducted in accord with good practice so as not to be deemed a nuisance.
 - (2) Home occupations as defined in this Chapter.
 - (3) Parks, forest preserves and recreational areas when publicly owned and operated.
- (d) **CONDITIONAL PERMITTED USES.**
 - (1) Any conditional use as denoted in the Conditional Use Section for UT District may be allowed by a Conditional Use Permit in accordance with the provisions of this Ordinance.
 - (2) Every conditional use permitted in the UT District shall be located on a lot the size of which shall be specified at the time the Conditional Use Permit is authorized.
- (e) **LOT SIZE.**
 - (1) Minimum lot size shall be five (5) acres.
 - (2) Minimum lot width shall not be less than three hundred (300) feet.
- (f) **YARD AREA.**
 - (1) Front Yard: Minimum front yard shall not be less than thirty (30) feet or more than sixty (60) feet.
 - (2) Side Yard: Side yard shall be twenty-five (25) feet for principal building and nine (9) feet for accessory building.
 - (3) Rear Yard: Rear yard shall not be less than twenty-five (25) feet.
 - (4) Maximum building height: Thirty-five (35) feet.

SEC. 10-1-46 THROUGH SEC. 10-1-49 RESERVED FOR FUTURE USE.

ARTICLE D

Conditional Uses; Planned Unit Developments

SEC. 10-1-50 CONDITIONAL USES - PURPOSE.

- (a) The formulation and enactment of a comprehensive zoning ordinance is based on the division of the entire City into districts in each of which are permitted specified uses that are mutually compatible.
- (b) In addition to such permitted, compatible uses, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district, but which, because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this Chapter as "special uses" and fall into three (3) categories:
 - (1) Uses which are either municipally operated or operated by publicly regulated utilities.
 - (2) Uses entirely private in character which, because of their peculiar locational need, the nature of the service they offer to the public, and their possible damaging influence on the neighborhood, may have to be established in a district, or districts, in which they cannot reasonably be allowed as an unrestricted permitted use under the zoning regulations.
 - (3) Nonconforming uses which as "conditional uses" can be made more compatible with their surroundings.

SEC. 10-1-51 WHERE CONDITIONAL USES PERMITTED.

The following uses may be allowed by Conditional Use Permit in accordance with Section 10-1-96 of this Chapter.

- (a) IN THE R1 RESIDENTIAL DISTRICT.
 - (1) Cemeteries, crematoriums and mausoleums.
 - (2) Charitable and non-profit institutions.
 - (3) Child care facilities.
 - (4) Churches, rectories, seminaries, convents, monasteries, including any other uses incidental to them.
 - (5) Community swimming pools.
 - (6) Educational institutions.
 - (7) Golf courses.
 - (8) Off-street parking.
 - (9) Public service uses:
 - a. Filtration plant, pumping station and water reservoir
 - b. Sewage treatment plant
 - c. Police and fire stations
 - d. Telephone exchange
 - e. Electric substation and booster stations
 - (10) Railroad right-of-way and trackage but not including classification yards, terminal facilities and maintenance facilities.
 - (11) Temporary real estate offices
- (b) IN THE R2 RESIDENTIAL DISTRICT: In addition to the conditional uses permitted in the R1 District, the following uses may also be permitted in the R2 District, upon obtaining a Conditional Use Permit::

- (1) Sheltered care elderly units.
 - (2) Transitional housing facilities, halfway homes, or any other government funded program or project or any established program or project designed to house individuals convicted of a crime.
- (c) IN THE R3 RESIDENTIAL DISTRICT: In addition to the conditional uses permitted in the R1 and R2 Districts, the following uses may also be permitted in the R3 District:
- (1) Mobile home parks
 - (2) Rest homes and nursing homes
 - (3) Hospitals and sanatoriums
- (d) IN THE URBAN TRANSITIONAL DISTRICT:
- (1) One-family detached dwellings.
 - (2) Wholesale nursery operations.
 - (3) The sale of products produced on the premises only from temporary stands or existing operations structures.
 - (4) Cemeteries, crematoriums and mausoleums.
 - (5) Churches, rectories, parish houses and convents.
 - (6) Golf courses, provided that no clubhouse or accessory building shall be located nearer than five hundred (500) feet from any dwelling.
 - (7) Institution for the aged.
 - (8) Educational institutions.
 - (9) Public service uses:
 - a. Filtration plant, pumping station and water reservoir
 - b. Sewage treatment plant
 - c. Police and fire stations
 - d. Telephone exchange
 - e. Electric substation and booster stations
 - f. Sanitary landfill
 - g. Other governmental uses found by the City Council to be necessary for the public health, safety and welfare.
 - (10) Private clubs and lodges provided they are not carried out as a business.
 - (11) Rest homes, nursing homes, hospitals, and sanatoriums.
 - (12) Mobile home parks.
- (e) IN THE R1, R2, AND R3 RESIDENTIAL DISTRICTS:
- (1) Bed and Breakfast establishments subject to the following provisions:
 - a. The establishment must be owner occupied.
 - b. Off-street parking of one (1) space for each bedroom is required in addition to the normal two (2) parking stalls per household requirement.
 - c. Permits are required in accordance with Chapter HSS 197, Wisconsin Administrative Code.
 - d. In R1 and R2 Districts, the number of bedrooms shall be limited to two (2) with a maximum stay of fifteen (15) days.
 - (2) Boarding houses and rooming houses.
 - (3) Adult and child care facilities.
 - (4) Professional home offices.
 - (5) Non-professional and service provider home offices.
 - (6) Warehousing of inventory and supplies for the above noted (1-5) approved uses within the residence and any approved garage or accessory building provided the use of the above will not generate noise, odor, smoke or health hazards and public nuisances.
 - (7) An additional private garage for warehousing of inventory and supplies for the above noted (1-5) uses provided the garage construction and maintenance is aesthetically compatible for the residential district.

(f) IN GENERAL COMMERCIAL DISTRICTS:

- (1) Warehousing, providing the same does not generate noise, odor, smoke, or other nuisance.
- (2) Transitional housing facilities, halfway houses, or any other government funded program or project or any established program or project designed to house individuals convicted of a crime.

Cross-Reference: Section 10-1-96 and 10-1-97.

§ 10-1-51(e) - Created: Ord. 884, 8/29/88

§ 10-1-51(e) - Amended: Ord. 938, 1/22/97

§ 10-1-51(f) - Created: Ord. 885, 8/29/88

§ 10-1-51(b)(2) - Created: Ord. 1013, 12/12/06

§ 10-1-51(f)(2) - Created: Ord. 1013, 12/12/06

SEC. 10-1-52 PLANNED UNIT DEVELOPMENTS.

- (a) Planned unit developments (PUD) are permitted as conditional uses in all residential zones. PUD's are intended to provide for innovative large-scale residential development.
- (b) A PUD must contain a minimum of ten (10) contiguous acres under one ownership or control.
- (c) Plans for the proposed development shall show the location, size, and proposed use of all structures and land included in the are involved. Individual drainage and planting plans shall be provided for the entire development.
- (d) The plans may provide for a combination of single and multi-family development as well as closely related commercial uses, provided the plans indicate:
 - (1) That the overall density of the project defined as the number of living units per acre including associated commercial uses does not exceed the district regulations for the district in which the project is to be developed.
 - (2) That paved streets and sidewalks adequate to serve the needs of the area will be provided.
 - (3) That adequate access to public streets and proper internal circulation will be provided.
 - (4) That adequate sewer and water facilities will be provided.
 - (5) That the development will constitute a reasonable extension of the living areas in the City, and will be compatible with surrounding land uses.
 - (6) That adequate safeguards be taken to insure that the parks and other open spaces shown on the plan are permanently reserved as parks and open spaces.

SEC. 10-1-53 THROUGH SEC. 10-1-59 RESERVED FOR FUTURE USE.

ARTICLE E

Mobile Homes

SEC. 10-1-60 INTENT AND PURPOSE OF ARTICLE.

It is the intent and purpose of this Article to regulate the placing of mobile homes of all types and varieties in the City of Neillsville with regard to providing adequate standards to protect the public health, safety, morals, convenience, and general welfare.

Cross-Reference: Title 7, Chapter 6.

SEC. 10-1-61 OCCUPANCY PERMITS FOR MOBILE HOMES.

No mobile home as defined in this Chapter shall be occupied or used for living or sleeping purposes unless it is located in an area that has been granted an appropriate permit by the Zoning Officer. Temporary mobile homes or travel trailers used on construction projects or in conjunction with carnivals and circuses may be permitted when approved by the Zoning Officer.

SEC. 10-1-62 PURPOSE OF MOBILE HOME PARKS.

The mobile home park, as defined in Section 10-1-3(b)(34), is established:

- (a) To provide regulations and standards for the development of a safe, healthy and well-designed community for permanent mobile home living.
- (b) To provide, in appropriately located areas within specific zoning districts, sites for mobile home living developed at reasonable density consistent with sound standards of public health and safety.
- (c) To comply as much as possible with the objectives and purposes of each zoning district in which mobile home parks are located.
- (d) To insure adequate light, air, access and open space for each mobile living unit.
- (e) To regulate the mobile home park such that it will complement the land use policy of the zoning district.

SEC. 10-1-63 PLACEMENT OF MOBILE HOME PARKS.

Mobile home parks may be permitted in accordance with the provisions of Title 7, Chapter 6.

SEC. 10-1-64 APPLICATION FOR MOBILE HOME PARK.

- (a) APPLICATION CONFERENCE. Prior to applying for a Conditional Use Permit, the applicant is required to confer with the Planning Commission. A conference shall be scheduled by the Planning Commission within thirty (30) days after receipt of the following basic information and data, displayed to scale on maps:
 - (1) the boundaries of the property;
 - (2) existing easements and covenants affecting the property;

- (3) land characteristics, such as natural drainage, swamp areas and wooded areas;
 - (4) development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities;
 - (5) an overall land use development plan delineating the street system, parking areas, concrete pads, recreational areas, public and private utility installations and any additional on-site improvements. Accompanying the land use development plan shall be a phasing plan for the development of the projects.
- (b) **PLANNING COMMISSION REVIEW AND RECOMMENDATION.** The Planning Commission shall review the proposed Special Use Permit to determine its conformity with land development trends in the community; standards of the Official Comprehensive Plan; and recognize principles of design, land use planning and landscape architecture. The Planning Commission shall convey in writing to the applicant:
- (1) Approval;
 - (2) Approval with conditions;
 - (3) Approval with modifications;
 - (4) Rejection of the proposal.
- This communication must be made within sixty (60) days of receipt of the special use permit application.
- (c) **CONDITIONAL USE PERMIT FILING PROCEDURE.** After receipt of a written report from the Planning Commission, the applicant may file for a Conditional Use Permit in accordance with the provisions of Section 10-1-96.
- (1) Findings of Facts: Within thirty (30) days after the close of the public hearing on the proposed Conditional Use Permit, the City Council shall make a written finding of facts. For the City Council to make an affirmative recommendation, it must find in each of the following instances that:
 - a. The establishment of a proposed mobile home park will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 - b. The proposed mobile home park will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
 - c. The proposed mobile home park will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. Adequate utilities, access roads, drainage, and/or other necessary facilities have been, are being, or will be provided.
 - e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (2) Effect of Denial: No application for a Conditional Use Permit which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Planning Commission.

SEC. 10-1-65 THROUGH SEC. 10-1-69 RESERVED FOR FUTURE USE.

ARTICLE F

Parking and Loading

SEC. 10-1-70 PARKING AND LOADING - PURPOSE.

The purpose of the Article of the Zoning Code is to promote public safety and welfare by establishing minimum requirements of property uses so that congestion of public streets is alleviated.

SEC. 10-1-71 SCOPE OF PARKING AND LANDING REGULATIONS.

The off-street parking and loading provisions of this Chapter shall apply as follows:

- (a) For all buildings and structures erected after the effective date of this Ordinance, accessory parking and loading shall be according to the provisions of this Chapter.
- (b) Where the intensity of the use of any building structure or premise shall be increased, additional parking to match the increased intensity of use shall be provided.
- (c) Wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use.
- (d) Any existing parking and loading serving any type of use may not be reduced below the requirements of this Ordinance.
- (e) Off-street parking and loading may be established voluntarily provided it meets the requirements of this Ordinance.
- (f) Where a conforming or legally non-conforming building is destroyed by fire, explosion, floor or any other man-made or natural catastrophe, no off-street parking or loading may be provided during the process of reconstruction.
- (g) Any application for a zoning permit or for a certificate of zoning compliance shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this Chapter.
- (h) The area outlined on the official zoning map and entitled the Neillsville Central Business District shall be exempt from these parking and loading regulations.

SEC. 10-1-72 OTHER PARKING AND LANDING REQUIREMENTS.

In addition to the aforementioned parking and loading regulations, the following regulations shall apply:

- (a) Off-street, residential parking may be used for parking or storage of commercial vehicles so long as the vehicle(s) are parked a minimum of twelve (12) feet from the road edge or a distance which would be beyond the inside edge of the sidewalk, as there is no parking allowed on or over a sidewalk whichever is greater.
- (b) Off-street parking facilities for different buildings, structures, uses, or mixed uses may be provided collectively in any non-residential zoning district, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements of each use.

§ 10-1-72(a) - Recreated: Ord. 985, 07/24/01

SEC. 10-1-73 SIZE AND SPACE REGULATIONS.

- (a) A required off-street parking space which is located outside, shall be at least eight and one-half (8-1/2) feet in width and at least nineteen (19) feet in length, exclusive of access,

drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet.

- (b) A required off-street parking space which is located inside shall be at least eight and one-half (8-1/2) feet in width and at least nineteen (19) feet in length exclusive of access drives and aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet.

SEC. 10-1-74 PARKING YARDS.

Parking may be allowed in the required yards with the exception of the following:

- (a) **PARKING IN FRONT OR SIDE YARDS.** No parking shall be allowed within the first twenty (20) feet of the required front yard or three (3) feet of the required side yard adjacent to the right-of-way line in all the Residential districts, the Local Commercial district, the General Commercial district, and the Light Industrial district.
- (b) **PARKING IN RIGHT-OF-WAY.** No parking shall be so sited in the Commercial Highway District and the General Industrial district so that they interfere with the right-of-way.
- (c) **SURFACING.** An open off-street parking area, containing more than five (5) parking spaces shall be improved with a bituminous or cement concrete pavement in accordance with the City of Neillsville's standards and specifications.
- (d) **STORAGE AND PARKING OF ACCESSORY VEHICLES.** Campers, travel trailers or motor homes, boats, buses, trucks over three-quarter (3/4) ton, and other similar vehicles or apparatus shall not be stored or parked for a length of time greater than twenty-four (24) hours on any public street that is in a residential district. Major repair, alteration or maintenance of any such vehicles shall not be conducted in any residential areas except within completely enclosed buildings, and such repair, alteration or maintenance shall not be conducted as an occupation.

Amended: Ord. 988, 08/14/01

SEC. 10-1-75 NUMBER OF PARKING STALLS REQUIRED.

- | | | |
|-----|--|---|
| (a) | Single-family dwelling and mobile homes | 2 stalls/dwelling unit |
| (b) | Multi-family dwellings: | |
| | (1) Efficiency | 1.5 stalls/dwelling unit |
| | (2) 1-2 Bedroom | 1.5 stalls/dwelling unit |
| | (3) 3 of more bedrooms | 2 stalls/dwelling unit |
| (c) | Hotels, motels [also see Subsections (g) and (i)] | 1 stall/3 emp. &
1 stall/guestroom |
| (d) | Clubs, lodges, sororities, fraternities, dormitories, lodging & boarding houses [also see Subsections (g) and (i)] | 1 stall/2 beds |
| (e) | Service Institutions | |
| | (1) Hospitals | 1 stall/2 beds &
1 stall/3 emp. |
| | (2) Sanitoriums, institutions, rest & nursing homes | 1 stall/3 emp. |
| (f) | Medical and dental clinics | 6 stalls/doctor |
| (g) | Churches, theaters, auditoriums, community centers, vocational & night schools & other places of public assembly. | 1 stall/5 seats or
1 stall/100 sq. feet,
whichever is greater |

- | | | |
|-----|--|--|
| (h) | Schools | |
| | (1) Elementary schools | 1 stall/employee |
| | (2) College & secondary schools | 1 stall/employee &
1 stall/5 students |
| (i) | Retail sales and services | |
| | (1) Restaurants, bars or lounges | 1 stall/50 square feet of gross floor
area or 1 stall/6 seats, whichever is
greater |
| | (2) Financial institutions, businesses,
governmental & professional offices | 1 stall/300 square feet |
| | (3) Funeral homes | 1 stall/4 seats or
1 stall/100 square feet, exclusive
of embalming facilities, whichever
is greater |
| | (4) Bowling Alleys
[also see (g) and (i) of this section] | 5 stalls/alley |
| | (5) All other retail sales & services
including shopping centers | 1 stall/250 square feet
gross floor area |
| (j) | Manufacturing & Processing plants, laboratories,
warehouses, & wholesale sales. | 1 stall/2 emp. |

SEC. 10-1-76 TRUCK LOADING AREAS AND PARKING SPACES.

Off-street spaces sufficient for all truck loading and truck storage and parking shall be provided in connection with all buildings and uses delivering and receiving goods, materials, and supplies by truck and those using trucks in their business or operation.

SEC. 10-1-77 THROUGH SEC. 10-1-79 RESERVED FOR FUTURE USE.

ARTICLE G

Signs

SEC. 10-1-80 PURPOSE OF ARTICLE - SIGNS.

The purpose of this Article is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the City of Neillsville. This Article recognizes the need to protect the safety and welfare of the public and the need for well maintained and attractive sign displays within the community, and the need for adequate business identification, advertising and communication. This code authorizes the use of signs visible from public rights-of-way provided the signs are:

- (a) Compatible with the zoning regulations.
- (b) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- (c) Legible, readable and visible in the circumstances in which they are used.
- (d) Respectful of the reasonable rights of other advertisers whose messages are displayed.

Recreated: Ord. 971, 08/22/00

SEC. 10-1-81 DEFINITIONS.

- (a) In addition to those definitions contained in section 10-1-3, City Ordinances, the following definitions shall apply to Article G.
 - (1) **ABANDONED SIGN.** A sign which no longer correctly advertises a bonafide business, lessee, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.
 - (2) **AREA OF COPY.** The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement, or decoration of a wall sign.
 - (3) **AREA OF SIGN.** The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Any irregularly shaped sign area shall be computed using the actual sign-face surface. In the case of wall signs, the area of copy will be used.
 - (4) **BILLBOARD.** See Section 10-1-3(a)(7) City Ordinances.
 - (5) **CHANGEABLE MESSAGE SIGN.** A sign such as an electric controlled time and temperature sign, message center or reader board where copy changes.
 - (6) **COPY AREA.** The geometric area in square feet that encloses the actual copy of the sign.
 - (7) **DIRECTIONAL SIGN.** Any sign which serves to designate the location or direction of any place or area. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas entrances and exits.
 - (8) **ELECTRIC SIGN.** Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.

- (9) FLASHING SIGN. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source, not including changeable message signs.
- (10) FRONTAGE. The length of the property line of any one premise parallel to and along each public right-of-way it borders.
- (11) GRADE. The elevation or level of the street closest to the sign two which reference is made, measured at the street's centerline.
- (12) GROUND SIGN. A sign erected on one or more free-standing supports or uprights and not attached to any building.
- (13) GROSS AREA. The area of a sign is determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for "Area of Copy" apply.
- (14) HEIGHT OF SIGN. The verticle distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.
- (15) ILLUMINATED SIGN. A sign which is lighted by an artifical light source either directed upon it or illuminated from an interior source.
- (16) INTEGRATED SHOPPING CENTER. A shopping center in single ownership or under unified control, and containing three (3) or more separate businesses.
- (17) LEGAL NONCONFORMING SIGN. A nonconforming sign that did meet regulations when it was originally installed.
- (18) NONCONFORMING SIGN. A sign that does not meet code regulations.
- (19) OFF-PREMISE SIGN. See definition for "Billboard" at Section 10-1-3(a)(7), City Ordinances.
- (20) ON-PREMISE SIGN. Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.
- (21) PORTABLE SIGN. Any sign not permanently attached to the ground or a building.
- (22) SIGN. See Section 10-1-3(a)(46), City Ordinances.
- (23) SIGN CONTRACTOR. Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.
- (24) SIGN STRUCTURE. Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.
- (25) SWINGING SIGN. A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- (26) WALL SIGN. A sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall. This includes signs painted directly on a wall.
- (27) WINDOW SIGN. A sign affixed to, in contact with, painted upon, or placed within a window, for the purpose of viewing from outside the premises; such sign must be placed only on the interior of any window unless painted directly upon it. This does not include merchandise located in a window.
- (28) ZONING LOT. A parcel of land considered or treated as a single unit. A zoning lot may or may not correspond with a lot of record.

Recreated: Ord. 1004, 6/22/04

SEC. 10-1-82 PERMITS, APPEALS, INDEMNIFICATION, INSURANCE.

- (a) PERMITS REQUIRED. Except as set forth in subsection (b) herein, it shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the City of Neillsville without first obtaining a sign permit for each such sign from the Zoning Administrator as required by this section.

Permits shall not be required for a change of copy of any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.

- (b) SIGNS NOT REQUIRING A PERMIT. Any of the following signs which are larger than six (6) square feet of gross area shall not be located within five (5) feet of the public right-of-way. Furthermore, the following signs shall not require a permit:
- (1) Construction Signs. Two (2) construction signs per construction site, not exceeding sixty-four (64) square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.
 - (2) Directional and Instructional Non-electric Signs. Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed ten (10) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.
 - (3) Non-illuminated Emblems. Non-illuminated emblems, or insignia of any nation or political subdivision, profit or non-profit organization.
 - (4) Government Signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service safety which are erected by or on the order of a public officer in the performance of his/her public duty.
 - (5) Home Occupation Signs. Signs associated with a home occupation as defined in the Zoning Ordinance provided such signs are non-illuminated signs that do not exceed two (2) square feet in area. One (1) sign per home occupation is allowed.
 - (6) House Numbers and Name Plates. Name plates not exceeding one (1) square foot in area for each residential building. House numbers not exceeding one (1) foot in height. Written house numbers not exceeding one (1) foot in height. Letters, when used to identify individual multiple-family dwelling units, not to exceed one (1) foot in height.
 - (7) Interior Signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way.
 - (8) Memorial Signs and Plaques. Memorial signs or tablets, names of buildings and date of erection, which are cut into the masonry surface or inlaid so as to be a part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.
 - (9) No Trespassing or No Dumping Signs. No trespassing and no dumping signs not to exceed one and one-half (1 1/2) square feet in area per sign.
 - (10) Public Notices. Official notices posted by public officers or employers in the performance of their duties.
 - (11) Public Signs. Signs required as specifically authorized for a public purpose by any law, statute, ordinance.
 - (12) Campaign Signs. Campaign signs on behalf of candidates for public office provided that said signs are subject to the following regulations:
 - a. Said signs may be erected consistent with Wisconsin Administrative Code; Transportation 201.16(2)(a)-(e).
 - b. Each campaign sign shall not exceed thirty-two (32) square feet in residential and nonresidential zoning districts.
 - c. No sign shall be located in the public right-of-way.
 - d. Campaign signs shall not be attached to public signs or utility poles.
 - (13) Real Estate Signs. One (1) real estate sign per agency on any lot or parcel provided such sign is located entirely within the property to which the sign applies and is not directly illuminated. Such signs shall be removed within thirty (30) days after the sale, rental or lease has been accomplished.
 - (14) On-Premise Symbols or Insignia. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

- (15) On-Premise Temporary Signs. Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided such signs are posted not more than thirty days before said event and removed within fifteen (15) days after the event.
 - (16) Vehicular Signs. Truck, bus, trailer or other vehicles, while operating in the normal course of business, which is not primarily the display of signs.
 - (17) Interior Window Signs. Permanent signs located within the interior of any building or structure which are visible from the public right-of-way provided the gross area of the sign does not exceed four (4) square feet. This does not include temporary advertising, special event, or sales types of signs.
 - (18) Other. Off-premise advertising signs as specifically allowed for limited purposes and periods of time and as such exception is established by the Neillsville Common Council by specific motion or resolution.
- (c) APPLICATION FOR PERMIT. Application for a permit shall be filed with the City Clerk upon forms provided by the Zoning Administrator and shall contain the following information:
- (1) The name, address and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.
 - (2) Clear and legible drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with location, setbacks, size, and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.
 - (3) Evidence of liability insurance policy or bond as required by Section 10-1-82(f).
 - (4) Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the City of Neillsville.
 - (5) Signature of the applicant.
 - (6) No fee shall be required for application to the Zoning Administrator.
- (d) PERMIT ISSUANCE AND DENIAL. The Zoning Administrator shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the City of Neillsville when the permit application is properly made and the sign complies with the appropriate laws and regulations of the City of Neillsville. If the sign permit is denied by the Zoning Administrator, he/she shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.
- (e) SIGN PERMIT APPEAL.
- (1) In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm or corporation, a variance from requirements may be applied for pursuant to Section 10-1-98, City Ordinances.
 - (2) The decision of the Zoning Administrator either granting or denying a permit application may be appealed to the Zoning Board of Appeals pursuant to Section 10-1-94, City Ordinances.
- (f) INDEMNIFICATION FOR SIGN INSTALLATION AND MAINTENANCE. All persons engaged in the business of installing or maintaining signs which involves in whole or in part, the erection, alteration, relocation, maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or public property used or encroached upon by the sign contractor, shall agree to hold harmless and indemnify the City of Neillsville, its officers, agents, employees, from any and all claims of negligence resulting from the erection, alteration, maintenance of this sign or any other sign work insofar as this Ordinance has not specifically directed the placement of the sign.
- (g) INSURANCE. Every sign contractor erecting an on-premise or off-premise sign shall file with the Zoning Administrator a Certificate of Insurance indicating the applicant holds a public liability and property damage policy specifically to include the hold harmless clause with bodily injury limits of \$300,000 per occurrence, and \$300,000 aggregate, and property damage insurance of at least \$100,000 per occurrence, and \$100,000 aggregate. Such insurance shall not be cancelled or reduced without the insured first giving thirty (30) day notice in writing to the City of Neillsville of such cancellation or reduction.

- (h) PENALTIES. Violation or failure to comply with the provisions of this Ordinance shall be and hereby is declared to be unlawful.
- (1) Any sign erected, altered, moved or structurally modified without a permit or altered with a permit, but in violation with the provisions of this Ordinance shall be removed at the owner's expense or brought into compliance within thirty (30) days of written notification by the Zoning Administrator. If the violation is failure to obtain a permit, a permit fee shall be required and the permit fee shall be five (5) times the normal fees. In the event that the owner does not remove or bring the sign into compliance, the Zoning Administrator may order removal, the expenses of which will be assessed to the tax roll of the property on which the noncomplying sign is located.
 - (2) This section shall not preclude the City of Neillsville from maintaining any appropriate action to prevent or remove a violation of this Ordinance.

Recreated: Ord. 1004, 6/22/04
 §10-1-82(b) - Amended: Ord. 1011, 2/14/06

SEC. 10-1-83 LEGAL NONCONFORMING SIGNS.

- (a) NOTIFICATION OF NONCONFORMANCE. Upon determination that a sign is nonconforming, the Zoning Administrator shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
 - (1) The sign's nonconformity.
 - (2) Whether the sign is eligible for characterization as "legal nonconforming" or is unlawful.
- (b) SIGNS ELIGIBLE FOR CHARACTERIZATION AS LEGAL NONCONFORMING. Any sign located within the City of Neillsville's city limits as of the date of adoption of this ordinance, or located in an area annexed to the City of Neillsville, hereafter which does not conform with the provisions of this Ordinance is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:
 - (1) The sign was covered by a proper sign permit prior to the date of adoption of this Ordinance.
 - (2) If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of adoption of this Ordinance.
- (c) LOSS OF LEGAL NONCONFORMING STATUS. A sign loses its nonconforming status if one or more of the following occur:
 - (1) The sign and/or display is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Ordinance than it was before alteration.
 - (2) The sign and/or display is removed or relocated.
 - (3) The sign and/or display fails to conform the the Ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs.
 - (4) The sign and/or display is destroyed by any means to the extent of more than fifty (50%) percent of its fair market value.
 - (5) On the date of occurrence of any of the above, the sign and/or display shall be immediately brought into compliance with this Ordinance.
- (d) LEGAL NONCONFORMING SIGN MAINTENANCE AND REPAIR. Nothing in this Ordinance shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs.

Recreated: Ord. 1004, 6/22/04

SEC. 10-1-84 MAINTANCE, REMOVAL AND DISPOSITION OF SIGNS.

- (a) MAINTENANCE AND REPAIR.
- (1) Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repairing, cleaning and other acts required for the maintenance of said sign. A sign in disrepair shall be repaired within sixty (60) days after written notice to repair. Failure to perform the required repairs shall render the sign subject to removal pursuant to this section.
 - (2) The Zoning Administrator shall conduct an annual inspection of all signs located in the City of Neillsville for the purpose of determining whether any sign is unlawful, that it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment, and shall require compliance with all standards of this Ordinance. Any such declaration shall be in writing and shall state the reason(s) of the Zoning Administrator as to why any sign owned, kept displayed or maintained by any person with the City is in violation of this chapter. If the sign is not modified to comply with safety standards outlined in this Ordinance, the Zoning Administrator shall require its removal in accordance with this section.
- (b) ABANDONED SIGNS. All signs or sign messages shall be removed by the owner or lesee upon which an on-premise sign is located when the business it advertises is no longer conducted or, for an off-premise sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice, the City of Neillsville may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.
- (c) RESPONSIBILITY FOR DETERIORATED OR DILAPIDATED SIGNS. Responsibility for the maintenance and removal of signs and structures rests first with the sign owner, secondly with the installer of the sign and thirdly with the property owner. If any sign is in violation of this chapter or becomes so damaged or dilapidated as to offend the aesthetic character of the immediate neighborhood or may contribute to the production of blight or deterioration, the Zoning Administrator shall give written notice to the owner of the sign or the property owner on which the sign is located, in person or by mail, addressed to the last known post office address of such owner, to repair or remove such sign. If such an order is not complied with within sixty (60) days of serving the notice, the Zoning Administrator shall cause the sign and structure to be razed and the cost thereof assessed as a special charge against the property on which the sign is located.

Recreated: Ord. 1004, 6/22/04

SEC. 10-1-85 DISTRICT REGULATIONS.

The following signs are allowable providing a permit is acquired from the Zoning Administrator when required:

- (a) RESIDENTIAL AND CONSERVANCY DISTRICTS. In the Residential and Conservancy Districts, signs shall be regulated as follows:
- (1) MULTI-FAMILY DWELLINGS.
 - a. For each multiple-family dwelling, identification signs indicating only the name and address of the building and the name of the management not exceeding a total of thirty-two (32) square feet in area. Such signs may not be closer than eight (8) feet to any other zoning lot. On a corner zoning lot, identification may be permitted on each side of the street.
 - b. No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.

- (2) CHURCHES, CEMETERIES, EDUCATIONAL INSTITUTIONS, RECREATION AND SOCIAL FACILITIES AND OTHER SIMILAR USES.
- a. Identification signs shall not exceed a total of sixty-four (64) square feet in area. Such signs may not be closer than eight (8) feet to any other zoning lot. On a corner lot, identification signs shall be permitted on each street side.
 - b. No sign when attached to the wall of a building or structure, shall project more than eighteen (18) inches from the wall to which it is attached. No sign shall project higher than one (1) story or twenty (20) feet above the curb level, whichever is lower.
- (3) OTHER SIGNS. The following signs shall be allowed subject to the provisions contained in Section 10-1-82(b), and further subject to any provisions contained herein.
- a. House numbers and name plates.
 - b. Real estate signs. No real estate sign shall exceed thirty-two (32) square feet in area and shall not be placed closer than eight (8) feet to any other zoning lot.
 - c. Home occupation signs.
 - d. Construction signs.
 - e. Interior signs.
 - f. No trespassing or no dumping signs.
 - g. Campaign signs.
 - h. Off-premise sign. A limit of one (1) free standing or wall off-premise sign may be displayed per parcel. Whether free-standing or on a wall, such signs shall be limited to six (6) square feet in sign area.
- (b) COMMERCIAL DISTRICTS. In the Commercial Districts, signs shall be regulated as follows:
- (1) CL DISTRICTS. In the CL District, on-premise signs are permitted subject to the following conditions:
 - a. Residential Uses. The regulations covering the use of signs for residential buildings in the CL District shall be the same as in the Residential District.
 - b. Non-Residential Uses. In the CL District, nonflashing signs are permitted subject to the following conditions:
 1. Area: The gross area in square feet of all business signs on a zoning lot shall not exceed one (1) times the lineal feet of street frontage on such zoning lot, and not more than fifty (50%) percent of this gross area shall be in a freestanding sign. Only one freestanding business sign shall be permitted for each street frontage of a zoning lot, except as provided in subsection (1)c. below.
 2. Projection: No sign when attached to the wall of a building or structure shall project more than thirty-six (36) inches from the face of the wall of such building or structure. No sign, when attached to the wall of a building or structure, which is projected from the face of the wall or structure, shall be more than sixty (60) inches in height.
 3. Height: No sign shall project higher than twenty (20) feet above curb level.
 - c. Integrated Shopping Center. For Integrated Shopping Centers in single ownership or under unified control, one (1) additional sign, other than those regulated in subsection(1)b. above shall be permitted, subject to the following:
 1. Content: Such signs shall advertise only the name and location of such center, and the names and type of business of each occupant of the center.
 2. Area: The gross surface area, in square feet, of all business signs on a zoning lot shall not exceed one (1) times the lineal feet of street frontage on such zoning lot. A corner lot shall be deemed to have a frontage equal to the length of those sides which abut a street.
 3. Height: No sign shall project higher than twenty (20) feet above curb level.
 - d. Off-Premise Signs. Off-premise signs shall be prohibited in the CL District.
 - (2) CG AND CH DISTRICTS. In the CG and CH Districts, on-premise and off-premise signs are permitted subject to the following conditions:

- a. On-Premise Signs.
 1. The gross area in square feet of all business signs on a zoning lot shall not exceed four (4) times the lineal feet of street frontage on such zoning lot.
 2. No more than seventy-five (75%) percent of the gross sign area, as indicated in 1. above shall be in a freestanding sign.
 3. Only one (1) freestanding sign shall be permitted per zoning lot except as provided in 6. below.
 4. No sign when attached to the wall of a building or structure shall project more than thirty-six (36) inches from the face of the wall of such building. No sign, when attached to the wall of a building, shall be more than sixty (60) inches in height.
 5. On-premise signs shall not project higher than thirty-five (35) feet above the grade level.
 6. Integrated Shopping Center. For Integrated Shopping Centers in single ownership or under unified control, one (1) additional sign, other than those regulated in subsection (2)a.1.-4. above shall be permitted, subject to the following:
 - (i) Content: Such signs shall advertise only the name and location of such center, and the name and type of business of each occupant of the center.
 - (ii) Area: The gross surface area, in square feet, of all business signs on a zoning lot shall not exceed three (3) times the lineal feet of street frontage on such zoning lot. A corner lot shall be deemed to have frontage equal to the length of those sides which abut a street.
 - (iii) Height: Such freestanding sign shall not project more than thirty-five (35) feet above the curb level.
- b. Off-Premise Signs.
 1. One (1) freestanding sign structure shall be permitted to be erected on a zoning lot having fifty (50) feet or less of frontage provided that no such sign structure shall be permitted to be erected within two hundred (200) feet of an existing sign structure located on the same side of the right-of-way and facing the same direction.
 2. An off-premise sign shall not contain more than eight hundred (800) square feet of gross sign area per facing.
 3. Off-premise signs shall not project higher than thirty-five (35) feet above grade level.
- (c) **INDUSTRIAL SIGNS.** In the Industrial Districts, signs shall be regulated as follows:
 - (1) **IL DISTRICT.** In the IL District, on-premise and off-premise signs are permitted subject to the same conditions and regulations specified in the CG and CH Districts.
 - (2) **IG DISTRICT.** In the IG District, on-premise and off-premise signs are permitted subject to the same conditions in the CG and CH Districts, except that such signs shall not project higher than forty (40) feet above the curb level.

Recreated: Ord. 1004, 6/22/04

SEC. 10-1-86 SPECIAL SIGN PROVISIONS.

- (a) In those districts where limitations are imposed by this chapter on the projection of signs from the face of any building or structure, such limitations shall not apply to identification marquee or canopy signs indicating only the name of the building or the principal product or service available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the surface thereof or suspended within and below the outer marquee or canopy limits except that no such suspended sign shall be lower than nine (9) feet above

the ground or surface over which the marquee or canopy is constructed. Further, no other sign shall extend beyond the limits of said marquee or canopy.

- (b) Signs on awnings shall be exempt from the limitations imposed by this chapter on the projection of signs from the face of a wall of any building or structure, provided, that any sign located on an awning shall be affixed flat to the surface thereof, and shall be non-illuminated and shall indicate only the name, address, and/or the type of business of the establishment. further, no such sign shall extend vertically or horizontally beyond the limits of said awning.
- (c) OFF-PREMISE SIGNS. The following provisions shall apply to all off-premise signs, except under those very limited circumstances as permitted by the City of Neillsville Common Council by specific motion or resolution for purpose of improvement or maintenance to City of Neillsville property.
 - 1. No off-premise sign shall be permitted to be erected within two hundred (200) feet of any other such sign on the same side of the road, unless separated by a building or other obstruction.
 - 2. No off-premise sign shall be permitted to be erected within three hundred (300) feet of any public park or within five acres of a public park if facing such park and visable therefrom.
 - 3. No off-premise sign shall be permitted to be erected within seventy-five (75) feet of any adjoining Residential District boundary line if the sign is to face such District.
 - 4. All off-premise signs shall have a minimum setback for structural pylons and supports equal to at least one-fourth (1/4) the required building setback of the zoning district.
 - 5. No off-premise sign shall suspend lower than ten (10) feet above the grade.
- (d) ON-PREMISE SIGNS.
 - 1. All on-premise signs shall have a minimum setback for structural pylons and supports equal to a least one-fourth (1/4) the required building setback of the zoning district.
 - 2. No on-premise sign shall suspend lower than ten (10) feet above grade.
- (e) No flashing sign of any type shall be permitted to be erected within one hundred fifty (150) feet of an adjoining Residential District boundary line if such sign would be visable from such District.
- (f) No sign shall be painted, pasted or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall or fence facing the side of any adjoining lot located in a Residential District.
- (g) All signs shall be erected within the property lines of the premises upon which they are located, except that signs attached to building facades in Commercial and Industrial Districts may project eighteen (18) inches from the face or wall of such building structure. Thirty-six (36) inches may be allowed providing that no more than fifty (50%) percent of the surface area of the sign extends to a distance from eighteen (18) to thirty-six (36) inches. All supporting members shall be concealed within the sign. No such sign shall suspend lower than ten (10) feet above the grade, except signs which project less than six (6) inches from the building facade shall not suspend lower than seven (7) feet above grade. No sign located facing an alley right-of-way shall suspend lower than fifteen and one-half (15 1/2) feet above the grade, except those signs in alleys which project less than six (6) inches from the building facade which shall not suspend lower than twelve (12) feet.
- (h) Individual directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of the premises may be maintained provided they are located within the property lines of the zoning lot and do not exceed twenty-four (24) square feet.
- (i) Signs which may be in conflict with public traffic signals shall not be permitted. No person shall place, maintain or display any authorized sign, signal, marking or device which is an imitation of or resembles an official traffic control device, emergency light, or railroad sign or display any sign which hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device or any railroad sign or signal.
- (j) Signs and sign structures attached to the wall of any building shall not extend more than six (6) feet above the roof line.

Recreated: Ord. 1004, 6/22/04

§10-1-86(c) - Amended: Ord. 1011, 2/14/06

SEC. 10-1-87 THROUGH SEC.10-1-89 RESERVED FOR FUTURE USE.

ARTICLE H

Administration

SEC. 10-1-90 PURPOSE OF ARTICLE - ADMINISTRATION.

The purpose of this Article of the Zoning Code is to outline specific rules and procedures whereby the provisions of this Chapter shall be administered and enforced.

SEC. 10-1-91 RESPONSIBILITIES OF ZONING ADMINISTRATOR.

The Zoning Administrator shall have the responsibility of administering and enforcing the provisions of this Chapter.

SEC. 10-1-92 POWERS AND DUTIES OF ZONING ADMINISTRATOR.

The Zoning Administrator shall have the following powers to enforce the provisions of this Chapter:

- (a) Examine and approve any application pertaining to the use of land, buildings or structures to determine if the application conforms with the provisions of this Ordinance.
- (b) Issue all zoning certificates and keep permanent records thereof.
- (c) Conduct inspections of buildings, structures and uses of land to determine their compliance with this Chapter.
- (d) Receive, file and forward for action all applications for appeals, variations, special uses, and amendments to this Chapter which are filed in the Zoning Office.
- (e) Initiate, direct, and review, from time to time, a study of the provisions of this Chapter, and make reports of his recommendation to the Planning Commission and the City Council not less frequently than once a year.
- (f) Revoke certificates of zoning compliance where provisions of this Chapter are being violated.
- (g) Maintain permanent and current records of this Zoning Ordinance, including all maps, amendments, special uses, and variations.
- (i) Provide and maintain public information relative to all matters arising out of this Chapter.

SEC. 10-1-93 ZONING BOARD OF APPEALS.

- (a) **MEETING AND RULES.** All meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the board and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Ordinance or with the applicable Wisconsin Statutes.
- (b) **OFFICES.** The City Council shall provide suitable offices for the Board of Appeals for holding for hearings and the presentation of records, documents, and accounts.

- (c) APPROPRIATIONS. The City Council shall appropriate funds to carry out the duties of the Board and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.
- (d) JURISDICTION AND AUTHORITY. The Board of Appeals shall have the jurisdiction and authority as specified in Section 2-4-5 of this Code of Ordinances.

SEC. 10-1-94 APPEALS TO THE ZONING BOARD OF APPEALS.

- (a) SCOPE OF APPEALS. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City, affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question.
- (b) STATE OF PROCEEDINGS. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

SEC. 10-1-95 HEARING OF APPEALS.

The Board shall fix a reasonable time, not more than thirty (30) days from the date of filing, for the hearing of an appeal and shall give due notice thereof to all the parties involved. The Board or any of its officers it shall designate shall cause such hearings to be published in the City's newspaper or newspapers.

SEC. 10-1-96 CONDITIONAL USES.

- (a) APPLICATION FOR CONDITIONAL USE PERMIT. An application for Conditional Use Permit shall be filed with the Zoning Office. The application shall contain the following information:
 - (1) Name and address of applicant.
 - (2) Statement that the applicant is the owner or authorized agent of the owner of the property for which the change in district boundary or use is proposed.
 - (3) Address and description of property.
 - (4) An accurate drawing of the site and surrounding area for a distance of at least three hundred (300) feet from each boundary.
 - (5) Name and address of adjacent property owners.
 - (6) The application shall be accompanied with a filing fee of One Hundred Twenty-Five (\$ 125.00) Dollars.
- (b) HEARING OF APPEAL. Upon receipt of application, the City Council shall hold at least one (1) public hearing on the proposed conditional use. The hearing shall be recorded and filed in the Zoning Office. Notice for hearing shall be published not more than thirty (30) days and not less than fifteen (15) days before the hearing in one of the newspapers in general circulation in the City of Neillsville. Owners of the adjacent properties shall also be notified. Their failure to get the notice or attend the hearing shall not invalidate the proceedings.

§ 10-1-96(a)(6) - Amended: Ord. 912, 2/8/94

- (c) REFERRAL TO THE OFFICE OF THE PLANNING COMMISSION. The Zoning Officer or Administrator shall refer the application for Conditional Use Permit to the City Planning Commission at least ten (10) days before the public hearing. The Planning Commission shall submit a report and recommendation to the City Council. No application for a conditional use shall be granted unless all of the following conditions are present:
- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
 - (7) That the proposed use does not violate flood plain regulations governing the site.
 - (8) That when applying the above standards to any new construction of a building or an addition to an existing building the Planning Commission and Common Council shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (d) CONDITIONS AND GUARANTEES. Prior to the granting of any conditional use, the Planning Commission may recommend and the Common Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Subsection (c) above. In all cases in which conditional uses are granted, the Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for without limitation because of specific enumeration:
- (1) landscaping,
 - (2) type of construction,
 - (3) construction commencement and completion dates,
 - (4) sureties,
 - (5) lighting,
 - (6) fencing,
 - (7) operational control,
 - (8) hours of operation,
 - (9) traffic circulation,
 - (10) deed restrictions,
 - (11) access restrictions,
 - (12) setbacks and yards,

Council, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Subsections (1) and (2) in Section 10-1-96(c) will be met, the Common Council may revoke the subject conditional approval and direct the Building Inspector, Zoning Administrator and City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Common Council shall be furnished the current owner of the conditional use in writing stating the reasons therefor.

SEC. 10-1-98 VARIATIONS.

- (a) **PURPOSE.** The Board of Appeals shall determine and may vary the regulation of this Chapter in harmony with its general purpose and intent, only in specific instance where the Board of Appeals makes a finding of fact based on the standards hereinafter prescribed. Any variation granted by the Board of Appeals has to be referred to the Council for final approval. Variation from the provisions of this Chapter may be granted by the City Council on the recommendation of the Board of Appeals.
 - (1) To permit any yard of less dimension than those required by the applicable regulations.
 - (2) To permit any building to exceed the floor space provided by the Ordinance, but such variation may not exceed ten (10%) percent.
 - (3) To permit the use of lot prohibited solely because of insufficient area of the lot.
- (b) **APPLICATION FOR VARIATION.** The application for variation shall be filed with the Zoning Administrator. The application shall contain the following information:
 - (1) Name and address of applicant.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) An accurate scale drawing of the site and the surrounding areas for a distance at least eight hundred (800) feet from each boundary of the site showing the location of streets and property lines.
 - (5) The application shall be accompanied with a filing fee of One Hundred Twenty-Five (\$ 125.00) Dollars.
- (c) **PUBLIC HEARING OF APPLICATION.** The Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than fifteen (15) days before the hearing in one or more of the newspapers in general circulation in the City of Neillsville.
- (d) **REFERRAL TO THE OFFICE OF THE PLANNING COMMISSION.** The Zoning Administrator shall refer the application for variation to the chairman of the City Planning Commission at least ten (10) days before the public hearing for consideration. The Planning Commission shall submit a report and recommendation to the Board of Appeals on the variation before the public hearing.
- (e) **RECOMMENDATION OF THE BOARD OF APPEALS.** The Board shall make an affirmative or negative recommendation to the City Council after the public hearing. For the Board to make affirmative recommendation it must find that:
 - (1) Denial of variation may result in hardship to the property owner due to physiographical considerations.
 - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.

- (5) The proposed variation will not undermine the spirit and general and specific purposes of this Ordinance.
- (6) The concurring vote of four (4) members of the Board shall be necessary to recommend the authorization of any variance in the Zoning Code.
- (f) **DISPOSITION BY THE CITY COUNCIL.** After public hearing, the Board of Appeals shall forward its recommendations to the City Council and the City Council shall act within thirty (30) days to authorize variation in the Ordinance or may refer it back to the Board for further consideration. Every variation shall be accompanied by a written finding of fact specifying the reason for making such variation. Any proposed variation which fails to receive the approval of the Board shall not be passed by the City Council except by favorable vote of three-fourths (3/4) of the aldermen then holding office. A copy of the variation shall be supplied to the Zoning Administrator within ten (10) days of passage.

§ 10-1-98(b)(5) - Created: Ord. 913, 2/8/94

SEC. 10-1-99 AMENDMENTS TO ZONING CODE.

- (a) **PURPOSE.** The purpose of this Section is to provide a procedure for changing district boundaries, district regulations, off-street parking and other provisions of this Zoning Code.
- (b) **APPLICATION FOR AMENDMENT.** An application for an amendment shall be filed with the Zoning Office. The application shall contain the following information:
 - (1) Name and address of applicant.
 - (2) Statement that the applicant is the owner or authorized agent of the owner of the property for which the change in district boundary or use is proposed.
 - (3) Address and description of property.
 - (4) An accurate drawing of the site and surrounding area for a distance of at least three hundred (300) feet from each boundary.
 - (5) Name and address of adjacent property owners.
 - (6) The application shall be accompanied with a filing fee of One Hundred Twenty-Five (\$ 125.00) Dollars.
- (c) **HEARING OF APPLICATION.** Upon receipt of application, the City Council shall hold at least one (1) public hearing on the proposed amendment. The hearing shall be recorded and filed in the Zoning Office. Notice for hearing shall be published not more than thirty (30) days and not less than fifteen (15) days before the hearing in one of the newspapers in general circulation in the City of Neillsville. Owners of the adjacent properties shall also be notified. Their failure to get the notice or attend the hearing shall not invalidate the proceedings.
- (d) **REFERRAL TO THE OFFICE OF THE PLANNING COMMISSION.** The Zoning Administrator or officer shall refer the application for amendment to the City Planning Commission at least ten (10) days before the public hearing. The Planning Commission shall submit a report and recommendation to the City Council, recommending approval where its findings indicate that the conditional use will in no way endanger public health, safety, morals, comfort and general welfare; the conditional use will not be injurious to the enjoyment of other property in the immediate vicinity; the establishment of conditional use will not impede the orderly development and improvement of other property for the use permitted in the district; and it shall conform to the applicable regulations of the district in which it is located.
- (e) **DISPOSITION BY CITY COUNCIL.** An amendment shall be passed by a majority vote of the elected members of the City Council.

§ 10-1-99(b)(6) - Amended: Ord. 914, 2/8/94

SEC. 10-1-100 PENALTIES.

Failure to comply with the provisions of this Chapter shall be regarded as violation and any person who commits such violation shall be liable to a forfeiture of not less than Twenty-five (\$ 25.00) Dollars or not more than Five Hundred (\$ 500.00) Dollars or ninety (90) days imprisonment in the Clark County Jail. Each day a violation is continued shall be considered a separate offense.

SEC. 10-1-101 THROUGH SEC. 10-1-109 RESERVED FOR FUTURE USE.

ARTICLE I**Zoning Permit and Certificate of Zoning Compliance****SEC. 10-1-110 PURPOSE OF ARTICLE - ZONING PERMIT.**

This Article provides procedures under which any construction or alteration of a building or other structure and any new use of land or a building shall be cleared with the Zoning Administrator to make certain that it is in compliance with this Zoning Code. The purpose of this requirement is to assure effective enforcement of zoning and also to afford protection to owners and users of property by providing for an advance determination of whether a proposed development or use will be in compliance with this Chapter. In order to lessen the burden upon property owners and to avoid unnecessary administrative duplication, the procedures under this Article are, wherever possible, combined with already existing procedures.

SEC. 10-1-111 PERMIT DEFINITIONS.

- (a) **ZONING PERMIT.** A zoning permit is a statement issued by the Zoning Administrator stating the existing zoning provisions which apply to a given parcel or parcels of property. The following should be specifically stated in the zoning permit:
 - (1) Zoning district(s) within which the property is located.
 - (2) Any additional regulations which apply to the subject property such as those specified by Conditional Use Permit, Variation or other action by the Board of Appeals or the City Council also including judiciary action.
 - (3) Status of any nonconformities which exist on the subject property.
 - (4) If a specific use is proposed and the extent of the proposed use is indicated and accompanied by plans and additional information as necessary, then applicable parking, sign, and other regulations should be stipulated.
- (b) **CERTIFICATE OF ZONING COMPLIANCE.** A certificate of zoning compliance is a written statement issued by the Zoning Administrator stating to the best of his ability that the existing buildings or structures and the proposed use of said building or structures and/or the proposed use of subject property is in compliance with all of the provisions of this Zoning Ordinance and any amendments, variations, Conditional Use Permits granted, or any other Board of Appeals, City Council or court action related thereto.

SEC. 10-1-112 APPLICATION AND ISSUANCE OF A ZONING PERMIT.

- (a) Application for a zoning permit shall be made on a form prescribed by the Zoning Board of Appeals and shall be accompanied by plans and additional information as necessary, in the opinion of the Zoning Administrator, to demonstrate conformity with this Chapter. The Zoning Administrator shall, upon receipt of all necessary information, check the application and all data submitted with it to see that all provisions of this Chapter will be complied with.
- (b) In the event a proposed development does not comply with the provisions of this Chapter, a Zoning Permit shall not be issued; however, the aspects of the proposed development or use which do not comply shall be specified.

SEC. 10-1-113 ISSUANCE OF CONSTRUCTION PERMITS.

Except as heretofore provided, no building permit or other permit pertaining to the construction of buildings or the use of land or buildings shall be issued by an officer, department or employee of the City of Neillsville unless the application for such permit has been examined by the Zoning Administrator and has affixed to it a Zoning Permit stating that the proposed building or structure and use thereof complies with all the provisions of this Chapter.

SEC. 10-1-114 APPLICATIONS AND ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE.

- (a) Application for a certificate of zoning compliance shall be made on a form prescribed by the Zoning Administrator and shall be accompanied by a plat and plot plan as specified below.
- (b) No certificate of zoning compliance shall be issued until construction has been completed or the use established but not operationalized and had been inspected and certified by the Zoning Administrator to be in compliance with all provisions of this Chapter. A certificate of zoning compliance shall be issued or written notice shall be given to the applicant stating the reasons why the Zoning Administrator will not issue a certificate of zoning compliance.
- (c) No building or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this Ordinance shall be used for any purpose until a certificate of zoning compliance has been issued by the Zoning Administrator. No change in use to the production, processing, or storage of materials or goods and no change in use from the production, processing or storage of one kind of materials or goods to another kind shall be made until a certificate of zoning compliance has been issued by the Zoning Administrator. Every certificate of zoning compliance shall state that the use or occupancy complies with all the provisions of this Chapter.

SEC. 10-1-115 REQUIRED PLOT PLANS FOR CERTIFICATE OF ZONING COMPLIANCE.

Every application for a certificate of zoning compliance shall be accompanied by a plot plan drawn to scale in such form as may, from time to time, be prescribed by the Zoning Administrator. Such plot plan shall show the ground area, height and bulk of the building or structure; the building setback lines in relation to lot lines; the use to be made of the building or structure or land; and such other information as may be required by the Zoning Administrator for the proper enforcement of this Chapter.

SEC. 10-1-116 ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

No certificate of occupancy as required in the building codes shall be issued by the Building Officer until a certificate of zoning compliance has been issued.

SEC. 10-1-117 THROUGH SEC. 10-1-119 RESERVED FOR FUTURE USE.

ARTICLE J

Separability

SEC. 10-1-20 SEPARABILITY.

- (a) In the event of any section of this Chapter being declared illegal or invalid by any court of law, such decision shall only apply to that particular section.
- (b) In the event of any court of competent jurisdiction declaring the application of the provisions of this Chapter to any building, structure illegal or invalid such court decision shall not affect or prevent the application of the particular provision or other provisions of this Chapter to other buildings and structures within the City of Neillsville.

ARTICLE K

Annexation

SEC. 10-1-121 ANNEXED TERRITORY.

All territory annexed by the City of Neillsville shall become part of the A District until definite boundaries and regulations are recommended by the Planning Commission and adopted by the Common Council of the City of Neillsville, such adoption to be completed within ninety (90) days of the annexation.

CHAPTER 2

One- and Two-Family Dwelling Building Code

§ 10-2-1	Application of Provisions
§ 10-2-2	State Uniform Dwelling Code Adopted
§ 10-2-3	Definitions
§ 10-2-4	Method of Enforcement
§ 10-2-5	Enforcement Contract
§ 10-2-6	Building Permits
§ 10-2-7	Fees for Building Permits and Inspections
§ 10-2-8	Violation and Penalties
§ 10-2-9	Appeal to Board of Appeals
§ 10-2-10	Liability for Damages
§ 10-2-11	Severability

SEC. 10-2-1 APPLICATION OF PROVISIONS.

- (a) TITLE. This Chapter shall be known as the one- and two-family dwelling code of the City of Neillsville.
- (b) PURPOSE. The purpose and intent of this Chapter is to:
- (1) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and additions to existing one- and two-family dwellings;
 - (2) Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the Department of Industry, Labor and Human Relations;
 - (3) Establish and collect fees to defray administrative and enforcement costs;
 - (4) Establish remedies and penalties for violations; and
 - (5) Establish use of the Wisconsin uniform building permit as prescribed by the Department of Industry, Labor and Human Relations.

SEC. 10-2-2 STATE UNIFORM DWELLING CODE ADOPTED.

The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters Ind 20-25 of the Wisconsin Administrative Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one- and two-family dwellings in this City of the State of Wisconsin. A copy of these administrative code provisions and any future amendments shall be kept on file in the City Clerk-Treasurer's Office.

SEC. 10-2-3 DEFINITIONS.

- (a) ADDITION. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (b) ALTERATION. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (c) DEPARTMENT. "Department" means the Department of Industry, Labor and Human Relations.
- (d) DWELLING. "Dwelling" means:
- (1) any building, the initial construction of which is commenced on or after the effective date of this Chapter, which contains one or two dwelling units, or
 - (2) an existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

- (e) MANUFACTURED DWELLING. "Manufactured Dwelling" means:
 - (1) Any structure or component thereof which is intended for use as a dwelling, that:
 - a. Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation at the building site; or
 - b. Is a building of open construction, which is made or assembled in manufacturing facilities away from the building site and for installation, connection, or assembly and installation on the site and for which certification is sought by the manufacturer.
 - (2) The term manufactured dwelling does not include a building of open construction, which is not subject to par.(a)2. A single or double width manufactured (mobile) home is not considered a manufactured dwelling and is not subject to this code.
- (f) MANUFACTURED HOME. "Manufactured Home" means a structure of structures certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5406, built since June 15, 1976, that bears a seal indicating it has met the mobile home construction and safety standards of the United States Department of Housing and Urban Development (HUD) standards, is used as a permanent, single family residential dwelling, is installed in accordance with the manufacturer's instructions, is properly connected to all applicable utilities, and is set on an enclosed foundation in accordance with Sec. 10-3-3(c)(4), Neillsville Ordinances, 70.043(1). Wis. Stats. and subchapters iii, iv and v of Comm. 21, Wis Admin. Code as certified by the Building Inspector prior to occupancy.
- (g) MOBILE HOME. "Mobile Home" means a single family dwelling built on or before June 15, 1976, designed to be towed or transported and use as a residential dwelling, does not include a manufactured home. Mobile home also means any coach, cabin, travel trailer, mobile home, house, car or other structure which is/was originally constructed or designed to be transported by any motor vehicle upon a public highway and designed, equipped, or used for sleeping, eating or living quarters or as a place of business, or is intended to be so used, whether mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle, and included any additions, attachments, foundations annexed or appurtenances thereto.
- (h) MINOR REPAIR. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (i) ONE- OR TWO-FAMILY DWELLING. "A one- or two-family dwelling" means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.
- (j) PERSON. "Person" means an individual, partnership, firm or corporation.
- (k) UNIFORM DWELLING CODE. "Uniform Dwelling Code" means those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in following chapters of the Wisconsin Administrative Code:
 - Wis. Adm. Code Chapter Ind. 20 - Administration and Enforcement
 - Wis. Adm. Code Chapter Ind. 21 - Construction Standards
 - Wis. Adm. Code Chapter Ind. 22 - Energy Conservation Standards
 - Wis. Adm. Code Chapter Ind. 23 - Heating, Ventilating and Air Conditioning Standards
 - Wis. Adm. Code Chapter Ind. 24 - Electrical Standards
 - Wis. Adm. Code Chapter Ind. 25 - Plumbing and Potable Water Standards

§ 10-2-3(e), (f) and (g) - Created: Ord. 973, 09/13/00

SEC. 10-2-4 METHOD OF ENFORCEMENT.

For the purpose of administering and enforcing the provisions of this Chapter and the Uniform Dwelling Code, the City shall contract with a certified individual inspector or an independent inspection agency or contract with the Department of Industry, Labor and Human Relations.

SEC. 10-2-5 ENFORCEMENT CONTRACT.

- (a) CONTRACT. The City shall contract with an individual who is certified by the department in each category specified under Sec. 26.06, Wisconsin Adm. Code, and by the Department of Health and Social Services in the category of plumbing or an independent inspection agency which is certified by the Department in each category specified under Sec. 26.06, Wisconsin Adm. Code, and by the Department of Health and Social Services in the category of plumbing the City of Neillsville for the purpose of administering and enforcing the provisions of this Chapter and the Uniform Dwelling Code. The City Clerk-Treasurer shall forward all building permit applications and submitted plans to the certified inspector or independent inspection agency with whom the City has contracted.
- (b) "CERTIFIED INSPECTOR AND INDEPENDENT INSPECTION AGENCY." In the context of this Ordinance, these terms "Certified Inspector and Independent Inspection Agency" shall be deemed synonymous and interchangeable.

SEC. 10-2-6 BUILDING PERMITS.

- (a) BUILDING PERMITS REQUIRED. No one- or two-family dwelling of which initial construction shall be commenced after June 1, 1980 shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department of Industry, Labor and Human Relations.
- (b) SUBMISSION OF PLANS. The applicant shall submit two (2) sets of plans for all new or repairs or additions to existing one- or two-family dwellings at the time that the building permit application is filed.
- (c) ISSUANCE OF PERMIT. If the Building Inspector finds that the proposed building or repair or addition complies with all City ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the City Clerk-Treasurer.

SEC. 10-2-7 BUILDING PERMIT FEE.

- (a) For building permit, a flat fee of \$ 30.00.
- (b) Failure to obtain building permit prior to commencement of work, a double fee or \$ 60.00.
- (c) All rates above are in addition to inspection fees which are as follows:
 - (1) Residence one- and two-family Flat fee of \$ 250.00
 - (2) Failure to obtain permit prior to commencement of work Double fee or \$ 500.00.

§ 10-2-7(a)&(b) - Amended: Ord. 915, 2/8/94

SEC. 10-2-8 VIOLATION AND PENALTIES.

- (a) No person shall erect, use, occupy or maintain any one- or two-family dwelling in violation of any provision of this Chapter or the Uniform Dwelling Code or cause to permit any such violation to be committed. Any person violating any of the provisions of this Chapter shall, upon conviction, be subject to a forfeiture of not less than Fifty (\$ 50.00) Dollars nor more than Five Hundred (\$ 500.00) Dollars, together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid.
- (b) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within thirty (30) days after written

notification unless an extension of time is granted pursuant to Sec. Ind 20.10(1)(c), Wisconsin Adm. Code.

- (c) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (d) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
- (e) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

SEC. 10-2-9 APPEAL TO BOARD OF APPEALS.

Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

SEC. 10-2-10 LIABILITY FOR DAMAGES.

This Chapter shall not be construed as an assumption of liability by the City for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

SEC. 10-2-11 SEVERABILITY.

If any section, clause, provision or portion of this Chapter or of Chapters Ind 20, 21, 22, 23, 24 and 25, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

CHAPTER 3

Building Regulations

§ 10-3-1	Building Permits Generally
§ 10-3-2	Building Permits and Inspection
§ 10-3-3	Construction Standards
§ 10-3-4	New Methods and Materials
§ 10-3-5	Unsafe Buildings
§ 10-3-6	Disclaimer on Inspections
§ 10-3-7	Penalties and Violations

SEC. 10-3-1 BUILDING PERMITS GENERALLY.

- (a) **GENERAL PERMIT REQUIREMENTS.** No building work shall be performed in the City of Neillsville unless a permit therefor is obtained as required in the provisions of this Chapter.
- (1) **MAINTENANCE.** Defined as, general maintenance of a building or structure, including but not limited to, painting a house, replacing shingles, replacing windows (the same size as original), repaving a driveway, (that was already paved), and siding a house. Maintenance is, an up-grade of a building, structure or the property for energy efficiency and aesthetic appearance. With maintenance, a Building Permit is not required.
 - (2) **ALTERATION.** Defined as changing, enlarging or altering the original design, size or dimensions of a building or structure (interior or exterior), including but not limited to, construction or demolition of any walls, construction of a deck, adding a new room, constructing a new storage shed, building a garage or installing a new central heating or central air conditioning system. Construction or installation actions shall be considered by the Building Inspector an alteration if they substantially increase the value of the property in excess of One Thousand dollars (\$1,000). Demolition of a significant portion of a building or structure shall be considered an alteration and shall require a Building Permit. With alteration, a Building Permit is required, unless exempt under (b)(2).
- (b) **PAYMENT OF FEES.** All fees shall be paid to the Building Inspector. No permit shall be issued to the owner, or his agent, until said fees are paid.
- (1) The City of Neillsville reserves the right to charge any engineering fees or costs incurred by the City to the cost of a Building Permit (Commercial or Residential) if the City exercises its option of having its contracted engineering firm review any construction projects prior to issuance of a Building Permit.
 - (2) Any building or structure that costs or that will cost in labor and materials for alteration or demolition actions less than One Thousand dollars (\$1,000) shall be exempt from the Building Permit requirement if the owner, occupant or agent of the owner or occupant can demonstrate to the satisfaction of the Building Inspector that the total cost of material and labor is or will total under One Thousand dollars (\$1,000). For evaluation of the total expenditures, the cost of the materials will be presumed to equal the cost of labor. For example, if the applicant expends Five Hundred dollars (\$500) on materials then the labor cost is presumed to be Five Hundred dollars (\$500) regardless of the person or persons that perform the work. If the Building Inspector is not satisfied that the work is or will total less than One Thousand dollars (\$1,000), the Building Inspector may require a Building Permit. No time segmentation of the total work may be properly claimed or established by the owner, occupant or agent of the owner or occupant in order to simply avoid obtaining a Building Permit.

- (3) Building Permit Fees.
 - a. Fences..... \$ 3.00
 - b. Driveways..... \$ 5.00
 - c. Decks..... \$ 5.00
 - d. Building (residential)..... \$ 20.00
 - e. Building (commercial)..... \$ 50.00
 - f. New residential construction..... the actual cost of our contracted independent inspector plus 10% of the contracted cost.
- (4) PAYMENT OF CLAIMS AS CONDITION OF PERMIT. No permit shall be issued or renewed to any person who is delinquent in payment of: 1) any taxes, assessments or other claims owed the City; or 2) any forfeiture resulting from a violation of any City Ordinance. This section shall apply to permits issued pursuant to the provisions of Title 10 of this Code of Ordinances. An application for a permit or renewal of a permit subject to this chapter shall be denied pursuant to the provisions herein only following notice and opportunity for hearing as provided by subsection (5) below.
- (5) APPEALS, NOTICE AND HEARING. Prior to any denial of an application for or renewal of a permit based on subsection (4) herein, the applicant shall be given notice and opportunity for a hearing. The Common Council or its assignee shall notify the applicant in writing of the City's intention not to grant or renew the permit and shall provide the applicant with an opportunity for a hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of notice on which the applicant shall appear before the Common Council. If the applicant shall fail to appear before the Council on the date indicated on the notice, the Council shall deny the application or renewal. If the applicant appears before the Council on the date indicated in the notice and denies that the reasons for denial or nonrenewal exist, the Common Council shall conduct a hearing with respect to the matter. At the hearing, both the City and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request be provided a written transcript of the hearing at the applicant's expense. If the Common Council determines the applicant shall not be entitled to a permit or renewal pursuant to subsection (4), the applicant for renewal shall be denied.
- (c) PERMIT LAPSES. A building permit shall lapse and be void unless operations under the permit are commenced within sixty (60) days from the date of issuance thereof.
- (d) DENIAL OF BUILDING PERMIT. If the Building Inspector shall deny the building permit or if the Building Inspector shall issue a building permit upon specific written conditions, the reasons for denial and the specific conditions for approval shall be in writing and provided to the applicant by the Building Inspector, by personal service, or first class mail.
- (e) REVOCATION. If the Building Inspector shall find at any time that the above mentioned ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit, or as he may require for the preservation of human life and safety or property.
- (f) REPORT OF VIOLATIONS. It shall be the duty of all police officers to report at once to the Building Inspector any building work which is being carried on without a permit as required by this ordinance.
- (g) RECORDS. The Building inspector shall keep a record of all permits, fees and inspections. He shall submit to the Common Council on the first of each month a report of permits, to whom issued, value of proposed building, fee, and inspections made during previous month.

Amended: Ord. 956, 4/28/98

Amended: Ord. 977, 2/13/01

§10-3-1(b)(4) and (5) - Created: Ord. 1003, 6/22/04

SEC. 10-3-2 BUILDING PERMITS AND INSPECTION.

- (a) PERMIT REQUIRED. No building or any part thereof shall hereafter be erected within the City of Neillsville or ground broken for the same, except as hereinafter provided until a permit therefor shall first have been obtained from the Building Inspector by the owner, or his authorized agent. The term "building" as used in this section shall include any building or structure, and any enlargement, alteration, heating or ventilating installation, moving or demolishing, or anything affecting the fire hazards or safety of any building or structure.
- (b) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land, and also the owner of the building, if different, the legal description of the land upon which the building is to be located, and shall contain such other information as the Building Inspector may require for effective enforcement of this section.
- (c) PLANS. With each application there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. The original plan must bear the approval of the Building Inspector. Where water or sewer service will be required, must bear approval of the Sewer and Water Utility. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the State Department of Industry, Labor and Human Relations. Such plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided; the other shall remain on file in the office of the Clerk-Treasurer. All plans and specifications shall be signed by the designer and bear certification by the applicant that all electrical and plumbing work will be installed in compliance with Wisconsin Administrative Code.
- (d) FEES. The fees for building permits under this Chapter shall be as established by resolution of the Common Council and are incorporated herein by reference.

§ 10-3-2(d) - Recreated: Ord. 902, 8/13/91

SEC. 10-3-3 CONSTRUCTION STANDARDS.

- (a) PORTIONS OF STATE CODE ADOPTED. Chapters Comm. 51 through Comm. 64, Wis. Admin. Code (Wisconsin State Building Code) are hereby adopted and made a part of this section with respect to those classes of buildings to which this Code specifically applies. Sections Ind. 52.10 through 52.19 (Fire Protection) of said Code are hereby adopted and made part of this section with respect to all dwellings hereafter erected within the City. Chapters Comm. 20 through Comm. 25 Uniform Dwelling Code are hereby adopted and made a part of this section with respect to those classes of buildings to which this Code specifically applies.
- (b) CONFLICTS. If, in the opinion of the Building Inspector and the Common Council, the provisions of the State Building Code adopted by Subsection (b) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.
- (c) CONSTRUCTION STANDARDS.
 - (1) All single family dwellings shall have a minimum dwelling area of 1000 square feet. All two-family dwellings shall have a minimum dwelling area of 1500 square feet. All single- and two- family dwellings shall have a width of at least twenty-four (24) feet for the main body of the house. The requirements for the dwelling area square footage and width shall be in addition to basements, porches (enclosed or unenclosed), garages, decks and other similar structural additions.
 - (2) All principal residential buildings shall have a roof with a minimum pitch of four (4) inches of vertical rise per foot of horizontal run (4:12).
 - (3) All principal residential buildings shall have a permanent foundation meeting the requirements of the state uniform dwelling code and approved by the Building Inspector, which surrounds the entire perimeter of the structure and completely encloses the space

between siding and finished grade. This means the building must be completely placed on concrete, blocks, etc. No metal skirting will be allowed.

- (4) All principal residential buildings shall have any wheels, axels and pulling apparatus removed and shall be placed on, and be attached to, a permanently enclosed foundation in accordance with Section 70.043(1) of the Wis. Stats., as amended and subchapters III, IV and V of the Department of Commerce Administrative Code. The City Building Inspector may require a plan certified by a registered architect or engineer to ensure proper support for the home.
- (5) All principal residential buildings shall have a minimum roof overhang of twelve (12) inches measured from the verticle sides of the structure.
- (6) The exterior walls of all principal residential buildings shall be covered by either wood, wood clapboards, wood shakes, vinyl steel or aluminum beveled siding, brick, stone or other masonry-type veneer material or other similar materials.

§ 10-3-3(a) - Amended: Ord. 973, 09/13/00

§ 10-3-3(c) - Created: Ord. 973, 09/13/00

SEC. 10-3-4 NEW METHODS AND MATERIALS.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this section and not specifically mentioned in or permitted by this section shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

SEC. 10-3-5 UNSAFE BUILDINGS.

Whenever the Building Inspector and Common Council find any building or part thereof within the City to be in their judgment so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use, and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

SEC. 10-3-6 DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this Chapter is to improve the quality of housing in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

SEC. 10-3-7 PENALTIES AND VIOLATIONS.

Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the City Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in Section 1-1-7 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

CHAPTER 4

Subdivisions

§ 10-4-1	Introduction and Purpose
§ 10-4-2	Definitions
§ 10-4-3	General Provisions
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SEC. 10-4-1 INTRODUCTION AND PURPOSE.

- (a) In accordance with the authority granted by section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Common Council of the City of Neillsville does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

SEC. 10-4-2 DEFINITIONS.

- (a) ALLEY. A public right-of-way usually not less than thirty (30) feet in width which normally affords a secondary means of vehicular access to abutting property.
- (b) ARTERIAL STREET. A street which provides for the movement of relatively heavy traffic to, from, or within the City. It has a secondary function of providing access to abutting land. An arterial street system may be designated on the City's master plan.
- (c) COLLECTOR STREET. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (d) CUL-DE-SAC. A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (e) LOCAL STREET. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (f) LOT. A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.
- (g) PLAT. The map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Commission for its recommendation to the Common Council for approval.
- (h) SUBDIVISION. Any division of a parcel of land by the owner or his agent for the purpose of sale or building development where:
 - (1) The act of division creates two or more parcels of two (2) acres or less each.
 - (2) Two or more parcels of two (2) acres or less each are created by successive divisions within a five-year period.

- (3) Provided, however, that this Chapter shall not apply to:
 - a. Transfer of interests in land by will or pursuant to court order;
 - b. Leases for a term not to exceed ten years, mortgages or easements;
 - c. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.

SEC. 10-4-3 GENERAL PROVISIONS.

- (a) No division of land within the city or within its extra-territorial plat approval jurisdiction shall be permitted if it results in a subdivision unless a plat of the subdivision is permitted and approved in accordance with this Chapter and Chapter 236 of the Wisconsin Statutes.
- (b) In addition to the provisions of this Chapter and Chapter 236 of the Wisconsin Statutes, all subdivisions shall conform to the Zoning requirements and the Comprehensive Master plan for the City of Neillsville and its extra-territorial planning area, or any future such zoning requirements or Master Plan when adopted by the Common Council.

SEC. 10-4-4 PROCEDURE FOR SUBMITTING SUBDIVISIONS.

(a) SUBDIVISIONS.

- (1) Preliminary Meetings. Before filing a preliminary plat, the subdivider is encouraged to consult with the Planning Commission and/or its consulting staff for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on a topographic survey map should be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivisions to traffic arteries and existing community facilities.
- (2) Preliminary Plat.
 - a. The subdivider shall submit to the Common Council and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes, a preliminary plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one inch per 100 feet having two-foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.
 - b. The Planning Commission and Common Council may submit a copy of the preliminary plat to the City Engineer and Land Planning Consultant for review and written report of their reaction to the proposed plat.
 - c. After review of the preliminary plat and negotiations with the subdivider on changes being advisable and the kind and extent of public improvements which will be required, the Common Council shall reject or approve conditionally the preliminary plat within forty (40) days, as provided by statute. The subdivider shall be informed of any conditions of approval or the reasons for rejection. Failure of the Common Council to act within forty (40) days shall constitute approval of the preliminary plat unless other authorized agencies object to the plat.
 - d. Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat, provided the final plat conforms substantially to such layout and conditions of approval have been met.

- (3) Final Plat.
- a. Final Plats shall be submitted to the Planning Commission and Common Council within six (6) months of preliminary plat acceptance unless this requirement is waived in writing by the Common Council.
 - b. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12(2), Wisconsin Statutes.
 - c. The final plat shall be accompanied by detailed construction plans of all improvements.
 - d. The final plat shall be presented to the Common Council at least ten (10) work days prior to the meeting at which it is to be considered and shall be accepted or rejected by the Common Council within sixty (60) days of its submission, unless the time is extended by an agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Common Council meeting and a copy thereof or a written statement of such reasons supplied to the subdivider. If the Common Council fails to act within sixty (60) days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat as certified by all necessary officials, the plat shall be recorded in accordance with the requirements of the Wisconsin Statutes. The plat shall be recorded prior to the time that lots are offered for sale, reference is made to the map for sales purposes, or use is made of lot and block numbers on the plat.
 - e. If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Planning Commission and Common Council will be inscribed on the original of the final plat, the surveyor or subdivider shall certify the respects in which the original of the final plat differs from the true copy and all modifications must first be approved.
- (b) MINOR SUBDIVISIONS
- (1) Certified Survey Required. When it is proposed to divide land into two parcels or building sites, any one of which is less than five acres, or when it is proposed to divide a block, lot or outlot into not more than two parcels or building sites within a recorded subdivision plat within changing the exterior boundaries of the block, lot, or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wisconsin Statutes.
 - (2) Procedure.
 - a. The subdivider shall first consult with the Planning Commission regarding the requirements for minor subdivisional certified surveys before submission of the final map. Following consultation, a copy of the final map in the form of a certified survey map shall be submitted to the Common Council at least ten (10) days prior to the regular meeting of the Common Council.
 - b. The Common Council shall, within forty (40) days of the filing, approve conditionally or reject the map and shall notify the subdivider of its decision.
 - c. The subdivider shall record the map with the applicable county register of deeds within thirty (30) days of its approval by the Common Council and any other approving agencies. Failure to do so shall necessitate reapproval of the map by the Common Council.
 - (3) Requirements. To the extent reasonably practicable, the certified survey/minor subdivision plat shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements.

SEC. 10-4-5 DESIGN STANDARDS - STREETS AND LOTS.

- (a) The subdivider shall dedicate land and improve streets as provided herein. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety.

- (b) All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- (c) Street locations shall be consistent with any street plans officially adopted by the City. All street right-of-way widths, radii or curvature and grades shall conform to the following requirements:

<u>Street Type</u>	<u>Right-of-Way Minimum Width</u>	<u>Maximum Grade</u>
Arterial or Highway	Per Wisconsin Department of Transportation Requirements	
Collector (carries traffic from minor streets to arterials or highways)	66 feet	7%
Minor (provides access to individual lots)	50 feet	10%

Streets located in the extraterritorial plat jurisdiction of the City of Neillsville must also comply with the minimum town road standards of Section 86.26, Wisconsin Statutes.

- (d) Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
- (e) Minor streets shall be so laid out so as to discourage their use by through traffic.
- (f) The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- (g) Where a subdivision abuts or contains an existing or proposed arterial highway, the Common Council may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (h) Reserve strips controlling access to streets shall be provided.
- (i) A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
- (j) Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- (k) Where, on the date of enactment of this Chapter, 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 platting of new half-streets is prohibited.
- (l) Permanent dead-end streets or cul-de-sacs shall not be longer than 1,000 feet, shall have a minimum width of 50 feet and terminate with a turnaround having minimum radii of 30 feet for roadway and 40 feet for a street line.
- (m) Where possible, lot lines shall be perpendicular to straight street lines and radial to curved street lines.
- (n) Lots shall follow, rather than cross, municipal boundary lines whenever practicable.
- (o) No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the Common Council.
- (p) Subdivision lots in the City of Neillsville and the extraterritorial plat jurisdiction area shall be in conformance with the area and width requirements of Clark County Zoning ordinances and Division of Health, Department of Health and Social Services, Chapter H 65, Wisconsin Administrative Code.
- (q) **HARDSHIP TO OWNERS OF ADJOINING PROPERTY.** The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- (r) **ALLEYS.** Alleys shall be prohibited in residential areas unless special permission is granted by the Common Council for their provision. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners may be cut off sufficiently to permit safe

vehicular movement. Dead-end alleys shall be avoided, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end.

- (s) MAINTENANCE. Streets included in approved subdivisions, except designated State, Federal or County roads, shall be maintained by the Municipality in which said streets are located unless other written arrangements are made prior to final Plat approval.
- (t) LOT REMNANTS. Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusual outlot or parcel unless the owner can show plans for the future use of such remnant.

SEC. 10-4-6 DESIGN STANDARDS; BLOCK DESIGN.

- (a) The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated.
- (b) Wherever possible, right angle street intersections should be encouraged.
- (c) To provide adequate access and circulation to community facilities, the Common Council may require that sidewalks be provided, either along streets or through the center of blocks. Center crosswalks shall not be less than ten (10) feet wide.
- (d) The Common Council may require that certain species of trees be planted on both sides of all streets.

SEC. 10-4-7 IMPROVEMENTS.

- (a) GRADING. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Common Council, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Common Council. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.
- (b) SURFACING. After the installation of all utility improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations of the City. Said surfacing shall be done in accordance with plans and standard specifications approved by the Common Council. The cost of surfacing maybe borne by the City, if it is felt to be in the best interest of the public.
- (c) CURB AND GUTTER. After the installation of all utility improvements, the Common Council shall require the subdivider to construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Common Council.
- (d) SIDEWALKS.
 - (1) The Common Council may require the subdivider to construct a concrete sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The Common Council may permit the construction of a concrete sidewalk on only one side of minor streets that serve lots having an average width of one hundred (100) feet or more fronting on said street and may waive the construction of sidewalks on collector and minor streets that serve lots having an average width of one hundred and fifty (150) feet or more fronting on said street. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Common Council.
 - (2) Wider than standard sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage; and the Common Council may require the construction of sidewalks in locations other than required under the preceding provisions of this Chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (e) PUBLIC SANITARY SEWERAGE AND PRIVATE SEWAGE DISPOSAL SYSTEMS.
 - (1) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If public sewer

facilities are not available, the subdivider shall make provisions for adequate private sewage disposal systems. The Common Council may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat but will become available within a period of five (5) years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by the Common Council. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Common Council.

- (2) Subdivider shall assume the cost of installing all sanitary sewers eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage 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 areas to be served by such larger sewer and the excess cost either borne by the City or assessed against the total tributary drainage area.
- (f) PUBLIC WATER SUPPLY FACILITIES.
- (1) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the City and other applicable State and County regulations. The Common Council may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer.
 - (2) The subdivider shall assume the cost of installing all water mains six (6) inches in diameter or less in size. If greater than six (6) inch diameter water mains are required, the excess cost of such mains over and above the cost of a six (6) inch main shall be borne by the City.
- (i) OTHER UTILITIES.
- (1) The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.
 - (2) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to serve the plat shall be approved by the City Engineer.
- (j) STREET LAMPS. The Common Council may require the subdivider to install street lamps along all streets proposed to be dedicated of a design comparable with the neighborhood and type of development proposed. Such lamps should be placed at each street intersection and at such interior block spacing as may be required by the Common Council.
- (k) STREET SIGNS. The subdivider shall install at the intersection of all streets proposed to be dedicated, a street sign of a design specified by the City Engineer.
- (l) STREET TREES. The Common Council may require the subdivider to plant at least one (1) tree of a species acceptable to the Common Council and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. The required trees shall be planted between the curb or edge of shoulder and right-of-way line.
- (m) SPECIFICATIONS. Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the Common Council. Such improvements shall be made in sequence as determined by the City Engineer.
- (n) FINANCING. Before a Final Plat is approved by the Common Council, the subdivider shall submit an agreement and performance bond equal too 100% of the engineer's estimated cost of the required improvements or cash escrow agreement to assure the following:
- (1) Guaranteed completion of the required improvements within a two-year period.

- (2) Payment by the subdivider for all costs incurred by the City for review and inspection. This would include preparation and review of plans and specifications by the Engineer, Planner and Attorney, as well as other costs of a similar nature.
- (3) If the required improvements are not complete within the two-year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the City and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Common Council at its option, may extend the bond period for an additional period not to exceed two years.
- (4) The developer may elect to have these improvements constructed in one of the two following ways:
 - a. The developer may construct the improvements through his own financing and construction. In this case the developer will prepare utility plans with construction estimates, which shall be submitted to the City for review and approval prior to construction. The construction shall be inspected as determined by the City to see that it is in compliance with the City's construction design requirements. Upon completion of these improvements, they shall be accepted by the City when found to be in conformity with City standards as determined by the Director of Public Works.
 - b. The developer may elect to request the City to construct the improvements under the City's Capital Improvement Program. In this case the City will design and construct the improvements under the next Public Works Program that it can be included in. The City will bill the developer for the design and the developer's share of these improvements as per subsection (5) herein. Should the developer elect to have the City make the improvements, such request shall be made prior to, but in no event later than October 1 of the year preceding construction.
- (5) The subdivider can finance his share of the public improvements defined above by either of the following 2 methods:
 - a. By requesting the City to finance these improvements under Wisconsin Statutes §66.0703 pertaining to special assessments.
 1. The City will proceed under the special assessment methods of Wisconsin Statutes §66.0703 for financing only for projects involving 1 block in distance. The council may waive this requirement upon the presentation of specific circumstances which preclude the development to proceed in at least 1 block units.
 2. Should the developer pursue financing through Wisconsin Statutes §66.0703 (repayment in 10 equal installments) the remaining special assessment against any lot plus accrued interest shall be payable upon the sale of such lot.
 - b. The developer may proceed to finance this project through its own private finances. In this case, the developer shall reimburse the City for its share of the actual costs of construction of the improvements as they are made upon presentation of a bill to the developer by the City.

§10-4-7(n) - Amended: Ord. 1009, 7/26/05

SEC. 10-4-8 EASEMENTS.

- (a) The Common Council may require easements for poles, wires, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines to be provided and paid for by the subdivider at the option of the Common Council. It is the interest of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) The Common Council may require that easements or drainageways be provided by the subdivider where a subdivision includes a segment or segments of watercourses, drainageways, channels or streams.

SEC. 10-4-9 PUBLIC SITES AND OPEN SPACES.

- (a) DEDICATION AND RESERVATION OF LANDS. Whenever a tract of land to be subdivided embraces all or any part of a street, drainageway or other public way which has been designated in the master plan, comprehensive plan component or on the official map of the City, said public way shall be made part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or maps and in accordance with this Section.
- (b) DETERMINATION. Whenever a proposed school site, park, playground, greenway, open space or other public land, other than streets or drainageways, designated in the master plan, comprehensive plan component or on the official map of the City 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 public at the rate of one (1) acre for each twenty-five (25) proposed dwelling units; 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 one (1) year from the date of final plat approval unless extended by mutual agreement for purchase by the public agency having jurisdiction, or unless extended by a mutual agreement for acquisition by the City. The purchase price shall be the present fair market value of said lands in an undeveloped state as indicated by impartial appraisal. Costs for said appraisal are to be shared equally between developer and City.
- (c) PROPORTIONATE PAYMENTS IN LIEU OF DEDICATION.
 - (1) a. If the amount of land required to be dedicated, other than for streets and drainageways as indicated on the master plan, comprehensive plan component or official map of the City totals less than the ratio of one (1) acre for each twenty-five (25) proposed dwelling units, the subdivider shall pay to the City a fee equivalent to the fair market value of the amount of land representing the difference between the amount of land required to be dedicated, other than the streets and drainageways, as indicated on said plans or maps and the rate of dedication established herein.
 - b. Said fees required in lieu of dedication shall be paid to the City Clerk-Treasurer at the time of first application for approval of a final plat of said subdivision.
 - (2) Special Fund. All funds so collected by the City shall be deposited as "Special Fund for the Acquisition and Development of Public Sites, Recreation Areas, Open Spaces and Greenways" and that said funds so levied and collected shall be used for such purposes at such places and in such manner as shall be approved, ordered and directed by the City upon recommendation by the Planning Commission. Any and all interest accumulated upon such funds shall be added to the Special Fund and be used only for acquisition and developments for said purposes.
- (d) DEVELOPMENT OF DEDICATED AREA. It shall be the duty of the City to properly develop and maintain the dedicated areas and the owner who dedicated said land shall in no way be responsible for its development, maintenance or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property and except if such owner shall reside on one of the subdivided parcels, in which case he shall be responsible for the maintenance of adjacent public property as may be required in other laws of the City.

SEC. 10-4-10 VARIATIONS AND EXCEPTIONS.

- (a) Where the Common Council finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may recommend to the Common Council variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter.

- (b) The Common Council shall not recommend variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

SEC. 10-4-11 ENFORCEMENT, PENALTIES AND REMEDIES.

- (a) The City Building Inspector and Zoning Officer shall have primary responsibility for enforcing this Chapter. No building permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded, or a certified survey map is recorded.
- (b) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Twenty-Five (\$ 25.00) dollars nor more than Five Hundred (\$ 500.00) dollars and the costs of prosecution for each violation and in default of payment of such forfeiture costs shall be imprisoned in the County jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the City.

CHAPTER 5

Height Restrictions at Neillsville Municipal Airport

§ 10-5-1	Definitions
§ 10-5-2	Zones
§ 10-5-3	Height Limitation Zones
§ 10-5-4	Exceptions
§ 10-5-5	Nonconforming Uses
§ 10-5-6	Administration
§ 10-5-7	Permits
§ 10-5-8	Board of Appeals
§ 10-5-9	Appeals and Review
§ 10-5-10	Penalties

SEC. 10-5-1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

- (a) "Airport" means the Neillsville Municipal Airport located in Section 16, Town 24N, Range 1W, Clark County, Wisconsin.
- (b) "Airport hazard" means any structure or object of natural growth, which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
- (c) "Nonconforming use" means any structure or tree which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulation.
- (d) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- (e) "Structure" means any object constructed or installed by man.
- (f) "Trees" do not include shrubs, bushes or plants which do not grow to a height of more than twenty (20) feet.
- (g) "Runway" means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

SEC. 10-5-2 ZONES.

All zones established by this section are as shown on the map dated February 11, 2008 entitled, "Height Limitation Zoning Map, Neillsville Municipal Airport, Neillsville, Wisconsin," which is attached hereto and adopted as part of this ordinance.

Amended: Ord. 1019, 3/11/08

SEC. 10-5-3 HEIGHT LIMITATION ZONES.

Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to a height in excess of the height limit indicated on the map referred to in Section 10-5-2 hereof.

SEC. 10-5-4 EXCEPTIONS.

The restrictions contained in Section 10-5-3 shall not apply to objects which are less than thirty-five (35) feet in height above ground level at the object site within one-half (1/2) mile of the airport boundary or to structures less than fifty (50) feet in height above ground within the area beginning one-half (1/2) mile from the airport boundary and extending to one (1) mile from the airport boundary or to structures less than one hundred (100) feet in height above the ground within the area beginning one (1) mile from the airport boundary and extending to three (3) miles from the airport boundary.

SEC. 10-5-5 NONCONFORMING USES.

- (a) Not retroactive. The regulations prescribed in Section 10-5-2 and 10-5-3 of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any nonconforming use, or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by Section 10-5-7(b).
- (b) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this ordinance, and if such is diligently prosecuted.
- (c) Removal. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

SEC. 10-5-6 ADMINISTRATION.

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him. Applications which are by this ordinance to be decided by the Airport Committee shall be granted or denied within fifteen (15) days of the date of filing of the application, unless Federal Aviation Administration approval is requested. Applications for action by the Board of Appeals shall be forthwith transmitted by the Airport Committee to the Board for hearing and decision. There shall be no charge for applications or permits.

SEC. 10-5-7 PERMITS.

- (a) Future Uses. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section 10-5-2 of this ordinance until the owner or his agent shall have applied in writing for a permit therefore and obtained such permit from the Zoning Administrator, except structures less than thirty-five (35) feet in height above the ground and within one-half (1/2) mile of the airport boundary and structures less than fifty (50) feet in height above the ground within the area beginning one-half (1/2) mile from the airport boundary and extending to one (1) mile from the airport boundary, and structures less than one hundred (100) feet in height above the ground within the area beginning one (1) mile from the airport boundary and extending to three (3) miles from the airport boundary. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use for which the permit is desired, and shall describe and locate the use with sufficient particularity to permit the Zoning Administrator to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Zoning Administrator shall issue the permit applied for.

Height Limitations at Neillsville Municipal Airport

- (b) Existing Uses. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by paragraph (a) authorizing such change, replacement or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit was made.

SEC. 10-5-8 BOARD OF APPEALS.

There is hereby created a Board of Appeals, consisting of three (3) members appointed by the Mayor subject to confirmation by the City Council for terms of three years, excepting that of those first appointed. One shall serve for one year; one for two years and one for three years. The members of said Board of Appeals shall receive the said sum as established by the Common Council for each meeting attendance by them.

SEC. 10-5-9 APPEALS AND REVIEW.

- (a) Variances. Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this ordinance, and does not create a hazard to the safe, normal operation of aircraft.
- (b) Aggrieved Person. Any person aggrieved or affected by any decision or action of the Zoning Administrator made in his administration of this ordinance may appeal such decision or action to the Board of Appeals.
- (c) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Section 62.23(7)(e) of the Wisconsin Statutes.

SEC. 10-5-10 PENALTIES.

Any person violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than Twenty-five (\$ 25.00) dollars nor more than Two Hundred Fifty (\$ 250.00) dollars for such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

Chapter 5 recreated: Ord. 897, 8/14/90

CHAPTER 6

Floodplain and Shoreland - Wetland Zoning

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ARTICLE A

Introduction

SEC. 10-6-1 STATUTORY AUTHORIZATION.

This Chapter for floodplain protection is adopted pursuant to the authorization contained in Sections and 61.35 and 62.23, Wis. Stats.

SEC. 10-6-2 FINDING OF FACT.

Uncontrolled development and use of the shoreland-wetlands, floodplains, river and streams, and the pollution of the navigable waters of this municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty.

SEC. 10-6-3 STATEMENT OF PURPOSE.

The purpose of this chapter is to provide a uniform basis for the preparation, implementation and administration of sound floodplain regulations for all floodplains within the City of Neillsville to:

- (a) Protect life, health and property;
- (b) Maintain the storm and flood water storage capacity of wetlands;
- (c) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (d) Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat;
- (e) Prohibit certain uses detrimental to the shoreland-wetland area;
- (f) Preserve shore cover and natural beauty by restricting shoreland-wetland excavation, filling and other earth moving activities;
- (g) Minimize expenditures of public monies for costly flood control projects;
- (h) Reduce rescue and relief efforts, generally undertaken at the expense of the tax paying public;
- (i) Prevent business interruptions which usually result in the loss of local income;
- (j) Reduce damage to public facilities such as utilities, municipal buildings, streets and bridges which may be located in the floodplains;
- (k) Prevent the occurrence of future flood blight areas on floodplains;
- (l) Discourage the victimization of unwary land and home buyers;
- (m) Prevent increases in regional flood heights which could increase damage during floods and which may result in conflicts or litigation between property owners; and
- (n) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

§10-6-3(a) and (n) - Created: Ord. 1030, 5/25/10

§10-6-3(b) through (m) - Re-lettered: Ord. 1030, 5/25/10

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SEC. 10-6-4 TITLE.

This chapter shall be known as the Floodplain and Shoreland-Wetland Zoning Ordinance for the City of Neillsville, Wisconsin.

SECS. 10-6-5 THROUGH 10-6-9 RESERVED FOR FUTURE USE.

ARTICLE B

General Provisions

SEC. 10-6-10 COMPLIANCE - OTHER PERMITS.

Any development, as defined in Sec. 10-6-90 in floodplains and shoreland-wetlands shall be in full compliance with the terms of this chapter. (However, see Article H, of this chapter, for the standards applicable to nonconforming uses.) It is the responsibility of the applicant to secure all other necessary permits from appropriate federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1344.

SEC. 10-6-11 MUNICIPALITIES AND STATE AGENCIES REGULATED.

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if Section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Sec. 30.2022, Wis. Stats., applies.

SEC. 10-6-12 ABROGATION AND GREATER RESTRICTIONS; INTERPRETATION OF CHAPTER.

- (a) GREATER RESTRICTIONS. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under Sections 62.23 Wis. Stats., which relate to floodplains or shoreland-wetlands except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. The more restrictive of either the Shoreland-Wetland District or Floodplain District regulations shall apply when a property is located in both zoning districts.
- (b) ABROGATION. It is not otherwise intended by this chapter to repeal, abrogate, or impair any existing easements, covenants or deed restrictions; however, where this chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
- (c) INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements liberally construed in favor of the governing body, and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapter NR 116, Wisconsin Administrative Code, and where the meaning of the Chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 116 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this chapter.

SEC. 10-6-13 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection intended to be provided by this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge

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openings restricted by debris. This Chapter does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages, nor does this Chapter create a liability on the part of, or a cause of action against, the City or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

SEC. 10-6-14 ZONING MAPS.

The maps designated below are hereby adopted and made part of this Chapter. They are on file in the office of the City Public Works Department.

- (a) OFFICIAL MAPS: Based on the FIS:
Flood Insurance Rate Map (FIRM), panel number 55019C0678D, 55019C0679D, 55019C0686D, 55019C068D and 55019C0691D dated July 6, 2010, with corresponding profiles that are base on the Flood Insurance Study (FIS) dated July 6, 2010, Volume number 55019CV000A.
- (b) OFFICIAL MAPS: Based on other studies:
None

Recreated: Ord. 1030, 5/25/10

SECS. 10-6-15 THROUGH 10-6-19 RESERVED FOR FUTURE USE.

ARTICLE C

Shoreland-Wetland District

SEC. 10-6-20 DISTRICT BOUNDARIES OF SHORELAND-WETLANDS.

- (a) The Shoreland-Wetland Zoning District includes all wetlands in the City which are five (5) acres or more in size and are shown on the final Wetland Inventory map that has been adopted and made a part of this chapter in Sec. 10-6-14 and which are:
 - (1) Within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the City shall be presumed to be navigable if they are listed in the Department publication "Surface Water Resources of Clark County" or shown on the United States Geological Water Survey quadrangle maps or other zoning base maps which have been made a part of this chapter in Sec. 10-6-14.
 - (2) Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter in Sec. 10-6-14. Floodplain zoning maps adopted in Sec. 10-6-14 shall be used to determine the extent of floodplain areas.
- (b) Determinations of navigability and ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary highwater mark.
- (c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary, as mapped, is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official zoning maps, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.
- (d) Under Sec. 144.26(?-m), Wis. Stats., notwithstanding any other provision of law or administrative rule, wetland zoning ordinances required under Sec. 61.351 for villages or 62.231 for cities, WIS. Stats., and Ch. NR 117, Wis. Adm. Code, do 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 the drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (3) Such lands are maintained in nonstructural agricultural use.

SEC. 10-6-21 PERMITTED USES IN SHORELAND-WETLANDS.

(NOTE: Under NR 117.05(2), Wis. Adm. Code, cities and villages may permit, authorize as a conditional use or prohibit the following uses of shoreland-wetlands.)

The following uses are permitted subject to the provisions of Chs. 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (a) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs, such as:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) 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;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- (b) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - (3) The maintenance and repair of existing drainage systems, where permissible under Sec. 30.20, Wis. Stats., to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Ch. 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in Sec. 10-6-23(a) of this chapter; and
 - (7) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (c) Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:
 - (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Sec. 10-6-21(a) and (b) provided:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Sec. 10-6-23(a) of this chapter;
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

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- d. Road construction and activities are carried out in the immediate area of the roadbed only; and
- e. Any wetland alteration must be necessary for the construction or maintenance of any road.
- (2) The construction and maintenance of nonresidential buildings provided that:
 - a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. The building does not exceed 500 square feet in flow area; and
 - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 - c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection (c)(1) above; and
 - d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, and wildlife preserves shall for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines and water, gas and sewer lines, and related facilities and the construction and maintenance of railroad lines provided that:
 - a. The transmission and distribution lines and related facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - b. Only limited filing or excavating necessary for such construction or maintenance is allowed; and
 - c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Sec. 10-6-23(a).

SEC. 10-6-22 PROHIBITED USES IN SHORELAND-WETLANDS.

- (a) Any use not listed in Sec. 10-6-21 is prohibited unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Sec. 10-6-23 and Article I.
- (b) The use of a boathouse for human habitation and the construction or placement of a boathouse or a fixed houseboat below the ordinary highwater mark of any navigable waters are prohibited.

SEC. 10-6-23 REZONING SHORELAND-WETLANDS.

- (a) Rezoning of a shoreland-wetland shall require amendment of the Final Wisconsin Wetland Inventory map adopted with Sec. 10-6-14 of this chapter pursuant to procedures established in Article J. In order to insure that any amendment will be consistent with the shoreland protection objectives of Sec. 144.26, Wis. Stats., the City shall not rezone a wetland in a shoreland-wetland zoning district,

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or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) Storm and flood water storage capacity;
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of ground water 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) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (b) Upon notification of a proposed amendment as required by Article J, if the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Sec. 10-6-23(a) of this Chapter, the Department shall so notify the City of its determination either prior to or during the public hearing held on the proposed amendment.
- (c) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Sec. 10-6-23(a), that proposed amendment, if approved by the City shall not become effective until more than thirty (30) days have elapsed since written notice of the Council or Board approval was mailed to the Department, as required by Article J. If Department intends to adopt a superseding shoreland-wetland zoning ordinance for the City under Sections 62.231(5) or 61.351(6), Wis. Stats., the proposed amendment shall not become effective until that ordinance adoption procedure is completed or otherwise terminated. The record of the Council decision on the proposed amendment shall advise the petitioner of the provisions of this section.

SEC. 10-6-24 THROUGH 10-6-29 RESERVED FOR FUTURE USE.

ARTICLE D

General Provisions for All Floodplains

SEC. 10-6-30 AREAS TO BE REGULATED.

This ordinance regulates all areas that would be covered by the regional flood or base flood. Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

SEC. 10-6-31 OFFICIAL MAPS & REVISIONS; ESTABLISHMENT OF DISTRICTS.

(a) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Neillsville Floodplain Appendix. Any changes to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Public Works Director, City of Neillsville, If more than one map or revision is referenced, the most restrictive information shall apply.

- (1) OFFICIAL MAPS: Based on the FIS:
 - a. Flood Insurance Rate Map (FIRM), panel number 55019C0678D, 55019C0679D, 55019C0686D, 55019C0687D and 55019C0691D dated July 6, 2010, with corresponding profiles that are based on the Flood Insurance Study (FIS) dated July 6, 2010, Volume number 55019CV000A.
- (2) OFFICIAL MAPS: Based on other studies:
 - a. None

(b) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood waters.
- (2) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (3) The General Floodplain District (GFP) is those areas that have been or may be covered by flood water during the regional flood.

Amended: Ord. 1030, 5/25/10

SEC. 10-6-32 LOCATING FLOODPLAIN BOUNDARIES.

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 10-6-100. 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 s. 10-6-93(e) and the criteria in (a) and (b) below.

- (a) 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.
- (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 10-6-100(d).

SEC. 10-6-33 REMOVAL OF LANDS FROM FLOODPLAIN.

Compliance with the provisions of this ordinance 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 s. 10-6-100.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

SEC. 10-6-34 HYDRAULIC AND HYDROLOGIC ANALYSIS.

- (a) No development shall be allowed in floodplain areas which will:
 - (1) Cause an obstruction to flow, defined in Sec. 10-6-120 as any development which physically blocks the conveyance of flood waters by itself or in conjunction with future similar development causing an increase in regional flood height; or
 - (2) Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot except as provided in paragraph (b) below.
- (b) Obstruction or increases equal to or greater than 0.01 foot may only be permitted if amendments made to this ordinance, the official floodplain zoning maps, including floodway lines and water surface profiles, according to Sec. 10-6-38 and Article J.
- (c) The Zoning Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

SEC. 10-6-35 MOBILE HOMES AND 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:

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- (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 s. 10-6-62(b).

SEC. 10-6-36 WATERCOURSE ALTERATIONS.

Prior to any alteration or relocation of a watercourse, and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the local zoning official shall notify adjacent municipalities, regional office of the Department and the appropriate office of FEMA and shall require the applicant to secure all necessary state and federal permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required

SEC. 10-6-37 FLOODPROOFING.

No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

- (a) Floodproofing measures shall be designed to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement; and
 - (4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (b) Floodproofing measures could include:
 - (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or
 - (2) Adding mass or weight to prevent flotation.
 - (3) Placing essential utilities above the flood protection elevation.
 - (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
 - (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
 - (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

SEC. 10-6-38 AMENDMENTS.

- (a) When amendments are required, the procedures in Article F shall apply. Actions which require an amendment include, but are not limited to the following:
 - (1) Any change to the official floodplain map including the floodway line or boundary of the floodplain area;
 - (2) Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;

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- (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - (4) Any fill or encroachment into the floodplain that will obstruct flow or cause an increase of 0.01 foot or more in the height of the regional flood; and
 - (5) Any upgrading of floodplain zoning ordinances required by NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the City.
- (b) No amendment to the maps or text of this chapter shall become effective until reviewed and approved by the Department of Natural Resources and FEMA.
 - (c) All persons petitioning for a map amendment which involves an obstruction to flow causing an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding easements, or other appropriate legal arrangements, from all affected local units of government and property owners before the municipality may approve an amendment which would result in such an increase to the regional flood elevation.
 - (d) When considering amendments to the official floodplain zoning map, in areas where no water surface profiles exist, the zoning agency shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information.

SEC. 10-6-39 CHAPTER 30, 31 WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to section 10-6-100.

SEC. 10-6-40 ANNEXED AREAS FOR CITIES

The Clark County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality'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 municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

SEC. 10-6-41 GENERAL DEVELOPMENT STANDARDS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

SEC. 10-6-42 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the Department of Health Services.
- (b) A land use permit for the campground is issued by the zoning administrator.
- (c) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (d) 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.
- (e) 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 sub. (4) – to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (h) 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.
- (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article E or Article F for the floodplain district in which the structure is located.
- (k) 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.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

§10-6-42(a) - Amended: Ord. 1030, 5/25/10

SEC. 10-6-43 THROUGH 10-6-49 RESERVED FOR FUTURE USE.

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ARTICLE E

Floodway District (FW)

SEC.10-6-50 APPLICABILITY.

The provisions of this Article shall apply to all areas within the Floodway District, as shown on the official floodplain zoning maps, and to the floodway portion of the General Floodplain District.

SEC.10-6-51 PERMITTED USES.

The following open space uses are permitted within the Floodway District, and in the floodway portion of the General Floodplain District, provided that they are not prohibited by any other regulations, and provided further that they meet all of the standards contained in Section 10-6-22. and all permits or certificates required under this Chapter have been issued:

- (a) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod fanning and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, such as: loading areas, parking areas, and airport landing strips.
- (c) Nonstructural private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- (d) Uses or structures accessory to open space uses, or essential for historical areas, providing they are not in conflict with the provisions in Sections 10-6-52 and 10-6-53.
- (e) Extraction of sand, gravel or other materials pursuant to Sec. 10-6-52(d).
- (f) Functionally water-dependent uses such as docks, piers or wharves, including those used as part of a marina; other water related uses such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines and pipelines may be allowed if all other necessary local, state and federal permits are secured including Ch. 30 or 31, Wis. Stats., permits for the Department.
- (g) Public utilities, streets and bridges, according to Sec. 10-6-22(c).

SEC. 10-6-52 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS.

- (a) GENERAL REQUIREMENTS.
 - (1) Any development in floodway areas shall:
 - a. Meet all of the provisions of Article D; and
 - b. Have a low flood damage potential.
 - (2) Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Sec. 10-6-34:
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether 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 where it is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection 10-6-52(a)(2) above.

Floodplain and Shoreland-Wetland Zoning

- (b) **STRUCTURES.** Only structures which are accessory to permitted open space uses, or are essential for historical areas, or are functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:
 - (1) The structures are not designed for human habitation;
 - (2) The structures are constructed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures;
 - (3) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - (4) The structures have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for the particular area.
- (c) **UTILITIES.** Public utilities, streets and bridges provided that:
 - (1) Adequate floodproofing measures are provided to the flood protection elevation;
 - (2) Construction does not cause an increase in the regional flood height according to Sec. 10-6-34, except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance are amended as needed, to reflect any changes resulting from such construction.
- (d) **FILLS.** Fills or deposition of materials may be allowed by permit provided that:
 - (1) The requirements of Section 10-6-34 are met;
 - (2) The fill or deposition of materials does not encroach on the channel area between the ordinary high water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this Section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulkheading sufficient to prevent erosion; and provided that
 - (4) Such fills are not associated with private, public or hazardous solid waste disposal.

SEC. 10-6-53 PROHIBITED USES.

All uses not listed as permitted uses in Sec. 10-6-51 are prohibited within the floodway district and in the floodway portion of the general floodplain district including the following uses which are always prohibited in the floodway:

- (a) Storage of any materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (b) Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;
- (c) All private or public on-site sewage disposal 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 Chapter COMM 83, Wisconsin Administrative Code;
- (d) All public or private wells which are used to obtain water for ultimate human consumption; except those for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and NR 812, Wis. Adm. Code;
- (e) All solid and hazardous waste disposal sites, whether public or private
- (f) All wastewater treatment ponds or facilities except those permitted under Sec. NR 110.15(3)(b), Wis. Adm. Code;
- (g) All sanitary sewer or water lines except those to service existing or proposed development outside the floodway which complies with the regulations for the floodplain area occupied.

Floodplain and Shoreland-Wetland Zoning

- (h) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses.

SEC. 10-6-54 THROUGH 10-6-59 RESERVED FOR FUTURE USE.

ARTICLE F

Flood Fringe District (FF)

SEC. 10-6-60 APPLICABILITY.

The provisions of this Article shall apply to all areas within the Flood Fringe District, as shown on the official floodplain zoning maps, and to those portions of the General Floodplain District that are determined to be in the flood fringe area.

SEC. 10-6-61 PERMITTED USES.

Any structures, land use, or development, including accessory structures and uses, are allowed within the Flood Fringe District and flood fringe portions of the General Floodplain District, provided that the standards contained in Article D and in Section 10-6-62 are met, that the use is not prohibited by this or any other ordinance or any other local, state or federal regulation and that all permits or certificates required by this Chapter have been issued.

SEC. 10-6-62 STANDARDS FOR DEVELOPMENT IN FLOOD FRINGE AREAS.

- (a) STANDARDS. All of the provisions of Article D shall apply hereto.
- (b) RESIDENTIAL USES. Any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards:
 - (1) The lowest flood excluding the basement or crawlway, shall be placed, on fill, at or above the flood protection elevation (which is a point two (2) feet above the regional flood elevation) except where Subsection (b)(2) below is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical provided the Board of Appeals grants a variance due to dimensional restrictions;
 - (2) The basement or crawlway floor may be placed at the regional flood elevation providing it is flood proofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation;
 - (3) Contiguous dryland access, defined in Sec. 10-6-120, as a vehicle access route above regional flood elevation, shall be provided from a structure or building to land which is outside of the floodplain, except as provided in Subsection (4);
 - (4) In existing developments where existing streets or sewer lines are at elevations which make compliance with Subsection (3) impractical, the City may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided:
 - a. The City has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or
 - b. The City has an adequate natural disaster plan concurred with the Wisconsin Emergency Management and approved by the Department.

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- (5) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Sections 10-6-52(a) and 10-6-62(f) below.
- (c) **ACCESSORY STRUCTURES OR USES.**
 - (1) Except as provided in par. (2), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 - (2) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Sections 10-6-52(a), (b) and (d) and 10-5-53.
- (d) **COMMERCIAL USES.** Any commercial structure or building which is to be erected, constructed reconstructed, altered or moved into the flood fringe area shall meet the requirements of Section 10-6-52(b) above. Storage yards, parking lots and other accessory land uses may be at lower elevations, subject to the requirements of Subsection (f). However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood. Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided an adequate warning system exists to protect life and property.
- (e) **MANUFACTURING, AGRICULTURAL AND INDUSTRIAL USES.** Any manufacturing, agricultural or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, flood walls, adequate floodproofing measures in accordance with Section 10-6-37, or any combination thereof. Subject to the requirements of s.4.3(5), 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. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in Subsections (d) and (f) may be permissible for storage yards, parking lots and other similar uses.
- (f) **STORAGE OR PROCESSING OF MATERIALS.** The storage or processing of materials that are buoyant, flammable, explosive, or which in times of flooding could be injurious to property, water quality or human, animal, fish, plant or aquatic life, shall be at or above the flood protection elevation for the particular area or flood proofed in compliance with Section 10-6-37. Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.
- (g) **PUBLIC UTILITIES, STREETS AND BRIDGES.** All utilities, streets and bridges should be designed to be compatible with the local comprehensive floodplain development plans; and
 - (1) When failure or interruption of public utilities, streets and bridges-would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are flood proofed to the flood protection elevation in compliance with Sec. 10-6-37;
 - (2) Minor or auxiliary roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.
- (h) **SEWAGE SYSTEMS.** All on-site sewage disposal systems shall be flood proofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Chapter COMM 83 Wisconsin Administrative Code.
- (i) **WELLS.** All wells, whether public or private, shall be flood proofed to the flood protection elevation, pursuant to Section 10-6-37, and shall meet the applicable provisions of Chapters NR 811 and NR 812, Wis. Adm. Code.

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- (j) **SOLID WASTE DISPOSAL SITES.** All solid or hazardous waste disposal sites, whether public or private, are prohibited in flood fringe area.
- (k) **DEPOSITION OF MATERIALS.** Any materials deposited for any purpose may only be allowed if all the provisions of this chapter are met.
- (l) **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 s. 10-6-62(1)(2) and (3). 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.

§10-6-62(c) - Recreated: Ord. 1030, 5/25/10

SEC. 10-6-63 THROUGH 10-6-69 RESERVED FOR FUTURE USE.

ARTICLE G

General Floodplain District (GFP)

SEC. 10-6-70 APPLICABILITY.

The provisions for this district shall apply to all floodplains in the City for which "regional flood" data is not available, or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be placed in the Flood Fringe or Floodway District, as appropriate.

SEC. 10-6-71 PERMITTED USES.

The General Floodplain District encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to Section 10-6-73, to determine whether the proposed use is located within a floodway or flood fringe area. Those uses permitted in floodways and flood fringe areas are allowed within the general floodplain district, according to the standards of Sec. 10-6-72 and provided that all permits or certificates required under this chapter have been issued.

SEC. 10-6-72 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT.

Once it is determined according to Sec. 10-6-73 that a proposed use is located within a floodway, the provisions of Article E shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Article F shall apply. All provisions of the remainder of this chapter apply to either district.

SEC. 10-6-73 DETERMINING FLOODWAY AND FLOOD FRINGE LIMITS.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general flood plain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.
- (b) Require the applicant to furnish any of the following additional information as is deemed necessary by the Department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the floodway:
 - (1) A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information.
 - (2) Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement 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.
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream.

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- (4) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- (c) Transmit one (1) copy of the information described in Subsections (a) and (b) to the Department regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Sec. 10-6-91(a)(3) apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

SECS. 10-6-74 THROUGH 10-6-79 RESERVED FOR FUTURE USE.

Floodplain and Shoreland-Wetland Zoning

ARTICLE H

Nonconforming Uses

SEC. 10-6-80 GENERAL PROVISIONS.

The lawful use of a building, structure or property which existed at the time this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of this Chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- (a) No modification or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. 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.
- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this chapter.
- (c) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under Section 62.23(7)(h), Wis. Stats., may be continued although such use does not conform with the provisions of the Chapter. However, such nonconforming use may not be extended or increased.
- (d) The maintenance and repair of nonconforming boathouses which are located below the ordinary highwater mark of any navigable waters shall comply with the requirements of Sec. 30.121, Wis. Stats.
- (e) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

SEC. 10-6-81 SHORELAND-WETLANDS.

Notwithstanding Sec. 62.23(7)(h), Wis. Stats., the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this Chapter adopted under Sec. 62.231, Wis. Stats., or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted under Sec. 62.231(5), Wis. Stats. Section 62.23(7)(h), Wis. Stats., applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this Chapter or amendment.

SEC. 10-6-82 GENERAL PROVISION FOR SHORELAND-WETLANDS AND FLOODPLAINS.

- (a) No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this Chapter for the area of the floodplain it occupies. For the purpose of this Section, the words "modification" and "addition"

Floodplain and Shoreland-Wetland Zoning

- shall include, but not be limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components; and the maintenance, repair or replacement of existing private sewage or water supply systems, or connections to public utilities.
- (b) 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 fifty percent (50%) 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 Chapter and contiguous dry land access is provided in compliance with Sec. 10-6-62(b). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.
 - (c)
 - 1. Except as provided in subd. 2., 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 ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
 - 2. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
 - (d) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 10-6-52(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 10-6-97 are used.
 - (e) As requests are received for modifications or additions to nonconforming uses or nonconforming structures in the floodplain, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assess value, and the cost of those additions or modifications which have been permitted.
 - (f) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the provisions of Article E are met. For the purpose of this subsection, restoration is deemed impractical where the total cost of such restoration would equal or exceed fifty percent (50%) of the present equalized assessed value of the structure.

Amended: Ord. 1030, 5/25/10

SEC. 10-6-83 FLOODWAY AREAS.

- (a) No modifications or additions shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (1) Has been granted a permit or variance; and
 - (2) Meets the requirements of Sec. 10-6-82; and
 - (3) Will not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be flood proofed, pursuant to Sec. 10-6-37, by means other than the use of fill, to the flood protection elevation.
 - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

Floodplain and Shoreland-Wetland Zoning

- a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 - d. The use must be limited to parking or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway shall meet the applicable provisions of local ordinances and Chapter COMM 83, Wis. Admin. Code.
- (c) No new well used to obtain water for ultimate human consumption~ or modifications to an existing well, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable provisions of all municipal ordinances and Chapters NR 811 and NR 812, Wis. Admin. Code.

SEC. 10-6-84 FLOOD FRINGE AREAS.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the flood fringe area unless such modification or addition has been granted a permit or variance and, except where subsection (b) below is applicable, the modification or addition is placed on fill or if flood proofed to the flood protection elevation in compliance with the applicable regulations for that particular use in a flood fringe area in Article F.
- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship, and only where the structure will not be either used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedure in Section 10-6-93 and 10-6-94, may grant a variance from those provisions of subsection (a) 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 flood is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two (2) feet;
 - (5) Flood velocities will not exceed two (2) feet per second; and
 - (6) The structure will not be used for storage of materials described in Section 10-6-32(0).
- (c) If neither the provisions of par (a) or (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe on a one-time basis only, if the addition:
- (1) Has been granted by permit or variance;
 - (2) Does not exceed sixty (60) square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, does not equal or exceed fifty percent (50%) of the present equalized assessed value of the building.
- (d) All new on-site sewage disposal systems, or addition to, replacement, repair or maintenance of an on-site sewage disposal system shall meet all the applicable provisions of all local ordinances and Chapter COMM 83, Wis. Adm. Code.

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- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Chapter and C. NR 811 and NR 812, Wis. Adm. Code.

Amended: Ord. 1030, 5/25/10

SECS. 10-6-85 THROUGH 10-6-89 RESERVED FOR FUTURE USE.

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ARTICLE I

Administration

(NOTE: This Article provides for the appointment of appropriate boards and staff, and the development of necessary policies and procedures, to administer the floodplain zoning ordinance in accordance with this Article. Where a Zoning Administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under Section 62.23(7), Wis. Stats., these officials shall also administer the floodplain zoning ordinance.)

SEC. 10-6-90 ZONING ADMINISTRATOR.

The City Zoning Administrator is hereby authorized to administer the provisions of this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applicants as to the provisions of this Chapter, assist them in preparing permit applications and appeal forms, and assure that the regional flood elevation proposed development is shown on all permit applications where appropriate.
- (b) Issue permits and inspect properties for compliance with this Chapter and issue Certificates of Compliance when appropriate.
- (bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (c) Keep records of all official actions such as:
 - (1) All permits issued.
 - (2) Inspections made.
 - (3) Work approved.
 - (4) Documentation of certified lowest floor and regional flood elevations for floodplain development.
 - (5) Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - (6) All substantial damage assessment reports for floodplain structures.
- (d) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- (e) Submit copies of the following items to the Department regional office:
 - (1) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 - (2) Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
 - (3) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports and report violations of this Chapter to the appropriate City committee and to the municipal attorney, for prosecution. Copies of the violation reports shall also be sent to the appropriate district office of the Department of Natural Resources.
- (g) Submit copies of map and text amendments and biannual reports to the Regional Office of FEMA.

SEC. 10-6-91 ADMINISTRATIVE PROCEDURES.

- (a) **LAND USE PERMIT.** Unless another section of this Chapter specifically exempts certain types of development from this requirement, a building or zoning permit shall be obtained from the

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Zoning Administrator before any "development," as defined in Section 10-6-120(a), including any change in the use of an existing building or structure may be initiated. Application for a permit shall be made to the Zoning Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (1) General Information:
 - a. Name and address of the applicant, property owner, and contractor-builder;
 - b. Legal description of the property and a general description of the proposed use or development indicating new construction or modification to existing structures.
- (2) Site Development Plan: The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
 - a. Location, dimensions, area and elevation of the lot noted on a copy of the Wetland Inventory Map, if applicable;
 - b. Location of the ordinary highwater mark of any abutting navigable waterways;
 - c. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
 - 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 on the property as determined from the official floodplain zoning maps used to delineate floodplain areas;
 - g. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - h. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of Article C or Article D of this Chapter are met. This may include any of the information noted in Sec. 10-6-73;
 - i. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to Sec. 10-6-14(a). This may include any of the information noted in Sec. 10-6-22(a);
 - j. Specifications and dimensions for areas of proposed wetland alteration;
 - k. Existing and proposed topographic and drainage features and vegetative cover.
- (3) Data Requirement To Analyze Developments:
 - a. The applicant shall provide all computations and survey data required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Sec. 236.02(3), Wis. Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred Twenty-Five Thousand (\$ 125,000.00) Dollars. The applicant shall provide:
 1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.
 2. A map showing location and details of vehicular access to lands outside the floodplain.
 3. A surface drainage plan with adequate details showing how flood damage will be minimized. The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing, and similar items reasonably applied to the overall development costs, but need not include land costs.
- (4) Expiration: All permits issued under the authority of this Chapter shall expire one (1) year from the date of issuance.

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- (b) **CERTIFICATE OF COMPLIANCE.**
- (1) No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator, except where no building, zoning or conditional use permit is required subject to the following provisions:
- a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Chapter.
 - b. Application for such certificate shall be concurrent with the application for a permit.
 - c. The certificate of compliance shall be issued within ten (10) days after notification of completion of the work specified in the permit, providing the building or premises or proposed use conforms with all the provisions of this Chapter.
 - d. For floodplain development, the applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill and lowest floor elevations are in compliance with the permit issued, including any required floodproofing. Floodproofing adequacy may also be certified by a registered architect.
- (2) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for the building or premises existing at the time of adoption of this Chapter, certifying after inspection the extent and type of use made of the building on premises and whether or not such use conforms to the provisions of this Chapter.
- (c) **OTHER PERMITS.**
- The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Amended: Ord. 1030, 5/25/10

SEC. 10-6-92 FEES.

The City Council may, by resolution, adopt fees for the following:

- (a) Building zoning permits.
- (b) Certificates of compliance.
- (c) Public hearings.
- (d) Legal notice publications.
- (e) Conditional use permits.

SEC. 10-6-93 BOARD OF APPEALS.

- (a) **STATUTORY AUTHORIZATION.** The appropriate board created under Chapter 62.23(7)(e), Wis. Stats., is hereby authorized to act as Board of Appeals for the purposes of this Chapter. The Board of Appeals shall exercise the powers conferred by Wisconsin Statutes, and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Board.
- (b) **POWERS AND DUTIES.** The Board of Appeals shall:
- (1) Appeals. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
 - (2) Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map

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- (3) Variances. Hear and decide, upon appeal, variances from the dimensional standards of this Chapter.
- (c) **APPEALS TO THE BOARD.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision, order, requirement or determination of the official whose decision is in question. Such appeal shall be taken within thirty (30) days, as provided by the rules of the Board, by filing with the Zoning Administrator, and with the Board of Appeals, a notice of appeal specifying the reasons' for appeal. The official whose decision is in question shall transmit to the Board all the papers constituting the record concerning the matter appealed.
- (d) **NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES.**
 - (1) Notice. The Board shall:
 - a. Fix a reasonable time for the hearing;
 - b. Publish adequate Class I or 2 notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing.
 - c. Mail notice to the parties in interest.
 - d. Give written notice to the appropriate regional office of the Department at least ten (10) days prior to hearings on proposed variances, conditional uses, and appeals for map or text interpretations. At the public hearing, any party may appear in person or by agent or attorney.
 - (2) Hearing. Any party may appear in person or by agent or attorney. The Board shall:
 - a. Resolve boundary disputes according to subsection (d);
 - b. Decide variance applications according to subsection (e);
 - c. Decide appeals of permit denials according to Sec. 10-6-95.
 - (3) Decision. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on variances, conditional uses, and appeals for map or text interpretations shall be submitted to the appropriate regional office of the Department within ten (10) days after they are granted or denied. The final disposition of an appeal or application to the Board of Appeals shall be in the form of a written resolution or order signed by the Chairman 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.
- (e) **BOUNDARY DISPUTES.** The following procedure shall be used by the Board of Appeals in hearing disputes concerning the district boundaries shown on the official floodplain zoning map:
 - (1) Where a floodplain district boundary is established by approximate or detailed floodplain studies, the regional flood elevations or profiles for the point ,in question shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the Board, other available evidence may be examined.
 - (2) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals.
 - (3) Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the planning agency to the petition the City or inform the person contesting the location of the boundary to petition the City for a map amendment.
- (f) **VARIANCE.**
 - (1) The Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this Chapter where an applicant convincingly demonstrates that:
 - a. Literal enforcement of the provisions of the Chapter will result in unnecessary hardship on the applicant;
 - b. The hardship is due to adoption of this Chapter and specific conditions unique to the property; and not common to a group of adjacent lots or premises (in such case the Chapter or map must be amended);

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- c. Such variance is not contrary to the public interest;
- d. Such variance is consistent with the purpose of this Chapter;
- (2) A variance shall not:
 - a. Grant or increase any use of property prohibited in the zoning district;
 - b. Be granted for a hardship based solely on an economic gain or loss;
 - c. Be granted for a hardship which is self-created;
- d. Damage the rights or property values of other persons in the area;
- e. Permit a lower degree of flood protection in the floodplain than the flood protection elevation. In the flood fringe area, a lower degree of flood protection elevation may only be allowed pursuant to Sec. 10-6-84(b).
- f. Allow any floor, basement or crawlway below the regional flood elevation for residential or commercial structures.
- g. Allow actions without the amendments to this ordinance or map(s) required in s. 10-6-100.
- h. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (3) In addition to the criteria in par. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (g) When a variance is granted in a floodplain area, the Board shall notify the applicant in writing that increased flood insurance premiums may result. A copy of this notification shall be maintained with the variance appeal record.

Amended: Ord. 1030, 5/25/10

SEC. 10-6-94 CONDITIONAL USES PERMITS.

- (a) Any use listed as a conditional use in the Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Appeals, following the procedures. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a building/zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.
- (b) **CONDITIONS.** Upon consideration of the permit application and the standards applicable to the permitted uses in this Chapter, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter as listed in Sec. 10-6-3. Such conditions may include specifications for, without limitation because of specific enumeration: Type of shore cover; erosion protection measures; increase side yard setbacks, specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; locations of piers, docks, parking areas and signs; and type of construction.

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SEC. 10-6-95 REVIEW APPEALS OF PERMIT DENIALS.

- (a) The Board of Appeals shall review all data constituting the basis for-the appeal of permit denial. This data may include (where appropriate):
 - (1) Permit application data listed in Sec. 10-67-91(a);
 - (2) Floodway/flood fringe determination data in Sec. 10-6-73;
 - (3) Data listed in Sec. 10-6-52(a) where the applicant has not submitted this information to the Zoning Administrator;
 - (4) Other data submitted to the Zoning Administrator with the permit application, or submitted to the Board with the appeal.
- (b) For appeals of all denied permits the Board shall:
 - (1) Follow the procedures of Sec. 10-6-93;
 - (2) Consider Zoning Agency recommendation;
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation the Board shall:
 - (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.
 - (2) Grant the appear where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

SEC. 10-6-96 PUBLIC INFORMATION.

- (a) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the flood plain.
- (b) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.
- (c) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

SECS. 10-6-97 THROUGH 10-6-99 RESERVED FOR FUTURE USE.

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ARTICLE J

Amendments to Floodplain and Shoreland Wetland Zoning Regulations - Procedures

SEC. 10-6-100 AMENDMENTS GENERALLY.

The Common Council may supplement or change the district boundaries and the regulations contained in this Chapter according to Sec. 62.23(7)(d)2., Wis. Stats., NR 116 and 117, Wis. Adm. Code, and the following:

- (a) The Shoreland-Wetland District amendment provisions of Sec. 3.4 and the Floodplain District amendment provisions of Sec. 10-6-60 apply;
- (b) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within 5 days of the submission of the proposed amendment to the municipal planning agency;
- (c) All proposed text and map amendments shall be referred to the municipal planning agency, and a public hearing shall be held as required by Sec. 62.23(7)(d)2, Wis. Stats., following publication of a Class 2 notice as defined in Sec. 9.2. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days of the decision.
- (d) 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 bse flood elevation from a FIRM requires prior approval by FEMA.

SECS. 10-6-101 THROUGH 10-6-109 RESERVED FOR FUTURE USE.

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ARTICLE K

Enforcement and Penalties

SEC. 10-6-110 ENFORCEMENT AND PENALTIES.

Any development as defined in Sec. 10-6-120 or use established after the effective date of this Chapter in violation of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administration shall refer violations to the planning agency and the municipal attorney who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than Twenty (\$ 20.00) Dollars nor more than Fifty (\$ 50.00) Dollars per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the City, the state, or any citizen thereof pursuant to Sec. 87.30(2), Wis. Stats.

Amended: Ord. 1030, 5/25/10

SECS 10-6-111 THROUGH 10-6-119 RESERVED FOR FUTURE USE.

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ARTICLE L

Definitions

SEC. 10-6-120 DEFINITIONS.

- (a) Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future. Words used in the singular number include the plural and words in the plural number include the singular. The word "may" is permissive. The word "shall" is mandatory and not discretionary.
- (1) A Zones - These areas shown on a municipality's "Official Floodplain Zoning Map" which would be inundated by the "regional flood" as defined herein. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area
 - (2) Accessory Structure or Use - A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to it is related, and which is located on the same lot as that of the principal structure or use.
 - (2m) Base Flood - 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.
 - (2p) Basement - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
 - (3) Boathouse - As defined in Sec. 30.121(1), Wis. Stats., means a permanent structure used for the storage of water craft and associated materials and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.
 - (4) Board of Appeals/Adjustment - The body established under Chapter 62.23, Wis. Stats., for cities or city and designated "board of appeals," or as established under Chapter 59.99, Wis. Stats., for counties and designated "board of adjustment."
 - (4m) Building - See Structure.
 - (5) Bulkhead Line - A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, WIS. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this Chapter.
 - (5m) Campground - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
 - (5r) Camping Unit - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
 - (6) Certificate of Compliance - A certification by the Zoning Administrator stating 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 Chapter.
 - (7) Channel - A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
 - (8) Conditional Use - A use which is permitted by this Chapter provided that certain conditions specified in the Chapter are met and that a permit is granted by the Board of Appeals or, where designated, the planning or zoning agency.
 - (8g) Crawlways/Crawl Space - 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.

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- (8m) Deck - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- (9) Department - The Wisconsin Department of Natural Resources.
- (10) Development - Any artificial change to improved or unimproved real estate, including but not limited to construction of buildings, structures or accessory structures; the construction of additions or substantial improvements 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; and the storage, deposition or extraction of materials, repair or removal of public or private sewage disposal systems or water supply facilities
- (11) Drainage System - One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (12) Dryland Access - 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.
- (13) Encroachment - Any fill, structure, building, use or development in the floodway.
- (14) Environmental Control Facility - Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (15) Existing Mobile Home Park or Mobile Home Subdivision - A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.
- (15m) Expansion to Existing Mobile/Manufactured Home Park - 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.
- (16) Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or the Department of Housing and Urban Development (HUD).
- (17) Fixed Houseboat - As defined in Sec. 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary highwater mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudholes attached to the bed of the waterway.
- (18) Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas caused by:
 - a. The overflow or rise of inland waters
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (19) Flood Frequency - The probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually

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expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

- (20) Flood Fringe - That portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood; and generally associated with standing water rather than flowing water.
- (21) Flood Hazard Boundary Map - A map prepared by FEMA. designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance program.
- (21m) Flood Insurance Rate Map (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (22) Flood Insurance Study - A technical engineering examination, evaluation, and determination of the City flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as unnumbered and numbered A Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (23) Floodplain - That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.
- (24) Floodplain Island - A natural geologic land formation within the floodplain that is surrounded, but not covered, by flood water during the regional flood.
- (25) Floodplain Management - The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.
- (26) Flood Profile - 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.
- (27) Floodproofing - 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.
- (28) Flood Protection Elevation - An elevation of two (2) feet of freeboard above the water surface profile associated with the regional flood. (Also see: Freeboard.)
- (29) Floodway - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (30) Floodway Encroachment Lines - Represent the limits of obstruction to flood flows. These lines are designated on both sides of, and generally parallel to, the channel of a river or stream. They are established by assuming that the area landward (outside of the encroachment lines) will ultimately be developed in such a way that it will not convey flood flows, but the development will not cause an increase to regional flood elevations upstream. It is assumed that any development riverward of these lines will cause an obstruction and will require a detailed analysis to determine its effect on the regional flood elevations upstream.
- (31) Freeboard - Represents a factor of safety usually expressed in terms of a certain amount of feed above a calculated flood level, factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.
- (31m) Habitable Structure - Any structure or portion thereof used or designed for human habitation.

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- (32) Hearing Notice - Publication or posting meeting the requirements of Ch. 985, Wis. Stats., Class 1 notice is the minimum required for appeals: published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least one week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (33) High Flood Damage Potential - 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.
- (33m) Historic Structure - Any structure that is either:
 - a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or;
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- (34) Human Habitation - A human residence or dwelling.
- (35) Increase in Regional Flood Height - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting in 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.
- (36) Land Use - Any nonstructural use made of unimproved or improved real estate. (Also see Development.)
- (37) Mobile Home or Manufactured Home - A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter it does not include recreational vehicles or travel trailers.
- (37m) Mobile Recreational Vehicle - 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 “mobile recreational vehicles.”
- (38) Municipality or Municipal - The City governmental units enacting, administering and enforcing this zoning Ordinance/Chapter.
- (39) Navigable Waters - Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on

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- an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492(1952) & DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)].
- (39g) NAVD or North American Vertical Datum – Elevations referenced to mean sea level datum, 1988 adjustment.
 - (39m) New Construction - For floodplain management purposes, “new construction” 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 purpose of determining flood insurance rates, it 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.
 - (40) NGVD or National Geodetic Vertical Datum - Elevations referenced to mean sea level datum, 1929 adjustment.
 - (41) Nonconforming Structure - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area of floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)
 - (42) Nonconforming Use - A nonconforming use is an existing lawful use or accessory use of a structure, building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
 - (43) Obstruction to Flow - Any development which physically blocks the conveyance of flood waters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.
 - (44) Official Floodplain Zoning Map - That map, adopted and made part of this Chapter, which has been approved by the Department of Natural Resources and FEMA.
 - (45) Open Space Use - Those uses having a relatively low flood damage potential and not involving structures.
 - (46) Ordinary Highwater Mark - 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.
 - (47) Person - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
 - (48) Planning Agency - The municipal planning commission, agency, committee or a board of public land commissioners of the municipality's governing body created under Sec. 62.23(1), Wis. Stats., which acts on matters pertaining to planning and zoning.
 - (49) Private Sewage System - A sewage, treatment and disposal system serving a single structure with a septic tank and soft absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Commerce including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
 - (50) Public Utilities - 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.
 - (50m) Reasonably Safe From Flooding - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
 - (51) Regional Flood - A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream

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because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years. This means that in any given year, there is a 1% chance that the regional flood may occur or be exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE. During a typical 30-year mortgage period, the regional flood has a 26% chance of occurrence. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region or both. FEMA uses the term "base flood" which means the regional flood.

- (52) Shorelands - Lands within the following distances from the ordinary highwater 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.
- (53) Shoreland-Wetland District - The zoning district, created in this zoning Chapter, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter.
- (53m) Start of Construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (54) Storage Capacity of a Floodplain - The volume of space above an area of floodplain that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.
- (55) Structure - Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (55m) Subdivision - Has the meaning given in s. 236.02(12), Wis. Stats.
- (55r) Substantial Damage - 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.
- (56) Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:
 - a. any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows

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and other nonstructural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

- (57) Unnecessary Hardship - That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as area, setbacks, frontage, or height) unnecessarily burdensome or unreasonable in light of the purpose of this Chapter. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.
- (58) Variance - An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter. A variance may not permit a use of property otherwise prohibited by the Chapter or allow construction not protected to the flood protection elevation.
- (58m) Violation - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. 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.
- (59) Watershed - The entire region or area contributing runoff or surface water to a particular watercourse or body of water.
- (60) Water Surface Profile - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (60m) Well - An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.
- (61) Wetlands - Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (62) Wetland Alteration - Any construction filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

§10-6-120 (2m), (2p), (4m), (8g), (15m), (31m), (33m), (60m) - Created: Ord. 1030, 5/25/10
Chapter 6 Recreated: Ord. 1014, 5/8/07

CHAPTER 7

One- and Two-Family Dwellings Energy Conservation

§ 10-7-1	Purpose of Chapter
§ 10-7-2	State Energy Conservation Code Adopted
§ 10-7-3	Building Code Department
§ 10-7-4	Building Inspector
§ 10-7-5	Building Permit Required
§ 10-7-6	Building Permit Fees
§ 10-7-7	Penalties
§ 10-7-8	Severability

SEC. 10-7-1 PURPOSES OF CHAPTER.

- (a) To exercise jurisdiction over the construction and inspection of new dwellings in regard to energy conservation.
- (b) To provide on-site inspection performed by persons certified by Department of Industry, Labor and Human Relations (DILHR).
- (c) To establish and collect fees to defray cost; and
- (d) To provide remedies and penalties for violations.

SEC. 10-7-2 STATE ENERGY CONSERVATION CODE ADOPTED.

Title 10, Chapter 7 of the City Code of General Ordinances is hereby created to read as follows: Chapter Ind 22, Wisconsin Administrative Code, Energy Conservation Standards Chapter of the One- and Two-Family Dwelling Code, as adopted and effective December 1, 1978, and all amendments thereto, is adopted and incorporated in this Municipal Code by reference.

SEC. 10-7-3 BUILDING CODE DEPARTMENT.

- (a) The Building Code Department of the City shall be created by the Mayor. The administrative authority shall be a State certified building inspector so designated by the appointing authority subject to confirmation.
- (b) The appointing authority shall be the Mayor of the City subject to confirmation by the Common Council.

SEC. 10-7-4 BUILDING INSPECTOR.

There is hereby created the position of Building Inspector who shall administer and enforce this Chapter (Energy Conservation Code) who shall be certified by DILHR as specified by Section 101.66(2), Wis. Stats. This appointment is subject to confirmation by City Council.

Cross-reference: Section 2-3-10.

SEC. 10-7-5 BUILDING PERMIT REQUIRED.

No person shall build or cause to be built any one- or two-family dwelling without first obtaining a building permit for such dwelling. Such building permit shall be of the form prescribed and furnished by the City. A copy of each permit issued shall be filed with the Building Inspector.

SEC. 10-7-6 BUILDING PERMIT FEES.

The fees shall be determined by City Council.

SEC. 10-7-7 PENALTIES.

The Council shall provide for the enforcement of the Chapter and all other laws and ordinances relating to buildings by means of the withholding of building permits, imposition of forfeitures and injunctive action. Any person violating this Code shall be subject to a forfeiture in the amount of One Thousand (\$ 1,000.00) Dollars and injunctive relief in accordance with Chapter 62.23(9), Wis. Stats.

SEC. 10-7-8 SEVERABILITY.

If any section, clause, provision or portion of this ordinance or Wisconsin Administrative Code Chapter Ind 22 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.

CHAPTER 8

Fences

§ 10-8-1	Prohibited Fences
§ 10-8-2	Fence Permit; Fee
§ 10-8-3	Restrictions; Conditions
§ 10-8-4	Special Purpose Fences
§ 10-8-5	Height Determination
§ 10-8-6	Nonconforming Fences
§ 10-8-7	Swimming Pool Fences Regulated

SEC. 10-8-1 PROHIBITED FENCES.

- (a) No fence shall be constructed, erected, reconstructed, rebuilt or replaced which exceeds seven (7) feet in height.
- (b) No electrically charged or other inherently dangerous fence shall be permitted, no any barbed wire or chicken wire fence in a non-industrial area.

SEC. 10-8-2 FENCE PERMIT; FEE.

No fence shall be constructed, erected, reconstructed, rebuilt or replaced without first obtaining a permit therefor from the Building Inspector. The fee for such permit shall be Three (\$ 3.00) Dollars.

SEC. 10-8-3 RESTRICTIONS; CONDITIONS.

- (a) Within a residential district lying adjacent to or abutting another residential district, no fence exceeding six (6) feet in height shall be erected, constructed or maintained except as set forth in Section 10-8-63 below.
- (b) Where a residential district lies adjacent to or abuts a non-residential district, no fence exceeding seven (7) feet in height shall be erected, constructed or maintained along that portion of the lot line lying adjacent to or abutting a non-residential district. Any district not designated as a residential district shall be considered a non-residential district, including schools, churches, institutions and the like.
- (c) In any non-residential area, fences shall be of such type and construction that shall allow people outside the fence to see through it without hindrance. In an industrial area where barbed wire is used, the lowest strand shall be a minimum of six (6) feet above the grade.
- (d) In the public interest and for snow plowing purposes, no fence, barrier or other structure shall be erected, built or placed nearer than three (3) feet from any alley lot line. This provision shall not apply to structures which have a different setback as established by the zoning code.
- (e) All fences hereafter erected or constructed shall provide openings for a passage of air equivalent to twenty-five (25%) percent of the surface area of the fence and shall have the structural components thereof facing the side of the property for and on which the same are erected. In residential areas where privacy is desired, fences with less than such twenty-five (25%) percent open spacing may be erected provided such fences may not extend farther forward than the main rear line of such residence.

- (f) On any corner lot where a front or side yard is required or provided, no building, fence, hedge or other obstruction more than two (2) feet in height shall be placed so as to interfere with clear vision from one street to another or alley across the corner.
- (g) In any residential district or area or on any lot or premises the principal use of which is for residential purposes, no fence shall extend nearer to the street than the front line of the building or the front setback line as set forth in the zoning code for residential districts, whichever is nearer.
- (h) In any residential district or area or on any lot or premises the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or re-installed in any area where there is a distance between main residential buildings of ten (10) feet or less.

§10-8-3(a) - Amended: Ord. 986, 07/24/01

SEC. 10-8-4 SPECIAL PURPOSE FENCES.

Fences for swimming pools, confining dogs, etc. shall not exceed six (6) feet in height, and shall be no larger than necessary for such purpose and shall conform to the building setbacks of this Title.

SEC. 10-8-5 HEIGHT DETERMINATION.

The height of any fence erected under this Chapter shall be determined by the measurement from the uppermost point of the fence to the existing ground level of the property.

SEC. 10-8-6 NONCONFORMING FENCES.

Any fence which existed at the time of adoption of this Code of Ordinances, which does not conform with the provisions thereof, shall not be altered or enlarged without making the entire fence conform with the provisions of this Chapter.

SEC. 10-8-7 SWIMMING POOL FENCES REGULATED.

- (a) **FENCING REQUIRED.** No swimming pool shall be used, constructed, erected or maintained in any district unless the said swimming pool, or the property on which it is located, shall be surrounded by a fence or a wall not less than four (4) feet in height above the ground which shall have a gate with a lock so as to prevent uncontrolled access by children to the pool water.
- (b) **DEFINITION.** A swimming pool is defined as any below ground enclosure of water to include, but not be limited to, a natural or man-made tank or pool of sufficient size, depth or height to enclose water at any point of greater than 1-1/2 feet in depth.

CHAPTER 9

Fair and Open Housing

§ 10-9-1 Declaration of Policy

Sec. 10-9-1 DECLARATION OF POLICY.

The Common Council of the City of Neillsville recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein.

- (a) The Common Council of the City of Neillsville hereby adopts Section 106.50, Wisconsin Statutes and all subsequent amendments thereto.
- (b) The officials and employees of the City of Neillsville shall assist in the orderly prevention and removal of all discrimination in housing within the City of Neillsville by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.
- (c) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City of Neillsville to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

Chapter 9-Amended: Ord. 1010, 8/23/05