

**REVISED MUNICIPAL CODE
OF
THE TOWN OF JOHNSTOWN
ROCK COUNTY, WISCONSIN
OCTOBER 19, 2009**

As amended by ordinances adopted through August 8, 2011

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**MUNICIPAL CODE
OF
THE TOWN OF JOHNSTOWN
ROCK COUNTY, WISCONSIN**

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TOWN OF JOHNSTOWN

CHAPTER 1 OF THE MUNICIPAL CODE OF THE TOWN OF JOHNSTOWN, WISCONSIN

ZONING

SECTION 1.0 – INTRODUCTION

1.1 Authority

The Town Board of the Town of Johnstown, Rock County, Wisconsin has proceeded under the provisions of Section 60.61(4) of the Wisconsin Statutes and this Chapter is adopted under the authority granted by Section 60.61 of the Wisconsin Statutes.

1.2 Purpose

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community. Furthermore, the purpose of this Chapter is to implement the land use goals, objectives, policies, and map resulting from the Town's comprehensive planning process in preparing the previously adopted Town of Johnstown Development Plan.

1.3 Intent

It is the general intent of this Chapter to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, number of stories and size of buildings and other structures, population distribution and density, and to stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

1.4 Abrogation and Greater Restrictions

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to laws. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

1.5 Interpretation

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

1.6 Severability

- (1) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (2) If any application of this Chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

1.7 Repeal

The Town Board herein repeals without limitation all other ordinances, maps, or parts of ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, including without limitation a certain zoning ordinance originally dated September 20, 1982, the Official Zoning (District) Map, and any amendments to said zoning ordinance and zoning map that is a part of that ordinance originally dated September 20, 1982.

1.8 Title

This Chapter shall be known, referred to, and cited as the Town of Johnstown Zoning Ordinance.

1.9 Effective Date

This Chapter became effective after a public hearing, adoption by the Town Board, and posting as provided by law. Changes or Amendments to the text of this Chapter or the “Official Zoning Map” shall be effective after the provisions of Section 11 have been complied with and the Change or Amendment has been posted as provided by law.

(Amended by Ordinance No. 09-1)

SECTION 2.0 – GENERAL PROVISIONS

2.1 Jurisdiction

The jurisdiction of this Chapter shall include all structures, lands, and waters within the Town.

(Amended by Ordinance No. 09-1)

2.2 Compliance

No structure, land, or water shall hereafter be used without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.

(Amended by Ordinance No. 09-1)

2.3 Use Restrictions

The following use restrictions and regulations shall apply:

(1) Permitted Uses. Only those principal uses specified, their essential services, and uses listed in paragraphs (2)-(5) below shall be permitted in each district.

(2) Accessory Uses and structures are permitted in any district but not until the principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry unless a conditional use is authorized under this Chapter.

(3) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board and issuance of a conditional use permit in accordance with Section 5 of this Chapter.

(Amended by Ordinance No. 09-1)

(4) Unclassified or Unspecified Uses may be considered and utilized as a permitted or conditional use as determined by the Planning & Zoning Committee, provided that such uses are similar in character and impact to the principal uses permitted in the district.

(5) Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board for a period not to exceed one (1) Year.

(Amended by Ordinance No. 09-1)

(6) Performance Standards listed in this Chapter shall be complied with by all uses in all districts.

(7) Soil Restrictions. Certain soil types in the Township, as shown on the operational

soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: High or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the U.S. Soil Conservation Service is hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a Soil Scientist from the Soil Conservation Service by either the Township or the applicant.

2.4 Penalties

Any person, firm or corporation who violates or fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$5000, together with the costs of prosecution, for each violation. Each day a violation exists or continues shall constitute a separate offense.

2.5 Violations

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Chapter. In case of any violation, the Town Board, the Zoning Officer, the Planning & Zoning Committee, or any neighboring property owner who would be specifically damaged by such violation may institute an appropriate action or proceeding to enjoin a violation of this Chapter or cause a structure to be vacated or removed.

(Amended by Ordinance No. 09-1)

2.6 Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the Penalties described above.

SECTION 3.0 – PLANNING AND ZONING COMMITTEE

(Amended by Ordinance No. 09-1)

3.1 Establishment of Committee

There is hereby established a Planning & Zoning Committee for the Town.

3.2 Membership and Organization

The Town Planning & Zoning Committee shall be formed and organized as follows:

- (1) The Committee shall consist of five members, one of which shall be a Town Board member, and all of whom shall be adult residents of the Town appointed by the Town Chairperson and approved by the Town Board.
- (2) The Zoning Officer shall be an ex officio member of the Committee and shall attend all meetings but shall not be a voting member.
- (3) The Committee's Chairperson and Secretary shall be appointed by the Town Chairperson.
- (4) The term of the Town Board member who sits on the Committee shall be one year, and the terms of the four other members shall be staggered three-year periods.
- (5) Vacancies in the Board shall be filled for an unexpired term in the same manner as appointments for a full term.
- (6) Each member of the Committee shall take an official oath in accordance with Section 19.01 of the Wisconsin Statutes within ten days of receiving notice of appointment.
- (7) Compensation for Committee members shall be determined by the Town Board.
- (8) Terms of members of the Committee hereunder shall begin on the first day of May.
- (9) Any member of the Committee who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.

(Amended by Ordinance No. 09-1)

3.3 Zoning Officer

- (1) There is herewith created the office of Zoning Officer, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Zoning Officer shall be a Johnstown resident, shall be appointed by the Town Board, and shall hold office until replaced by the Town Board. His or Her duties shall be to administer, supervise, and literally enforce the provisions of this Chapter. His or Her

compensation shall be determined by the Town Board.

- (2) The duty of the Zoning Officer shall be to investigate all complaints, give notice of violations, and to enforce this Chapter. The Zoning Officer may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Officer is refused entry, a special inspection warrant shall be issued for said premises pursuant to Sections 66.122 and 66.123 of the Wisconsin Statutes. The Zoning Officer may set time limits and conditions for the correction of violations.
- (3) The Zoning Officer shall make an annual report of his or her activities to the Town Board.
- (4) The Zoning Officer shall prepare zoning permit forms, assist the applicant as to the provisions of this Chapter; inspect each project for which a permit has been applied for or granted; report violations; and provide this information to the Planning & Zoning Committee. The Zoning Officer may issue zoning permits which are within strict compliance with the requirements of this Chapter when delegated such authority by the Planning & Zoning Committee. Whenever there is a question other than the literal requirements of this Chapter, it is to be brought directly to the Planning & Zoning Committee Chairperson.

3.4 Matters Referred to the Planning & Zoning Committee

The Town Board or other public body having authority thereon shall refer to the Planning & Zoning Committee for its consideration and report before final action is taken by the Town Board or public body, the following matters:

- (1) The location and architectural design of any public building.
- (2) The location of any statue or other memorial.
- (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other memorial or public grounds.
- (4) The location, extension, authorization, or abandonment of any public utility, whether publicly or privately owned.
- (5) All proposed and final certified surveys and subdivision plats in the Town.
- (6) The location, character, and extent of acquisition, leasing, or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children.
- (7) The abandonment or repeal of any ordinance adopted relating to planning and zoning.

- (8) Conditional use permit applications.

(Amended by Ordinance No. 09-1)

Unless such report is made within 45 days or such longer period as may be stipulated by the Town Board, the boards or other public body may take final action without it.

3.5 Powers

The Planning & Zoning Committee shall have the following powers:

- (1) To issue zoning permits when within the provisions of this Chapter and to delegate this authority to the Zoning Officer.
- (2) To review and recommend to the Town Board the approval, conditional approval, or denial of preliminary land divisions. Conditions of approval may be recommended by the Committee to the Town Board as part of obtaining preliminary approval.
- (3) To review and recommend approval, conditional approval, or denial of amendment to the Official Zoning Map or the text of this Chapter.
- (4) To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Committee permits such a substitution, the use may not thereafter be changed without another application for substitution.
- (5) To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.

(Amended by Ordinance No. 09-1)

(Amended by Ordinance No. 09-1)

3.6 Meetings

Meetings shall be called when necessary, as specifically determined by the Chairperson of the Planning & Zoning Committee. Special meetings may be called by the Chairperson or upon written request of two committee members. Notice of special meetings shall be given by personal service or telephone calls to all members at least 24 hours prior to the called special meeting.

3.7 Minutes

The minutes shall be kept by the Secretary.

3.8 Quorum

Three (3) members shall constitute a quorum to transact any business and formulate proper action thereon.

3.9 Compensation

The members shall be compensated as determined by the Town Board.

3.10 Town Board

The Town Board is the public body having authority thereon to change or amend this Chapter. The Town Board may also direct by majority vote that Zoning Permits and Conditional Use Permits be issued when in compliance with this Chapter.

SECTION 4.0 – ZONING DISTRICTS

4.1 Establishment

For the purpose of this Chapter the Town of Johnstown is hereby divided into the following Zoning Districts:

Exclusive Agricultural District One (A-1)
General Agricultural District Two (A-2)
Small Scale Agricultural District Three (A-3)
Local Commercial District (B-1)
Lowland Conservancy Overlay District (C-1)
Highland Conservation District (C-2)
Rural Residential District (R-R)
Mobile Home Park District (MHP)
Special Purpose District (SP)
Light Industrial District (M-1)

4.2 Zoning Map and District Boundaries

(1) The boundaries of such districts are hereby established as shown on a map entitled “Official Zoning Map, Town of Johnstown, Rock County, Wisconsin”, dated September 20, 1982, as amended, which accompanies and is made a part of this Chapter. Such boundaries shall be construed to follow: town and corporate limit lines; U.S. Public Land Survey Lines; lot or property lines; topographic lines; and road rights-of-way, railroad right-of-way lines, centerlines of streets, roads, highways, alleys, easements, or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and a copy correct only as of the date of passage of this Zoning Ordinance was attached to this Zoning Ordinance. The Town Clerk shall forward all map amendments approved by the Town Board to the Rock County Planning and Development Agency for inclusion on the Official Zoning Map, and the Town Clerk shall maintain a revised current version of said map reflecting current zoning boundary locations.

(Amended by Ordinance No. 09-1)

(2) Overlay districts, as presented in this subsection, are created for the purpose of imposing special regulations in given designated areas of the County to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Chapter.

4.3 General District Regulations

The following regulations set forth requirements that may not apply universally throughout the town, but rather cover issues that are applicable to one or more districts.

- (1) Exclusive Agricultural Districts. This Chapter is intended to qualify as an “exclusive agricultural use zoning ordinance” as that term is defined in Chapter 91 (Farmland Preservation Law) and Section 823.08 (Right to Farm Law) of the Wisconsin Statutes. Any ambiguity in this Chapter shall be interpreted in a manner consistent with the ordinance standards for an exclusive agricultural use ordinance under Section 91.75 of the Wisconsin Statutes.
- (2) Exceptions to Height Regulations. The height limitations contained in the requirements for permitted and conditional uses do not apply to grain elevators, silos, barns, spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (3) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- (4) Parking and Storage of Certain Vehicles. Motor vehicles without current license plates shall not be parked or stored unless they are in completely enclosed buildings.
- (5) Setback. A setback less than the setback required by this Chapter may be permitted where there are at least 2 existing main buildings existing at the date of enactment of this Zoning Ordinance within 200 feet on both sides of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site, or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Planning & Zoning Committee and shall not require a special exception or variance.
- (6) Loading Space. In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.
- (7) Undersized Lots. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located, and was of record as such at the time of the passage of this Zoning Ordinance, such lot may be occupied by a one-family structure.

- (8) Applicable Zoning for Vacated Street. Vacation of public streets, alleys, and rights-of-way shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (9) Underground Utility Lines. For all new land divisions, utility lines which will serve individual lots (to include electric lines under 12,400 volts, cable television, telephone, Internet, natural gas, etc.) shall be installed underground within the utility easements indicated on the land division map shall be required to be on the Zoning Permit map and provisions made to assure that installation of said utilities will take place prior to conveyance of any lots so created. The only exception will be where existing overhead or underground lines can provide direct service to a structure on an immediately adjacent parcel.
- (Amended by Ordinance No. 09-1)
- (10) Overhead Utility Lines. No overhead power, telephone, or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- (11) Community Living Arrangements. Community living arrangements as provided in Section 60.62 of the Wisconsin Statutes shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed 25 people or 1% of the town's population, whichever is greater. No community living arrangement may be established after March 27, 1978, which is located within 2500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Planning & Zoning Committee and if both comprise essential components of a single program.
- (12) Mobile Homes. Mobile Homes are permitted only in a Mobile Home Park District.
- (13) Habitation of Recreational Vehicle. Habitation of any recreational vehicle, tent, or camper shall not take place on a parcel located in the Town unless a primary residence is available for use of required services such as sewer and water, and unless such habitation is temporary in nature and does not exceed 30 days in any calendar year.
- (14) Permanent Foundation. A permanent foundation is required for all residential structures as provided in the design standards of the Wisconsin Uniform Dwelling Code.
- (Amended by Ordinance No. 09-1)
- (15) Required Compliance of New Land Parcels. No new land parcel shall be created that is not in compliance with the requirements and standards of this Chapter.
- (16) Minimum Dwelling Size. Every dwelling erected in the Town of Johnstown shall provide not less than 1200 square feet of floor area for a one story building for each family dwelling therein, nor less than 1900 square feet of floor area for a two story building for each family dwelling therein. Floor area does not include garage, attic,

basement, or breezeway.

- (17) Kennels. No kennels are permitted in the Town of Johnstown without a license issued pursuant to Section 174.053 of the Wisconsin Statutes, and unless a conditional use permit is granted for such a kennel under the provisions of this chapter allowing kennels as conditional uses in certain districts.

(Amended by Ordinance No. 01-2)

- (18) Motorized Bike and All-Terrain Vehicle Tracks. Tracks for motorized bicycles and all-terrain vehicles are not prohibited uses but are not permitted except upon issuance of a Conditional Use Permit.

(Amended by Ordinance No. 09-1)

- (19) Outdoor Furnaces. Outdoor furnaces are not prohibited uses, but are not permitted uses, unless they are located on a parcel zoned A-1 and are not within 1,000 feet of the nearest residence that is not on the same property as the outdoor furnace, except upon issuance of a Conditional Use Permit. An outdoor furnace is defined as a furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(Amended by Ordinance No. 09-1)

AGRICULTURAL DISTRICT ONE (A-1)

(1) **Purpose and Intent of Agricultural District One (A-1)**

The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Development Guide. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils, and prevent uncontrolled, uneconomical spread of residential development.

(2) **Permitted Uses**

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish, or offal, provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems unless a conditional use permit is obtained as described in Section 3(R) below, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock and poultry.

(Amended by Ordinance No. 11-01)

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(C) Provided that the use was established on or before November 1, 2005, one residential dwelling used in a manner which does not conflict or interfere with agricultural use and occupied by any of the following:

1. An owner of the parcel.
2. A person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel.
3. A parent or child of an owner who conducts the majority of the farm operations on the parcel.
4. A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.

(Amended by Ordinance No. 05-02)

(D) Pre-existing residences that were either permitted or continued residential uses under Section 91.75 of the 1989 Wisconsin Statutes.

(E) Livestock facilities up to three (3) animal units per acre.

(Created by Ordinance No. 07-__)

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(Amended by Ordinance No. 09-1)

(A) Churches, veterinary hospitals, publicly owned parks, and publicly owned recreational areas.

(B) Water storage facilities, and gas and electric utility uses not requiring authorization under Section 196.491 of the Wisconsin Statutes, provided that they are enclosed by an 8-foot or higher protective fence.

(C) Farm dwellings and related farm structures existing as of September 29, 1982, *may* be separated from the farm plot, provided that no parcel thus created shall exceed 5 acres nor be less than 3 acres. The remaining portion of the original parcel shall conform to the standards of this district, and the new parcel shall conform to the standards of the A-3 district.

(D) Fur farms, veterinary services, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause additional traffic, noxious odors, or noise.

(E) Riding stables, riding schools, and shooting preserves as secondary uses to agriculture.

(F) Creameries, milk condenseries, and cheese factories, provided, however, that the same are not located or operated within 500 feet of any dwelling.

(G) Supportive agri-business activities to include grain elevators, seed, fertilizer, and farm chemical sales, commercial feedlots, feed mills, and similar agricultural activities.

(H) Storage of non-agriculture items for commercial purposes in buildings existing as of September 29, 1982.

(I) Additional farm dwellings for resident owners and persons who, or a family at least one adult member of which, earn the majority of their gross income from conducting the farm operations on the parcel.

(J) Telephone, telegraph, and electric transmission lines, buildings, or structures.

- (K) Agriculture-related airport or air strip not open to the public which is accessory to the farm use.
- (L) A parcel not exceeding 5 acres or being less than 3 acres may be separated from the farm plot for the purpose of construction of single family dwellings occupied by parents or children of the farm operator, provided that the remaining portion of the original parcel shall conform to the standards of this district, and the new parcel shall conform to the standards of the A-3 District.
- (M) Land application of municipal waste disposal sludge.
- (N) Utility or Governmental Uses that are consistent with agricultural use and are found to be necessary in light of the alternative locations available for such uses.
(Created by Ordinance No. 98-1)
- (O) Farm family business.
(Created by Ordinance No. 04-02)
- (P) If a residence is not already permitted on a parcel, one single-family dwelling used in a manner which does not conflict or interfere with agricultural use and occupied by any of the following:
 1. An owner of the parcel.
 2. A person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel.
 3. A parent or child of an owner who conducts the majority of the farm operations on the parcel.
 4. A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.
(Created by Ordinance No. 05-02)
- (Q) Livestock facilities over three (3) animal units per acre or over 500 animal units total, whichever is less.
(Created by Ordinance No. 07-__)
- (R) Application of liquid manure by the use of Center Pivot Manure Distribution Systems.
(Created by Ordinance No. 11-1)

(4) Requirements for Permitted and Conditional Uses

Within the A-1 District the following standards shall apply:

- (A) Minimum Lot Size: No minimum acreage for conditional use permits issued under Section (3)(N), except as determined by the Planning & Zoning Committee and as required by county land division ordinances. Thirty-five (35) acres for all other permitted and conditional uses, except where a conditional use permit is issued under Section (3)(C).
(Amended by Ordinance No. 98-1)
- (B) Maximum Building Height35 ft. Residential Structures;
No maximum on other structures
- (C) Minimum Front Yard Setback 50 ft.
- (D) Minimum Rear Yard Setback 50 ft.
- (E) Minimum Side Yard:
Principal Buildings 20 ft. on each side
Accessory Buildings 10 ft. on each side
- (F) Minimum Lot Width at Building Line..... 100 ft.
- (G) All front yard setbacks are to also refer to Section 9.1 of this Chapter for setbacks on Arterial, Collector and Local Roads.
- (H) Animal Units per Acre: Three (3) animal units per acre, on continuous acreage. Additional units per acre will require a Conditional Use Permit.
- (I) Minimum Residential Structure Sizeper subsection 4.3(18)
- (J) Minimum Residential Structure Width..... 24 ft.
- (K) Minimum Lot Width on Public Road 100 ft.
(Created by Ordinance No. 98-1)
- (L) General Setbacks Applicable to Livestock Structures
 1. Property Lines: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1000 animal units, and 200 feet from the property line if the livestock facility will have 1000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.
 2. Public Road Right-of-Way: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public

road right-of-way if the livestock facility will have fewer than 1000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

3. Waste Storage Structures: A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- b. No larger than the existing structure;
- c. No further than 50 feet from the existing structure; and
- d. No closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(Subsection (L) Created by Ordinance No. 07-__)

(M) Water Quality and Related Setbacks

1. Navigable Waters and Wetlands: A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.
2. Flood Plain: A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statutes.
3. Wells: All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(Subsection (M) Created by Ordinance No. 07-__)

(5) Prohibited Uses

No structure or improvement may be built or land used in this district unless it is a Permitted or approved Conditional Use in this district.

GENERAL AGRICULTURAL DISTRICT TWO (A-2)

(1) Purpose and Intent of Agricultural District Two (A-2)

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Development Plan for land parcels in the General Agricultural Area. This district is designed to promote the maintenance and preservation of areas that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture and are generally best suited for smaller farm units.

(2) Permitted Uses

The following uses are permitted in this district:

- (A) General farming including dairying, livestock and poultry raising, nurseries and other similar enterprises or uses, but not fur farms or farms operated for the disposal or reduction of garbage, sewage, rubbish, or offal, provided that such permitted uses shall not include the spreading of sewage sludge unless a conditional use permit is obtained as described in subsection 3(F) below, and provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
(Amended by Ordinance No. 11-1)
- (B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, and other appropriate agricultural pursuits, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two signs with each sign face no larger than 4' x 8' (totaling up to 32 square feet) advertising such sale.
- (C) One single family residential dwelling.
- (D) Pre-existing residences whose initial construction began before September 29, 1982, are hereby considered a permitted use and are exempt from the limitations imposed and authorized under Section 10 of this Chapter.
- (E) Livestock facilities up to one (1) animal unit per acre.
(Created by Ordinance No. 07-__)

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(Amended by Ordinance No. 09-1)

- (A) Churches, veterinary hospitals, publicly owned parks, and publicly owned recreational areas.
- (B) Water storage facilities and power stations, provided they are enclosed by an 8-foot or higher protective fence.
- (C) Farm dwellings and related farm structures existing as of September 29, 1982, *may* be separated from the farm plot provided that no parcel thus created shall exceed 5 acres or be less than 3 acres. The remaining portion of the original parcel shall conform to the standards of this district, and the new parcel shall conform to the standards of the A-3 district.
- (D) Fur farms, kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise, provided that written permissions is obtained from the Town Board on the recommendation of the Planning & Zoning Committee. Any conditional use permit issued hereunder for a kennel shall require as a condition that the operator of such kennel obtain a kennel license pursuant to Section 174.053 of the Wisconsin Statutes. (Amended by Ordinance No. 01-2)
- (E) Riding stables, riding schools, and shooting preserves.
- (F) The hauling of sewage sludge for the purpose of fertilizer, provided that adequate provision for the protection of town roads is made pursuant to subsection 5.4(2) of this Chapter.
- (G) Creameries, milk condenseries, and cheese factories, provided, however, that the same are not located or operated within 500 feet of any dwelling.
- (H) Supportive agri-business activities to include grain elevators, seed, fertilizer, and farm chemical sales, commercial feedlots, feed mills, and similar agricultural activities, provided that adequate provision is made to protect town roads pursuant to subsection 5.4(2) of this Chapter.
- (I) Storage of non-agriculture items for commercial purposes in buildings existing as of September 29, 1982, or in new buildings in the immediate vicinity of buildings existing as of September 29, 1982.
- (J) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- (K) Telephone, telegraph, and electric transmission lines, buildings, and structures.
- (L) Sale of agricultural products not produced on premises.

(M) Single-family dwellings occupied by parents or children of the farm operator.

(N) Farm family business.

(Created by Ordinance No. 04-02)

(O) Livestock facilities over one (1) animal unit per acre or over 500 animal units total, whichever is less.

(Created by Ordinance No. 07-__)

(4) Requirements for Permitted and Conditional Uses

Within the A-2 District the following standards shall apply:

(A) Minimum Lot Size 10 acres
(unless a conditional use permit is granted under Section (3)(C))

(B) Maximum Building Height 35 ft. Residential Structures;
No maximum on other structures

(C) Minimum Front Yard Setback 50 ft.

(D) Minimum Rear Yard Setback 50 ft.

(E) Minimum Side Yard:
Principal Buildings 20 ft. on each side
Accessory Buildings 10 ft. on each side

(F) Animals Units per Acre: One (1) animal unit per acre. Additional animal units per acre will require a conditional use permit.

(G) All front yard setbacks are also subject to Section 9.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.

(H) Minimum Lot Width on Public Road 100 ft.

(I) Conditional Use Requirements:

1. Lot size shall be no greater than the minimum lot area needed to include existing building, primary and reserve septic system areas, required setbacks, and acreage needed to accommodate the proposed number of animal units.

2. Lots created for new residential structures for a parent, child, or farm worker shall be located on the least productive land on the farm operation and/or adjacent to existing buildings.

(J) Minimum Residential Building Size.....per subsection 4.3(18)

(K) Minimum Residential Building Width..... 24 ft.

(L) General Setbacks Applicable to Livestock Structures

1. Property Lines: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1000 animal units, and 200 feet from the property line if the livestock facility will have 1000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.
2. Public Road Right-of-Way: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.
3. Waste Storage Structures: A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- b. No larger than the existing structure;
- c. No further than 50 feet from the existing structure; and
- d. No closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(Subsection (L) Created by Ordinance No. 07-___)

(M) Water Quality and Related Setbacks

1. Navigable Waters and Wetlands: A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.
2. Flood Plain: A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statutes.
3. Wells: All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(Subsection (M) Created by Ordinance No. 07-__)

(5) Prohibited Uses

No structure or improvement may be built or land used in this district unless it is a Permitted or approved Conditional Use in this District.

SMALL SCALE AGRICULTURAL DISTRICT THREE (A-3)

(1) Purpose and Intent of Agricultural District Three (A-3)

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Development Plan for parcels of land in the Small Scale Agricultural Area. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for combined rural residential/agricultural use. The A-3 District is intended to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District is to consist of soils which do not have on-site sewer limitations and are not prime agricultural soils.

(2) Permitted Uses

The following uses are permitted in this district:

- (A) One single family dwelling per parcel.
- (B) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish, or offal, provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
(Amended by Ordinance No. 11-1)
- (C) In-season roadside stands for the sale of farm products produced on the premises, and up to two signs not larger than eight square feet each advertising such sale.
- (D) Gardening, including truck gardens, nurseries, and greenhouses.
- (E) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (F) The following uses if they are publicly owned: parks, playgrounds, and recreational and community center buildings and grounds.
- (G) Pre-schools, K-8 grade schools, churches, and their affiliated uses.
- (H) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops, and storage areas.
- (I) Water storage facilities and their accessory structures.

- (J) Accessory buildings, including buildings clearly incidental to the residential use of the property, provided that no accessory building may be used as a separate dwelling unit, and that the square footage of the accessory building may not exceed the square footage of the living area of the residence on the premises or, if there is no residence, the square footage of the principal building on the premises.
- (K) Uses customarily incident to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- (L) Livestock facilities up to one (1) animal unit per acre.

(Created by Ordinance No. 07-__)

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(Amended by Ordinance No. 09-1)

- (A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
 - (B) Professional offices, when such office is conducted solely by one or more members of the resident family, if the use is conducted entirely within the residence and is incidental to the residential use of the premises.
 - (C) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, community buildings, private clubs (including, but not limited to, riding clubs), and fraternities, except those whose principal activity is a service customarily carried on as a business.
 - (D) Fur farms, kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, and confinement operations. Any conditional use permit issued hereunder for a kennel shall require as a condition that the operator of such kennel obtain a kennel license pursuant to Section 174.053 of the Wisconsin Statutes.
- (Amended by Ordinance No. 01-2)
- (E) The hauling of sewage sludge for the purpose of fertilizer, provided that adequate provision for the protection of town roads is made pursuant to subsection 5.4(2) of this Chapter.
 - (F) Accessory buildings exceeding the size allowed as a permitted use.
 - (G) Livestock facilities over one (1) animal unit per acre or over 500 animal units total, whichever is less.

(Created by Ordinance No. 07-__)

(4) Requirements for Permitted and Conditional Uses

- (A) Maximum Building Height35 ft. Residential Structures;
No maximum on other structures
- (B) Minimum Side Yard:
 - Principal Buildings 20 ft. on each side
 - Accessory Buildings 10 ft. on each side
- (C) Minimum Front Yard Setback 50 ft.
- (D) Minimum Rear Yard Setback 50 ft.
- (E) Minimum Lot Area 3 acres
- (F) Animal Units per Acre: One (1) animal unit per acre. Additional units per acre will require a Conditional Use Permit.
- (G) All front yard setbacks are also subject to Section 9.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.
- (H) Minimum Lot Width on Public Road 100 ft.
- (I) Minimum Residential Building Width 24 ft.
- (J) Minimum Residential Building Sizeper subsection 4.3(18)
- (K) General Setbacks Applicable to Livestock Structures
 1. Property Lines: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1000 animal units, and 200 feet from the property line if the livestock facility will have 1000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.
 2. Public Road Right-of-Way: Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

3. Waste Storage Structures: A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- b. No larger than the existing structure;
- c. No further than 50 feet from the existing structure; and
- d. No closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(Subsection (K) Created by Ordinance No. 07-__)

(L) Water Quality and Related Setbacks

1. Navigable Waters and Wetlands: A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.
2. Flood Plain: A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin Statutes.
3. Wells: All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(Subsection (L) Created by Ordinance No. 07-__)

(5) Prohibited Uses

No structure or improvement may be built or land used in this district unless it is a Permitted or approved Conditional Use in this district.

LOCAL COMMERCIAL DISTRICT (B-1)

(1) Purpose and Intent of Local Commercial District (B-1)

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Development Plan. The intent of this District is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

(2) Permitted Uses

The following uses are permitted in the B-1 District:

- (A) Stores and shops in which items are sold directly to the public, to include grocery, hardware, clothing and apparel stores, pharmacies and beverage stores, bakeries, magazine and tobacco stores, coffee shops, gift shops, parking areas, and similar retail establishments normally found in neighborhood shopping centers.
- (B) Professional offices for physicians, dentists, attorneys, real estate agents, insurance sales, and similar professional services in which services are offered to the general public on the premises.
- (C) Personal services to include barbershops, beauty salons, tailor shops, and coin-operated laundromats.
- (D) Governmental and public facilities such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.
- (E) Banks, office buildings, and restaurants.
- (F) Sales and retail of new and used automobiles, trucks, trailers, construction equipment, and agricultural equipment.
- (G) Gasoline/Convenience stores which do not provide mechanical services.
- (H) Model Homes for sales promotion (habitation as dwelling only as a conditional use), lumber yards, building services, and building supplies.
- (I) Mini-warehousing and general warehousing of merchandise in enclosed buildings.
- (J) Television, video, radio, and electrical equipment sales, service, and rental.
- (K) Plumbing, heating, and air-conditioning sales and repair shops.
- (L) Technical schools and training centers.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(Amended by Ordinance No. 09-1)

- (A) Single-family residences, but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
- (B) Lodges and fraternal buildings, nursing homes, retirement homes, and nursery and day care centers.
- (C) All public utility facilities, including sewage treatment facilities.
- (D) Animal hospitals and clinics, excluding open kennels and exercise yards.
- (E) Maintenance and repair of equipment and vehicles.
- (F) Construction contractor offices, equipment storage yards, and maintenance facilities.
- (G) Fabrication, assembly, processing, and/or packaging of plastics products, electrical equipment, jewelry, and pottery.
- (H) Automotive upholstery shops and automotive body repair shops.
- (I) Feed and grain dealers and grain storage.
- (J) Stores dealing with sexually explicit materials, books, magazines, movies, clothing, and paraphernalia.
- (K) Tactical war game areas.
- (L) Metal fabrication which does not interfere with residential or agricultural uses.

(Amended by Ordinance No. 99-1)

(4) Requirements for Permitted and Conditional Uses

Within the B-1 District the following standards shall apply:

- (A) Maximum Building Height..... 35 ft.
- (B) Minimum Frontage on Public Road..... 100 ft.

(C) Parking Requirements.....One 200 sq. ft. parking space
for each 200 sq. ft. of building

(D) Minimum Lot Area 1 acre

Setbacks

Front Yard..... 50 ft.

Rear Yard..... 25 ft.

Side Yard 15 ft.

Width at Building Line 100 ft.

(E) Accessory Building Side Yard Setback 10 ft.

(F) All front yard setbacks are to also refer to Section 9.1 of this Chapter for setbacks on Arterial, Collector and Local Roads.

(5) Prohibited Uses

No structure or improvement may be built or land used in this district unless it is a Permitted or approved Conditional Use in this district.

LOWLAND CONSERVANCY DISTRICT (C-1) HAS BEEN DELETED

HIGHLAND CONSERVATION DISTRICT TWO (C-2) HAS BEEN DELETED

RURAL RESIDENTIAL DISTRICT (R-R)

(1) Purpose and Intent of R-R District

The purpose of the R-R District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The R-R District is to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the R-R District is to provide for rural residential development at slightly higher population densities, on soils that are compatible for on-site sewage disposal systems.

(Amended by Ordinance No. 09-1)

The following described soil types have severe limitations due to high water table, slow permeability, lateral seepage, easy liquification, floatation of pipes, subjection to frost heave, bedrock, low bearing capacity, or frequent overflow, and therefore no residential development shall take place thereon unless an on-site soil test of the parcel is used to indicate specific locations on the parcel that will support development:

ON-SITE LIMITATIONS

| | | | | |
|------|------|------|------|------|
| Ad | Eke | KaA | To | SoB |
| Aw | EIA | KdD | Pa | SoC2 |
| AzA | EmA | KdD2 | Ro | SoD |
| BmA | EoA | KeE | RpB | SoF |
| Br | EvD | LkA | RpC2 | TrA |
| CaD2 | EvE | LoD | RpD2 | Wb |
| CaE | GoD | Ma | RrE | WcA |
| Co | GpB2 | Mb | ReF | WIA |
| Da | GpC2 | Mc | Rs | WIB2 |
| DrD2 | GrD2 | Md | RtD | WIC2 |
| EdB2 | Ha | Me | RuE | W1D2 |
| EdC2 | Ho | Mf | RuF | WhB2 |
| EdD2 | JuA | Na | SaD | WhC2 |
| | | OoD2 | SbC2 | WoA |

(2) Permitted Uses

The following uses are permitted uses in this District:

- (A) One single-family or two-family structure, and one private garage for each residential unit which is not to exceed the square footage of the residential structure.
- (B) Governmental buildings, except sewage disposal plants, garbage incinerators, and buildings for the repair or storage of road building or maintenance machinery.

- (C) Public and quasi-public-owned parks, playgrounds, and community buildings and grounds.
- (D) Grade schools, churches, and their affiliated uses.
- (E) Water-storage facilities and their accessory structures
- (F) Accessory buildings, including buildings clearly incidental to the residential use of the property, provided that no accessory building may be used as a separate dwelling unit, and that the square footage of the accessory building may not exceed the square footage of the living area of the residence on the premises or, if there is no residence, the square footage of the principal building on the premises.
- (G) Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
- (H) Community living arrangement which has a capacity for 8 or fewer persons being served by the program, provided that it is located at least 2500 feet from any other such facility.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(Amended by Ordinance No. 09-1)

- (A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
- (B) Professional offices, when such office is conducted solely by one or more members of the resident household, entirely within the residence, and incidental to the residential use of the premises.
- (C) Public buildings such as colleges and universities, private music schools, dancing schools, business schools, and vocational schools, but not to include sewage disposal plants, garbage incinerators, warehouses, garages, or storage areas.
- (D) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, other community buildings, private clubs, and fraternities, except those whose principal activity is a service customarily carried on as a business, and also excluding riding clubs.
- (E) Telephone, telegraph, and electric transmission lines, buildings, or structures.

- (F) Community living arrangement having a capacity for 9-15 persons being served by the program, provided that it is located at least 2500 feet from any other facility, and that the design of the structure and landscaping is compatible with the surrounding neighborhood.
- (G) Community living arrangement having a capacity for 16 or more persons, provided that it is located at least 2500 feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent the appearance of an institution.
- (H) Accessory buildings exceeding the size allowed as a permitted use.
- (I) Boarding houses and rooming houses.

(Amended by Ordinance No. 99-1)

(4) Requirements for Permitted and Conditional Uses

Within the R-R District the following standards shall apply:

- (A) Maximum Building Height 35 ft.
- (B) Minimum Front Yard Setback 50 ft.
- (C) Minimum Rear Yard Setback 25 ft.
- (D) Accessory Buildings Side Yard Setback 10 ft.
- (E) Minimum Lot Width at Building Line..... 100 ft.
- (F) Minimum Lot Frontage on Public Road 100 ft.
- (G) Minimum Lot Area 1 acre
- (H) Minimum Lot Area per Two-Family Dwelling55,000 sq. ft.
- (I) Minimum Side Yard Setback..... 20 ft.
- (J) Minimum Floor Area per Family.....1,200 so. ft.
- (K) Minimum Building Width..... 24 ft.
- (L) Maximum Accessory Building Height 35 ft.
not to exceed the height
of the principal building.
- (M) Maximum Number of Small Animals..... 10 rabbits, 10 chickens, 3 dogs and 3 cats

(N) All front yard setbacks are also subject to Section 9.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.

(5) Prohibited Uses

No structure or improvement may be built or land used in this district unless it is a Permitted or approved Conditional Use in this district.

MOBILE HOME PARK (MHP)

(1) Introduction

The purpose of the MHP District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The intent of the MHP District is to provide for the location of mobile home parks and travel trailer camps and establish regulations governing their construction and use for the health and well-being of the residents of the community.

The following described soil types have severe limitations due to high water table, slow permeability, lateral seepage, easy liquification, low bearing capacity, or frequent overflow and therefore no residential development shall take place thereon:

ON-SITE LIMITATIONS

| | | | | |
|------|------|------|------|------|
| Ad | Eke | KaA | To | SoB |
| Aw | EIA | KdD | Pa | SoC2 |
| AzA | EmA | KdD2 | Ro | SoD |
| BmA | EoA | KeE | RpB | SoF |
| Br | EvD | LkA | RpC2 | TrA |
| CaD2 | EvE | LoD | RpD2 | Wb |
| CaE | GoD | Ma | RrE | WcA |
| Co | GpB2 | Mb | ReF | W1A |
| Da | GpC2 | Mc | Rs | W1B2 |
| DrD2 | GrD2 | Md | RtD | W1C2 |
| EdB2 | Ha | Me | RuE | W1D2 |
| EdC2 | Ho | Mf | RuF | WhB2 |
| EdD2 | JuA | Na | SaD | WhC2 |
| | | OoD2 | SbC2 | WoA |

(2) Procedures and Applications

(A) Approvals Required. No person shall construct, expand, or operate a mobile home park within the Town unless he or she holds a valid license issued annually by the Town Clerk.

1. Any person owning or controlling a mobile home park in existence on the effective date of this Zoning Ordinance may apply for and receive an annual license for his existing park or camp by complying with (D) below.
2. The Town Clerk shall issue an initial license only after the following actions have taken place:
 - a. The land has been zoned mobile home park by the Town Board.
 - b. The applicant completes an application form and submits it to the

Town Clerk together with the required license fee

- c. The Town Board approves the license.

(B) Fees and Expiration Date (per Section 66.058 of the Wisconsin Statutes)

1. Fee Schedule

- a. Initial mobile home park license fee – to be determined by the Town Board
- b. Renewal mobile home park license fee – to be determined by the Town Board
- c. Mobile home park license transfer fee – to be determined by the Town Board

(Amended by Ordinance No. 09-1)

2. Expiration. All such licenses are to expire on June 30 of each year and shall be renewed annually. There shall be no pro-ration of fees.

(C) Initial License Application

1. Application for an initial license shall be made to the Town Clerk on an initial license application form. Such application shall be for a conditional use permit and the initial license. Fees as provided in (2)(B)1. above are required prior to taking action on each of the approval steps listed herein.

2. Preliminary Plan

- a. The applicant shall apply to the Planning & Zoning Committee for preliminary plan approval. Such applicant shall submit six (6) copies of the preliminary plan. Such preliminary plan shall be drawn on a topographic map with a scale of at least 200 feet per inch, showing 2-foot contours, the area, location, and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Planning & Zoning Committee shall be in concept only, which will enable the applicant to prepare final plan.

3. Final Plan

Upon approval by the Planning & Zoning Committee of the preliminary plan, the applicant shall submit to the Planning & Zoning Committee a review fee (to be determined by the Town Board) and six (6) copies of the general development plan which shall include:

- a. Three (3) prints of a certified survey map or subdivision plat of the property showing existing features of the property.
 - b. A complete plan of the park or camp drawn to a scale of not less than 100 feet per inch.
 - c. The number, location, and dimensions of all mobile home lots.
 - d. The location and width of roadways, walkways, easements, setback lines, planting strips, and recreation areas.
 - e. The location of automobile parking areas and service buildings, if provided.
 - f. The location and size of utility service lines for water, storm, and sanitary sewers, and electrical, telephone, fuel, and, if provided, cable television service.
 - g. Plans and specifications of all buildings and other improvements constructed within the park or camp, including a detailed sketch of a typical mobile home lot.
4. Upon submission of the final plan to the Planning & Zoning Committee, the Committee shall set a public hearing on the final plan. After hearing any interested party, staff report, recommendation, or other information, the Committee shall make a recommendation and report to the Town Board concerning such plan after determining the following:
- a. 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 intended park.
 - b. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
 - c. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public street.

5. Approval by the Town Board. After receiving the final plan and the recommendation and report from the Planning & Zoning Committee, the Town Board may, after a public hearing, grant a permit for a conditional use. Such permit shall not be issued until the requirements of this section have been fulfilled. After the conditional use permit is issued, the Town Clerk is authorized to issue an initial license upon payment of the required fee.

(Amended by Ordinance No. 09-1)

6. Procedure After Permit Granted. Upon approval of a conditional use permit, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin, a certified survey map or plat (per Chapter 236 of the Wisconsin Statutes) of the gross land area, including the final approved plans and the deeding to the Town those lands and easements called for in the plans submitted to the Planning & Zoning Committee and Town Board, and containing a statement that the land is to be developed pursuant to the approved conditional use permit. Upon the submission of proof of such recording to the Town Clerk, said Clerk shall issue the initial license allowing said owners or their successors to develop the land according to the conditional use permit and recorded plans. Construction pursuant to such permit must commence within 1 year of the date of issuance of the license or the license shall become null and void.

- (D) Renewal License Application. The applicant shall apply to the Town each year for renewal of the license, and the renewal license shall be subject to the approval of the Town Board. The application for such renewal license shall be accompanied by a fee as provided in (2)(B)1. above.

(Amended by Ordinance No. 09-1)

- (E) Transfer of License. A transfer of license application shall be applied for and may be approved by the Town Board in the same manner as an application for a renewal license. The fee for such transfer license is provided in (2)(B)1. above.

(3) Administration

- (A) Zoning Officer. It shall be the responsibility of the Zoning Officer to enforce the provisions of this Chapter by authorizing and directing inspections to be made of all mobile home parks and travel trailer camps.

- (B) Violations. Whenever the Zoning Officer determines that violations of pertinent regulations exist, he or she shall notify the licensee or permittee of such alleged violations. Such notice shall

1. Be in writing.
2. Include a statement of the violations enumerated.
3. Allow a reasonable time for the performance of any act it requires to correct

such violations, but not to exceed 90 days.

- (C) Revocation of License. Upon failure to comply with such notice of violation or upon complaint by any citizen of the Town, the license for such park or camp is subject to revocation by the Town Board as provided in Section 66.058(2)(d) of the Wisconsin Statutes unless the alleged violation is corrected within the period specified by the Town Board.
- (D) Emergency Order. Whenever the Zoning Officer finds that an emergency exists which requires immediate action to protect the public health, safety and/or welfare, he or she may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she may deem necessary to meet the emergency, including suspension of the license. Said order shall be in writing, shall be notwithstanding any other provisions of this Chapter, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to revocation of the mobile home park license.

(Amended by Ordinance No. 09-1)

(E) Duty of License Holder.

1. It shall be the duty of the license holder to file with the Town Clerk a monthly report containing the following information on a form sheet:
 - a. Name of the mobile home park and name and address of the owner, agent, or operator.
 - b. A tabulation of the mobile home park's occupancy, listing lot designation, occupants' names, monthly tax, and date of departure or arrival.
2. Within five days of the arrival of each new mobile home occupant, the owner shall submit in duplicate to the Town Assessor Form 130-2 of the Wisconsin Department of Revenue.

- (F) Restrictions on Occupancy of Mobile Homes. No mobile home shall be occupied for dwelling purposes unless it is properly placed on a mobile home lot and connected to water, sewer, electrical, and other utilities and complies with all provisions of this Chapter.

(4) General Provisions

- (A) Applicability. Every MPH District added to after the effective date of this Zoning Ordinance shall conform to and be governed by the provisions of this Chapter. No area shall be rezoned to Mobile Home Park District unless it is planned for residential use on the Development Plan Map. Every mobile home park or travel trailer camp developed and governed by this Chapter shall first have an approved

conditional use permit prior to being licensed.

(B) It shall be unlawful to permit a mobile home to be located in a park or camp unless it is placed in a designated stand, on an improved lot, in a licensed park.

(C) Parking of Mobile Homes

1. Only one mobile home shall be placed on a lot, except that an unoccupied travel trailer may be parked behind the setback line of the owner's yard to the rear of the principal building.

2. Each mobile home shall abut upon a roadway within an approved park.

(D) Non-Residential Uses. No part of any park shall be used for non-residential purposes except for the management and maintenance of the park or camp as approved by the Town Board.

(E) Signing. No signs shall be permitted except the following:

1. One non-flashing identification ground-mounted sign or a wall sign stating only the name of the park may be permitted, provided that the sign does not project into the public way.

2. One ground or on-premise wall sign per street frontage may be permitted for travel trailer camps in accordance with the sign overlay requirements.

3. Any necessary regulatory signs such as street name signs, entrance and exit signs, etc.

Signs and their installation shall comply with all other applicable codes and regulations.

(5) Standards

(A) Minimum Park Size. There shall be a minimum of 10 acres of land developed as a MPH in the initial development.

(B) Minimum Number of Lots. There shall be a minimum of 10 mobile home lots completed and ready for occupancy before first occupancy is permitted.

(C) Length of Residential Occupancy. No lot shall be rented for residential use of a mobile home in any such MPH except for periods of 30 days or more.

(D) Minimum Lot Width and Setback Standards

1. Setback Standards

- a. Front setback..... 50 ft.
 - b. Side setback 15 ft.
 - c. Rear setback..... 35 ft.
 - d. Corner Street Side Yard..... 50 ft. on each street
- 2. Minimum Lot Width 100 ft.
 - 3. Minimum Lot Area40,000 sq. ft.
 - 4. Minimum Accessory Side Yard Setback 10 ft.

(E) Parking. At least two (2) off-street hard surfaced parking spaces shall be provided on each mobile home lot. The size of each space must be at least 10 feet by 20 feet.

Street parking on both sides of the street shall be permitted if the roadway is at least 36 feet wide. Street parking shall be permitted on one designated side only if the roadway is at least 30 feet wide.

(F) Screening. There shall be provided a screening buffer strip along the boundary of the mobile home park where it abuts any other residence district. Such screening shall be at least 5 feet in width and 10 feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively create a visual barrier and still allow a breeze to pass.

(G) Recreation Requirements. Recreation facilities such as playgrounds, swimming pools, or tot lots shall be provided to meet the needs of the clientele the mobile home park is designed to serve. Not less than 10% of the total gross park area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.

(Amended by Ordinance No. 09-1)

(H) Tenant Storage. One storage building accessory to a mobile home will be permitted on a mobile home lot, provided that the storage building does not exceed 400 cubic feet and does not exceed 8 feet in height. Such storage building shall be fully enclosed and located on the mobile home lot.

(I) Fuel Supply. All fuel shall be distributed in conformity with the rules and regulations of the Wisconsin Department of Commerce.

(Amended by Ordinance No. 09-1)

(J) Additions and Alterations

1. Permit Required. A permit issued by the Zoning Officer shall be required before any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile home. No permit is required for addition of steps, awnings, skirting, windows, doors, or tenant storage structures as defined below.
2. Size of Expansion. No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.
3. Conform to setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and have the same setbacks as the existing mobile home.
4. Skirting Required. Vented skirting of non-flammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that insulation be provided inside the skirting to prevent pipes from freezing.

(K) Utilities shall be installed underground and shall meet State and County statutes and codes.

1. Electrical Requirements.
 - a. Each mobile home and travel trailer lot shall be connected to the park electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over-current protective equipment. The minimum service for each mobile home lot shall be 120-240 volts AC, 100 amperes.

(Amended by Ordinance No. 09-1)
 - b. Adequate lights shall be provided in mobile home parks to illuminate streets, driveways, and walkways for the safe movement of vehicles and pedestrians at night. A minimum of 1 foot-candle shall be provided for safe pedestrian and vehicle movement.
2. Sewer Service. All mobile homes shall be served by common sewer. Each mobile home lot shall be equipped with at least a 3-inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage.
3. Water. Common water shall be provided by separate lateral at each mobile home lot.

(L) Mobile Home Stand, Patio, and Tie-downs

1. A mobile home stand shall be a continuous 4" concrete single slab or an approved alternate to support the mobile home.
2. The mobile home stand shall be provided with six anchors and tie-downs such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations, arrowhead anchors, or other devices for securing the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of 2800 pounds.

(M) Roadways

1. All roadways constructed in a mobile home park shall be hard surfaced, built according to Town road standards established by the County Highway Department.
2. The minimum pavement width of roadways shall be 22 feet. The minimum pavement diameter of cul-de-sacs shall be 140 feet.
3. The alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control of surface water and ground water.
4. The names of roadways within the park shall not duplicate the names of streets within Rock County.

(N) Lot Markers. The limits of each mobile home park lot shall be clearly marked on the ground by permanent flush stakes and markers, and each lot shall have a unique number and street name that is not duplicated within Rock County.

(Amended by Ordinance No. 09-1)

(O) Fences and Hedges. Fences and hedges may be permitted, provided that they do not exceed a height of 3 feet in the front yard or corner side yard and 6 feet in height in all other yards.

(P) Garbage and Rubbish Storage Areas. Garbage and rubbish shall be stored in fly-tight, water-tight, approved containers stored within a completely enclosed building, or may be permitted outside the building, provided that such storage area is effectively screened from view.

(Q) Service Building for Travel Trailer Camps. There shall be at least one (1) service building in any travel trailer camp to provide sanitation and laundry facilities.

1. Location, Construction, and Maintenance. Service buildings, easily

accessible to all travel trailer lots, shall be made of permanent construction in accordance with Rock County and State of Wisconsin codes. The service building shall maintain a minimum temperature of 60° F whenever the camp is open for business.

2. **Plumbing and Electrical Facilities.** Plumbing and electrical facilities in service buildings shall be as set forth in the Wisconsin Administrative Code.
(Amended by Ordinance No. 09-1)

(R) Community Centers. Each mobile home park shall have a community center which shall be easily accessible to all park residents for their exclusive use. Such centers shall include the following: kitchen facilities; rest rooms facilities for men and women; meeting room space of at least 1000 square feet; and a basement which shall be built to a size which will provide adequate protection to all park residents in the event of severe weather.

(S) The Town Board may require that a bond be executed by the mobile home park developer to ensure that all required improvements will be made.

(6) Prohibited Uses

No structure or improvement may be built or land used in this district unless it is a Permitted or approved Conditional Use in this district.

SPECIAL PURPOSE DISTRICT (SP)

(1) Purpose and Intent of Special Purpose Districts (SP)

The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. The SP District is intended to provide for those uses which create or could present special problems, hazards, or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which are hazardous to health, safety, or other aspects of the general welfare; and those for which it is desirable to have a limited number of a given land use within the community.

(Amended by Ordinance No. 09-1)

(2) Permitted Uses

None.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter. The Board may require special facilities as a condition of approval such as, but not limited to fences, trees, shrubberies, barriers, and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment.

(Amended by Ordinance No. 09-1)

- (A) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses, with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards, or other harmful conditions.
- (B) Facilities for the production, mining, processing, or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.
- (C) Airports open to the public, hangars, or accessory structures.
- (D) Cemeteries when they comply with the provisions of Chapter 157 of the Wisconsin Statutes.
- (E) Race tracks.
- (F) Sewage treatment facilities.
- (G) Accessory structures required by the principal use as part of the original application.
- (H) Junkyard and automobile salvage yards.

(Amended by Ordinance No. 09-1)

- (I) Sand and gravel operations, provided that the Town Board has approved the restoration plan submitted by the applicant. Such restoration plans shall be developed with the aid of the County Agricultural Agent, the Rock County Soil Conservation District, and the County Parks and Planning Departments. Such restoration plans shall include grading and slope requirements, topsoil preservation, ground cover planting, erosion control, fencing, removal of structures, equipment, stockpiles, and any other measures which are deemed necessary to protect the public health, safety, comfort, convenience, or general welfare.

If on-site mining or processing operations are not carried out continuously for one year at any location, the same shall be considered to have been abandoned, and, prior to any further excavation or processing, a new conditional use permit shall be required.

(4) Requirements for Conditional Uses

Within the SP District the following standards shall apply:

- (A) Minimum Lot Area 5 acres
- (B) Minimum Front Yard Setback 50 ft.
- (C) Minimum Side Yard Setback..... 50 ft.
- (D) Minimum Rear Yard Setback 50 ft.
- (E) Off Street Parking 1 space per 5 seats,
or 1 space per 5 anticipated uses
at maximum usage of the facility
- (F) All front yard setbacks are also subject to Section 9.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.
- (G) Sand and Gravel Operations
 - 1. Minimum Lot Area 5 acres
 - 2. Setback from Existing Street or Highway 100 ft.
(Amended by Ordinance No. 09-1)
 - 3. Setback from Public Utility Right-of-Way 50 ft.
 - 4. Setback from Boundary of Zoning District 100 ft.
 - 5. Minimum Accessory Side Yard Setback 50 ft.

6. Fencing and Screening

All access to any mining operation within a half-mile radius of any residential district shall be barred by chain line or similar fencing no less than 6 feet high.

7. No dumping of waste products or by-products shall be allowed anywhere on the site.

8. A Restoration Plan is to be developed with the aid of the County Agricultural Agent, the Soil Conservation Service, the County Parks Department, and the County Planning Department, and is to be approved by the Town Board.

(5) Prohibited Uses

No structure or improvement may be built or land used in this district unless it is an approved Conditional Use in this district.

(Amended by Ordinance No. 09-1)

LIGHT INDUSTRIAL DISTRICT (M-1)

(1) Purpose and Intent of Light Industrial District (M-1)

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the community's Development Guide. The intent of this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for light industry. The uses allowed in this district, either permitted or conditional, shall only provide for discharge of domestic waste unless connected to public sewer. Any uses producing other than domestic waste shall be permitted only when on public sewer is available. Some conditional uses may require further investigation as to the disposal of other wastes.

(2) Permitted Uses

The following uses are permitted in this district:

- (A) Repair and maintenance of agricultural equipment and the sale of equipment.
- (B) Public or private offices with sewage discharge limited to domestic effluent.
- (C) Sales of building materials.
- (D) Storage or wholesaling of manufactured goods.
- (E) Warehousing, including mini-warehouses, but they shall not have floor drains in order to prevent groundwater contamination.
- (F) Public utility facilities.
- (G) Police and fire stations and post offices.
- (H) Repair and maintenance of automotive upholstery.
- (I) Commercial bakeries.
- (J) Greenhouses.
- (K) Dry printing and publishing.
- (L) Distributors of food products.
- (M) Contractors' offices, including plumbing, heating, air conditioning, and electrical.
- (N) Parking lots.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Chapter.

(Amended by Ordinance No. 09-1)

- (A) Assembly of goods.
 - (B) Truck and bus terminals, pipeline terminals, bulk tank facilities, and storage of petroleum, gas, and chemical products for wholesale or retail sales.
 - (C) Welding, sheet metal, and blacksmith shops and similar metal fabrication activities.
 - (D) Garages for repair and servicing of motor vehicles, including body repair, painting, or motor rebuilding.
 - (E) Laboratories and facilities for research, development, and testing.
 - (F) Contractors' storage yards and sale of machinery and equipment.
 - (G) Packing and packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, tobacco, toiletries, and food.
 - (H) Storage facilities for flammable gases.
 - (I) Animal hospitals, animal clinics, or veterinary services.
- (4) Parking and Loading Requirements
- (A) All light industrial establishments shall provide one 200 square foot parking space for every two employees.
 - (B) Every structure or building containing at least 5000 square feet of gross floor area shall provide off-street loading space measuring not less than 10 feet by 40 feet and having a height of 14 feet, clear of all obstructions, according to the following schedule:

| <u>GROSS FLOOR AREA</u> | <u>NUMBER OF LOADING SPACES</u> |
|------------------------------------|-------------------------------------|
| 5,000 sq. ft. to 24,000 sq. ft. | 1 |
| 24,000 sq. ft. to 60,000 sq. ft. | 2 |
| 60,000 sq. ft. to 96,000 sq. ft. | 3 |
| 96,000 sq. ft. to 144,000 sq. ft. | 4 |
| 144,000 sq. ft. to 192,000 sq. ft. | 5 |
| 192,000 sq. ft. to 240,000 sq. ft. | 6 |
| 240,000 sq. ft. to 294,000 sq. ft. | 7 |
| 294,000 sq. ft. to 348,000 sq. ft. | 8 |

For each additional 54,000 sq. ft., one additional space is required.

The Planning & Zoning Committee may permit the required loading spaces to remain undeveloped until the committee decides that they are needed.

(5) Screening

All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial uses or districts either:

- (A) By a solid wall or fence not less than 6 feet nor more than 8 feet in height; or
- (B) By a densely planted hedge or shrubbery at least 6 feet in height which effectively causes a visual barrier; or
- (C) By a permanent evergreen planting, the individual trees to be of such a number and kind so arranged that they will effectively cause a visual barrier at least 6 feet in height.

All front yard setbacks are also subject to Section 9.1 of this Chapter for setbacks on arterial, collector and local roads.

(6) Requirements

- (A) Maximum Building Height 35 ft.
- (B) Minimum Front Yard Setback 50 ft.;
75 ft. if parking is permitted in front yard.
- (C) Minimum Rear Yard Setback 50 ft.
- (D) Minimum Side Yard Setback 20 ft.;
50 ft. when abutting residential area.
- (E) Corner Side Yard Setback 50 ft.
- (F) Minimum Lot Size 2.5 acres
- (G) Minimum Lot Width 100 ft.
- (H) Minimum Parking Provided See (4)(A) above
- (I) Minimum Accessory Side Yard Setback 10 ft.
- (J) All front yard setbacks are also subject to Section 9.1 of this Chapter for setbacks on Arterial, Collector, and Local roads.
(Amended by Ordinance No. 09-1)
- (K) No permitted or conditional use shall produce any effluent or waste products other than domestic effluent, and only domestic effluent shall be disposed of in the parcel's on-site sewage disposal system.

(7) Prohibited Uses

No structure or improvement may be built or land used in this district unless it is a Permitted or approved Conditional Use in this district.

SECTION 5.0 – CONDITIONAL USE PERMITS

5.1 General Provisions

Any use listed as a conditional use in this Chapter shall be permitted only upon application in duplicate to the Town Clerk and issuance of a Conditional Use Permit by the Town Board. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Chapter. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

(Amended by Ordinance No. 09-1)

5.2 Required Information

In order to secure evidence upon which to base its determination, the Town Board may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Chapter.

(Amended by Ordinance No. 09-1)

5.3 Procedure

(1) The procedure for obtaining a Conditional Use Permit is as follows:

- (A) A Conditional Use Permit Application is submitted to the Town Clerk or the Zoning Officer.
- (B) The Town Clerk shall notify all property owners within 1000 feet of the parcel in question and publish a Class 1 Legal Notice listing the time and place of the public hearing, the conditional use being proposed, and the location of the proposed Conditional Use.
- (C) A public hearing is held by the Town Board (hereafter, “the Board”).
(Amended by Ordinance No. 09-1)
- (D) The application and information obtained at the public hearing is reviewed by the Board at a public meeting as to potential problems that may affect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
(Amended by Ordinance No. 09-1)

(E) Upon consideration of these factors and the “Standards” in Sections 5.4 and 5.5, the Board may approve, approve with conditions, or deny the conditional use application.

(Amended by Ordinance No. 09-1)

(F) Upon approval, the Town Clerk shall forward a copy of the approved conditional use application and any conditions of approval to the County Planning and Development Agency. The County will enumerate the conditional use on the Official Zoning Map and enter it into the Town’s Conditional Use Database.

(Amended by Ordinance No. 09-1)

(G) If a permit is denied, the Board shall provide its decision in written form, listing the reasons for denial and explaining the applicant’s appeal rights.

(Amended by Ordinance No. 09-1)

(2) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Board approval. Prior to revocation of a Conditional Use Permit, the owner of the property to which such Conditional Use Permit applies shall be given notice by first class mail that the subject of revocation will be taken up by the Board at a time and place identified in the notice. Such notice shall be mailed at least 10 days before the date of the meeting.

(Amended by Ordinance No. 04-02)
(Amended by Ordinance No. 09-1)

(3) The owner of a parcel of land upon which a Conditional Use Permit has been issued may voluntarily surrender said permit, whereupon the permit shall terminate and no longer run with the parcel.

5.4 Standards Applicable to All Conditional Uses

(1) In considering a Conditional Use Permit application, the Board shall consider the following factors:

(Amended by Ordinance No. 09-1)

(A) That the amount of land is limited to that which is reasonably necessary to accommodate the proposed use.

(B) Wherever possible a proposed use shall be placed on that portion of a parcel which contains the poorest quality agricultural soils or that portion of the parcel which would be the least productive for agricultural purposes, and the use shall be placed as close as possible to other non-agricultural uses.

(C) The location of the site with respect to existing or future roads giving access

to it.

- (D) Its compatibility with existing uses on land adjacent thereto.
- (E) Its harmony with the future development of the district.
- (F) Existing topography, drainage, soils types, and vegetative cover.
- (G) Its relationship to the public interest, the proposed and intent of this Chapter, and substantial justice to all parties concerned.
- (H) The potential release of offensive, obnoxious, or unhealthful odors and pollutants. When considering what constitutes an offensive, obnoxious, or unhealthful odor and/or pollutant, the Planning and Zoning Committee or the Town Board may consider the duration and intensity of the odor or pollutant and the proximity of residential and/or business dwellings, and may require provisions for monitoring and/or measurement of odors or pollutants by olfactometer or other means. The Committee or the Board may make reference to Section NR 429.03 of the Wisconsin Administrative Code or any other standards it may deem to be reasonable.

(Created by Ordinance No. 11-1)

- (2) No Conditional Use Permit shall be issued for any use which might result in damage to town roads, including, but not limited to, the operation of an agri-business or the use of sewage sludge for fertilizer purposes, unless the Committee is assured that adequate provision for repair of potential damages has been made. Such adequate provision may include a performance bond assuring that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's full expense, or a letter of credit that will protect the town against any expense due to the inability or refusal of the applicant to repair any damage to the road.

5.5 Standards Applicable to Conditional Uses within the A-1 District

- (1) In considering a Conditional Use Permit application in the A-1 District, the Board shall also consider the following factors:
 - (A) The potential for conflict with agricultural use.
 - (B) The need of the proposed use for a location in an agricultural area.
 - (C) The availability of alternative locations.
 - (D) Compatibility with existing or permitted uses on adjacent lands.
 - (E) Wherever possible a proposed use shall be placed on that portion of a parcel which contains the poorest quality agricultural soils or that portion of the

(Amended by Ordinance No. 09-1)

parcel which would be the least productive for agricultural purposes, and the use shall be placed as close as possible to other non-agricultural uses.

- (F) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- (G) The need for public services created by the proposed use.
- (H) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- (I) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.
- (J) The potential release of offensive, obnoxious, or unhealthful odors.

(Created by Ordinance No. 11-1)

5.6 Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Chapter. Violation of any of these conditions shall be deemed a violation of this Chapter.

(Amended by Ordinance No. 09-1)

5.7 Notice and Public Hearing

Before issuing a Conditional Use Permit, the Board shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Board shall be posted as a Class 1 notice as referred to in Chapter 985 of the Wisconsin Statutes. The Town Clerk shall also notify all property owners within 1000 feet of the land parcel in question by first class mail with the above information.

(Amended by Ordinance No. 04-02)
(Amended by Ordinance No. 09-1)

5.8 Conditional Use Permit Fee

The applicant, upon filing of his application, shall pay a fee to the Town of Johnstown in accordance with the following schedule:

- Conditional Use Permit Fee To be determined by
Town Board Resolution

5.9 Conditional Use Permit Procedure for Livestock Facilities

- (1) Approval Required

These procedures apply to livestock facilities that may require a conditional use

permit under this subsection.

(2) Permits for Existing Livestock Facilities

- (A) A permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
1. The applicable size threshold for a conditional use permit established in the zoning district where the facility is located.
 2. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006, or on the effective date of the permit requirement, whichever date is later.
- (B) Except as provided in subparagraph (A), a permit is not required for a livestock facility that existed before May 1, 2006, or before the effective date of the permit requirement in this subsection.
- (C) Except as provided in subparagraph (A), a permit is not required for a livestock facility that was previously issued a conditional use permit or other local approval. A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

(3) Application Procedure

A livestock operator must complete the application and worksheets prescribed by Chapter ATCP 51 of the Wisconsin Administrative Code, including any authorized local modifications. The application requirements specified in ATCP 51 are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this subsection.

This operator must file four (4) duplicate copies of the application form, including worksheets, maps, and documents (other than engineering design specifications) included in the application.

(4) Application Fee

A non-refundable application fee of \$1000 shall accompany an application.

(5) Application Review Procedure

- (A) Within 45 days after the Planning & Zoning Committee receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Planning & Zoning Committee shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
- (B) Within 14 days after the Planning & Zoning Committee notifies an applicant that the application is complete, the Committee shall notify adjacent landowners of the application. The Committee shall use the approved notice form in ATCP 51 and mail a written notice to each adjacent landowner.
- (C) The Board shall grant or deny an application within 90 days after the notice of a complete application is provided as required by subparagraph (A) above. The Committee may extend this time limit for good cause, including any of the following:
 - 1. The Committee needs additional information to act on the application.
 - 2. The applicant materially modifies the application or agrees to an extension.

The Committee shall give written notice of any extension. The notice shall specify the reason for the extension and the extended deadline date by which the Committee will act on the application

(6) Public Hearing

The Board shall schedule a public hearing on the application within 90 days after issuing notice of a complete application.

(7) Standards

The standards for issuing a permit are as follows:

- (A) The state livestock facility siting standards adopted under Chapter ATCP 51 of the Wisconsin Administrative Code. These standards are incorporated by reference, without reproducing them in full.
- (B) Setbacks authorized by this Chapter.

(8) Criteria for Issuance of a Permit

- (A) A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this subsection.
- (B) A permit may be denied if any of the following apply:
 - 1. The application, on its face, fails to meet the standards for approval.
 - 2. The Board finds that, based on other clear and convincing information in the record, the proposed livestock facility does not comply with applicable standards in this subsection.
 - 3. Other grounds authorized by Section 93.90 of the Wisconsin Statutes that warrant disapproving the proposed livestock facility.
- (C) No conditions may be imposed on a permit other than the standards provided in this subsection.

(9) Record of Decision

- (A) The Board shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.
- (B) In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "Approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

(10) Notice to the Department of Agriculture, Trade and Consumer Protection

As required by Section ATCP 51.36 of the Wisconsin Administrative Code, the Town Clerk shall, within 30 days of the Board's decision on the application, do all of the following:

- (A) Give the Department of Agriculture, Trade and Consumer Protection written notice of the decision.
- (B) File with the Department a copy of the final application granted or denied, if the Committee has granted or denied an application under this subsection. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
- (C) If the Board has withdrawn a local approval under this subsection, file with the Department a copy of the final notice or order withdrawing the local approval.

(11) Expiration of Permit

A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Board may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within 2 years after issuance of the permit:

- (A) Begin populating the new or expanded livestock facility.
- (B) Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

(12) Permit Modifications

The operator may make reasonable changes that maintain compliance with the standards in this subsection, and the Board shall not withhold authorization for those changes.

(13) Compliance Monitoring

The Committee shall monitor compliance with this subsection as follows:

- (A) Upon notice to the livestock facility owner, request the right of the Zoning Officer to personally view the permitted facility at a reasonable time and date to ensure that all commitments of the application as approved are being complied with.

- (B) If the livestock facility owner refuses the Zoning Officer the right to view the permitted facility, the Zoning Officer may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court, in order to inspect the permitted facility for the purpose of protection of the public health and safety under Section 66.0119 of the Wisconsin Statutes.
- (C) If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Zoning Officer shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance with the commitments of the approved application be complied with within a reasonable amount of time.
- (D) If non-compliance with the permit conditions as described in the written notice given by the Zoning Officer continues past the stated reasonable time to comply, the Zoning Officer may take further action as provided in this Chapter, including but not limited to issuance of a citation or seeking of injunctive relief.
- (E) If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Board shall schedule a hearing within five days to determine if the conditions of the permit have been complied with, or whether non-compliance with the commitments of the approved application and local approval exists.

(14) Terms of the Permit

A permit and the privileges granted by a permit issued under this subsection are conditioned on the livestock operator's compliance with the standards in this subsection, and with commitments made in the application for a permit. The Board is authorized to suspend a permit or seek other redress provided for in this Chapter for non-compliance.

(15) Transferability

A permit and the privileges granted by the permit run with the land and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may, at the applicant's expense, record with the register of deeds the duplicate copy of the approved application.

Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the town clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

(Section 5.9 Created by Ordinance No. 07-__)
(Amended by Ordinance No. 09-1)

SECTION 6.0 – ZONING PERMITS

6.1 Issuance

A Zoning Permit is required to be obtained from the Zoning Officer as part of the requirements of this Chapter. Where the use involves the construction or structural improvement of one- or two- family residential structures, a permit under Chapter 5 of this Municipal Code shall also be obtained from the Town Building Inspector. The Zoning Permit issued by the Zoning Officer under this Section shall expire 24 months after issuance if the building exterior has not been completed.

(Amended by Ordinance No. 99-1)
(Amended by Ordinance No. 09-1)

6.2 Requirements

- (1) Cases where a Zoning Permit is required:
 - (A) Where any building or other structure is erected, moved, or structurally altered so as to change its use or increase its floor area.
 - (B) Where any land use is substantially altered.
 - (C) Where 50% or more of the fair market value of a structure is destroyed and it is being repaired or altered.
- (2) Cases where a Zoning Permit is not required:
 - (A) For any accessory building which is less than 81 square feet, provided that such building conforms to all the setback, yard, and open space requirements of this Chapter.
 - (B) For any improvements or alterations to an existing building where the materials and the labor will be \$1000 or less, where there is not a structural change, a land use change, or encroachment upon any yard requirement or open space.
 - (C) For any maintenance repairs that do not involve a change to the structure.
- (3) The Zoning Permit Card issued as part of the approval shall be displayed at a prominent location which can be on the building site, the public road, or driveway.

6.3 Application for Zoning Permit

An application for a Zoning Permit shall be made to the Zoning Officer upon forms provided by the Zoning Officer and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (1) An accurate map of the property, in duplicate, and properly dimensioned showing
 - (A) The boundaries of the property involved.
 - (B) The location of the centerlines or road right-of-way lines of any abutting roads, streets, or highways.
 - (C) The location on the lot of any existing buildings, proposed additions, or proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the centerlines or road right of way lines of any abutting roads, streets, or highways to the nearest portion of such building.
 - (D) The floodway, flood-fringe, or, if not available, the high-water line of any stream or lake on which the property adjoins or includes.
 - (E) The building plans and estimated costs.
- (2) Where the use involves an on-site sewer system, the Map shall include the location of the water system and sewage system, which shall conform to the requirements set forth in Chapter Comm 83 of the Wisconsin Administrative Code, which are hereby incorporated by reference. The plan shall also show the locations of the proposed water and sewage systems and their distances to the water and sewage systems of the adjoining lots.

(Amended by Ordinance No. 09-1)

6.4 Zoning Permit Fee

The applicant, upon filing an application for a Zoning Permit with the Zoning Officer, shall pay a fee to the Zoning Officer in accordance with the following schedule:

(Amended by Ordinance No. 09-1)

- (1) Zoning Permit To be determined by
Town Board Resolution
- (2) Accessory Zoning Permit..... To be determined by
Town Board Resolution

The applicant shall also pay any state inspection fees which are necessary in order to obtain approval of the Zoning Permit.

(Entire Section Amended by Ordinance No. 04-02)

SECTION 7 HAS BEEN DELETED

SECTION 8.0 – BOARD OF ADJUSTMENT

8.1 Establishment

There is hereby established a Board of Adjustment for the Town for the purposes set forth in this Section.

8.2 Membership and Organization

The Board of Adjustment shall be formed and organized as follows:

- (1) The Board shall consist of three members appointed by the Town Chairperson and confirmed by the Town Board.
- (2) The terms of members shall be for staggered three-year periods.
- (3) The Chairperson of the Board shall be elected annually by the Board from among its members.
- (4) An alternate member may be appointed by the Town Chairperson for a term of three years and shall act only when a regular member is absent or does not participate due to a conflict of interest.

(Amended by Ordinance No. 09-1)
- (5) No member of the Board of Adjustment may simultaneously be a member of the Town Board or the Planning & Zoning Committee, and the Zoning Officer shall not be a member of the Board, although he or she shall attend all meetings of the Board for the purpose of providing technical assistance when requested by the Board.
- (6) The Town Clerk shall serve as Secretary of the Board and shall attend all meetings, but shall not be a voting member of the Board. In the absence of the Town Clerk, the Chairperson of the Board may appoint a Secretary pro tempore who need not be a member of the Board.
- (7) Vacancies in the Board shall be filled for an unexpired term in the same manner as appointments for a full term.
- (8) Each member of the Board shall take an official oath in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of appointment.
- (9) Compensation for Board Members shall be determined by the Town Board.
- (10) Any member of the Board who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.

8.3 Administration

The Board of Adjustment shall administer itself in accordance with the following:

- (1) All meetings shall be held at the call of the Chairperson and shall be open to the public.
- (2) Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, and recording the absence or abstention of any member, and further recording the reasons for any determination by the Board and findings of fact related to such determination. The Secretary shall keep all records of the Board, which shall be immediately filed with the Town Clerk upon creation of such records.
- (3) The Board may request assistance from other town and county officials, departments, agencies, and boards in rendering any decision under this Section.

8.4 Powers

The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals relating to any alleged error in any order, requirement, decision, or determination made by the Planning & Zoning Committee or its delegates or the Zoning Officer in the enforcement of codes, regulations, or ordinances under their jurisdiction, including, but not limited to, decisions granting or denying the issuance of a permit. The Board may reverse, affirm in whole or in part, or modify the conditions established by the Planning & Zoning Committee for issuance of a permit, and may direct the issuance of a permit.
- (2) To hear requests for variances and to grant variances subject to the requirements of this Section.
- (3) To hear and decide applications for interpretation of this Chapter, provided that no decision on an interpretation shall be made until after the matter has been reviewed by the Planning & Zoning Committee and the Board has received the recommendations of the Planning & Zoning Committee.

8.5 Appeals

Appeals from the decision of the Planning & Zoning Committee or its delegates, the Zoning Officer, or any other officer of the Town concerning the enforcement of this Chapter or the issuance of or denial of a Zoning Permit may be made by any person aggrieved by such decision or by an officer, department, committee, board, or bureau of the Town. Any such appeal shall be filed with the Town Clerk within 30 days after the date of written notice of the decision or order appealed from. Such appeal shall include the following:

- (1) Name and address of the appellant and, if such appeal relates to a specific parcel of

land, all owners of land located within 1000 feet of the subject parcel.

- (2) Such additional information as may be required by the Board or the Zoning Officer, which may include a plat of survey.
- (3) Fee receipt from the Town Clerk. The fee for appeals shall be set by the Town Board by resolution.

8.6 Applications for Interpretation

Applications for interpretation of any portion of this Chapter may be made by the owner or lessee of any structure, land, or water affected by this Chapter. Such application shall be filed with the Town Clerk and shall include the following:

- (1) Name and address of the applicant and, if such application relates to a specific parcel, all owners of property located within 1000 feet of the subject property.
- (2) Such additional information as may be required by the Board or the Zoning Officer, which may include a plat of survey.
- (3) Fee receipt from the Town Clerk. The fee for applications hereunder shall be set by the Town Board by resolution.

8.7 Variances

- (1) An application for a variance from the provisions from this Chapter may be made by the owner or lessee of any structure, land or water affected by this Chapter. Such application shall be filed with the Town Clerk and shall include the following:
 - (A) Name and address of the applicant and, if such application relates to a specific parcel, all owners of property located within 1000 feet of the subject property.
 - (B) Such additional information as may be required by the Board or the Zoning Officer, which may include a plat of survey.
 - (C) Fee receipt from the Town Clerk. The fee for applications hereunder shall be set by the Town Board by resolution.
- (2) Variances may only be granted subject to the following restrictions:
 - (A) Variances shall not be granted routinely, and shall be granted only when the applicant clearly shows the existence of an unnecessary hardship and the presence of a unique property limitation, and further shows that the granting of the variance will not be contrary to the public interest.

- (B) No use variance shall be granted.
- (C) An unnecessary hardship may be shown only where, in the absence of a variance, the applicant can make no feasible use of the subject property, or if strict conformity is unnecessarily burdensome.
- (D) No variance shall be granted if the physical character of the property allows the applicant to build or develop in a manner which complies with this Chapter.
- (E) Any unnecessary hardship must be peculiar to the zoning parcel in question and different from that of other parcels, and not one that affects all parcels similarly. Such hardships must arise because of some unique property limitation, or because the property was created before the passage of this Zoning Ordinance.
- (F) Loss of profit or pecuniary hardship is not in and of itself grounds for a variance.
- (G) Self-imposed hardship is not grounds for a variance. Reductions resulting from the sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public highway, deed restrictions imposed by previous owners, and improvements made in violation of this Chapter are generally considered to be self-imposed hardships.
- (H) An unnecessary hardship cannot be one which would have existed in the absence of a zoning ordinance, although a legitimate unnecessary hardship may result from the interaction of the provisions of this Chapter with other actions or regulations adopted by public authorities.
- (I) A unique property limitation for purposes of this Chapter shall involve a situation in which unique physical characteristics of the property, and not the desires of or conditions personal to the applicant, prevent the applicant from developing in accordance with this Chapter. Unique property limitations may include wetlands, soil types, parcel shapes, or steep slopes.
- (J) In order to protect the public interest, the Board shall not grant a variance which would undermine the purpose of this Chapter. The Board shall consult the “purpose” and “intent” sections of this Chapter in determining whether a variance is appropriate, and shall consider the interests of the public at large, not only the interests of the nearby property owners.

- (K) Lack of opposition does not in itself mean that a proposed variance will not harm the public interest.
 - (L) In granting a variance the Board may impose special conditions to ensure that the public welfare is not damaged, provided that such conditions must relate reasonably to the purpose and intent established in this Chapter.
 - (M) A variance should include only the minimum relief necessary to allow reasonable use of the subject property.
 - (N) Violations by or variances granted to a neighboring owner do not justify the granting of a variance.
 - (O) Any variance granted shall attach to the property as a permanent right, and any subsequent owner of the subject property may make use of that variance, provided that all conditions attached to the variance are met.
 - (P) In order to grant a variance, the Board must determine that there are exceptional, extraordinary, or unusual circumstances or conditions applying to the subject lot, parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and that the granting of the variance would not be so general or recurrent in nature as to suggest that this Chapter should be modified.
- (Amended by Ordinance No. 09-1)
- (Q) No variance shall be granted unless the Board determines that the granting will not create a substantial detriment to adjacent property.

8.8 Hearing

The Board of Adjustment shall hold a public hearing within 45 days of receiving an appeal or an application, shall give public notice thereof at least 10 days prior to the hearing by publication of a Class 2 Notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to all parties in interest, the Zoning Officer, and the Planning & Zoning Committee. If the appeal or application relates to a specific parcel, “parties in interest” shall include all owners of property located within 1000 feet of the subject property. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney. Following or preceding the public hearing the Board may, in its discretion, hold additional hearings, allowing the participation only of the applicant and such other parties as may hold a direct interest in the subject matter of the appeal or application. The Chairperson shall administer oaths to all persons providing factual testimony to the Board and may compel the attendance of witnesses.

(Amended by Ordinance No. 99-1)
(Amended by Ordinance No. 09-1)

8.9 Decision

The Board of Adjustment shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of its decision to the appellant or applicant, the Zoning Officer, and the Planning & Zoning Committee. Such decision shall be accompanied by findings of fact and conclusions of law and may include any conditions placed upon the issuance of any permit. Any variance or zoning permit granted by the Board shall expire 6 months following the issuance of the decision unless substantial work has commenced consistent with such variance or zoning permit prior to such expiration.

8.10 No Jurisdiction Over Conditional Use Permits

The Board of Adjustment shall not have jurisdiction to review grants or denials of conditional use permits by the Town Board.

(Amended by Ordinance No. 09-1)

SECTION 9.0 – HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

9.1 Classification and Setbacks

For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the township are hereby divided into the following classifications according to the Wisconsin Department of Transportation Functional Classification System or a locally adopted Transportation Plan.

(1) Arterial Highways

- (A) The setback line for arterial highways shall be 150 feet from the centerline of the highway or 100 feet from the right-of-way line, whichever is greater.
- (B) Frontage roads to arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.
- (C) Minimum road right-of-way width shall be 100 feet.

(Amended by Ordinance No. 99-1)

[As of the time of adoption of this Zoning Ordinance there are no arterial highways in the Town of Johnstown.]

(2) Collector Roads

The setback for collector roads shall be 90 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way width shall be 80 feet.

(Amended by Ordinance No. 99-1)

[County Highways A and M are the only collector roads in the Town of Johnstown as of the time of adoption of this Zoning Ordinance.]

(3) Local Roads

All local roads shall have a minimum setback of 85 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way width shall be 70 feet.

(Amended by Ordinance No. 99-1)

[All roads in the Town of Johnstown other than County Highways A and M are local roads as of the time of adoption of this Zoning Ordinance.]

(4) Lesser Setbacks

Lesser setbacks may be permitted by the Planning & Zoning Committee in cases of unusual topography, existing patterns of lesser setbacks of buildings on nearby properties, or varying alignment of highway right-of-way lines.

(5) Special Width Road Rights-of-Way

Road rights-of-way which are indicated as Special Width Roads in adopted transportation plans shall be used to establish minimum setback requirements.

9.2 Vision Clearance at Intersections

In each quadrant of every public street, road, or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road centerline and a line connecting points on said centerline at a specified distance from their point of intersection, in the manner illustrated on the following page and titled “Basic Illustration of Clear Vision Triangles.”

The use of the term “triangle” in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.

The term “centerline” in this section shall be interpreted as follows:

- (1) Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether that coincides with the centerline of the right-of-way.

(Amended by Ordinance No. 09-1)

- (2) Where there is a divided pavement within a right-of-way, the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection (3) below.

- (3) Where there is a divided pavement within a right-of-way, and the distance between the centerline of the pavements, measured along the centerline of the intersecting street or road, is 60 feet or greater, the centerline of the pavements shall be used separately, in the manner illustrated on the following page, and entitled “Illustration of Designation of Centerline for Clear Vision Triangles,” to designate the clear vision triangles.

The distance specified from the point of intersection of the centerline to the aforesaid points on the centerline shall be as specified in the table as follows:

| <u>Classification</u> | <u>Triangle Side Distance</u> |
|-----------------------|-------------------------------|
| Arterial | 300 ft. |
| Collector | 200 ft. |
| Local | 150 ft. |
| Railroad Crossing | 330 ft. |

Within the clear vision triangle, no object shall be allowed above a height of 2 ½ feet above the average elevation of the streets at the aforesaid points on the respective centerline if such object substantially obstructs the view across the triangle.

In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. Likewise, this restriction shall not apply to posts and wire fences, provided that they do not obstruct visibility across the clear vision triangle.

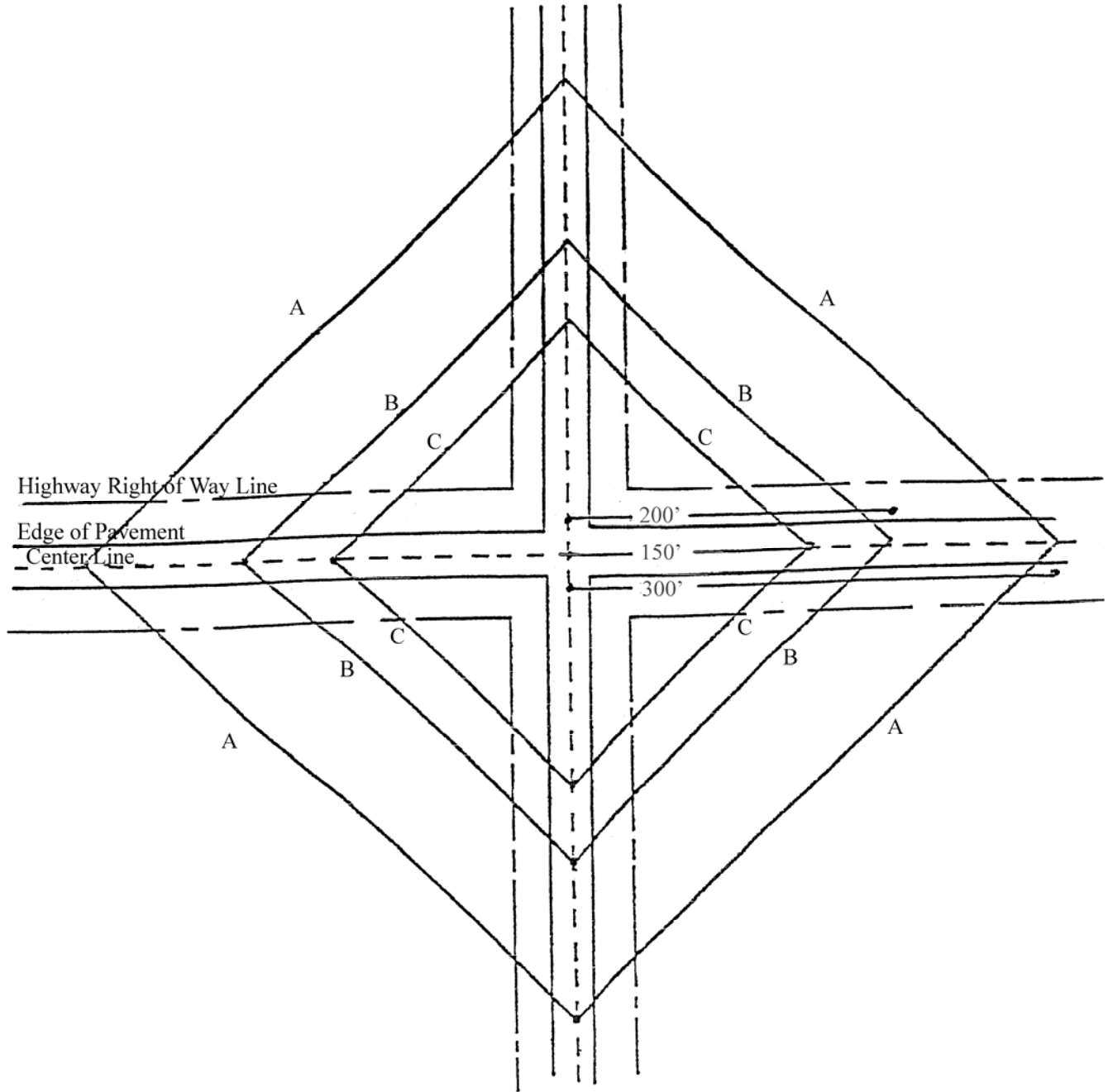
9.3 Objects Permitted Within Setback Lines and Vision Triangles

- (1) Open fences.
- (2) Telephone, telegraph, and power transmission poles, lines, and portable equipment that is readily removable in its entirety.
- (3) The planting and harvesting of field crops, shrubberies, and trees, except that no trees or shrubberies shall be planted within a vision clearance triangle so as to obstruct the view in the vision triangle.

9.4 Access Control – Town Roads

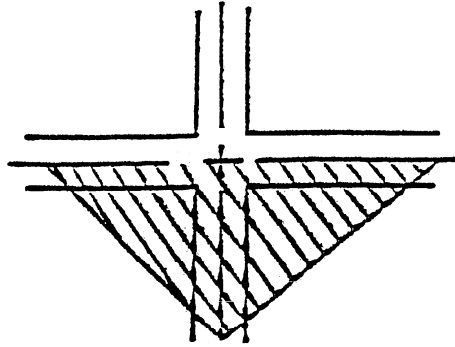
Driveway access is limited to one driveway access per lot. Duplex lots may, at the discretion of the Committee, have two separate driveways if the physical structural design of the building or the physical characteristics of the lot warrant a second driveway. Common driveways may be required to provide access to any new lots or lots that do not currently have an existing driveway. Common driveways shall be built on the common property line and to the standards of a single driveway. All new driveways shall have a minimum site distance of 150 feet in each direction and be located a minimum of 6 feet from a common property line.

BASIC ILLUSTRATION OF CLEAR VISION TRIANGLES

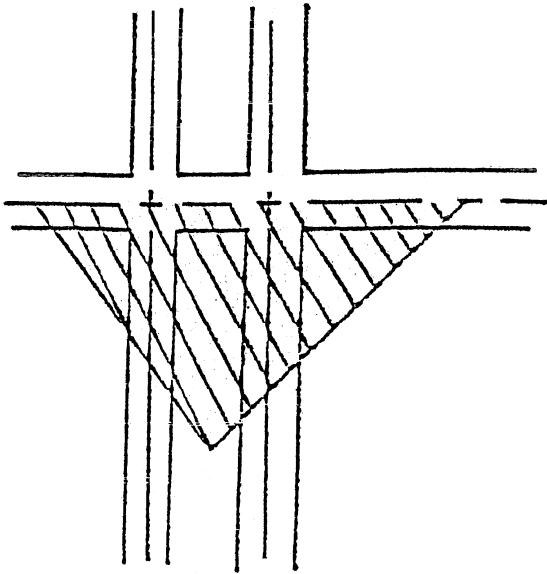


**ILLUSTRATION OF DESIGNATION OF
CENTERLINE FOR CLEAR VISION TRIANGLES**

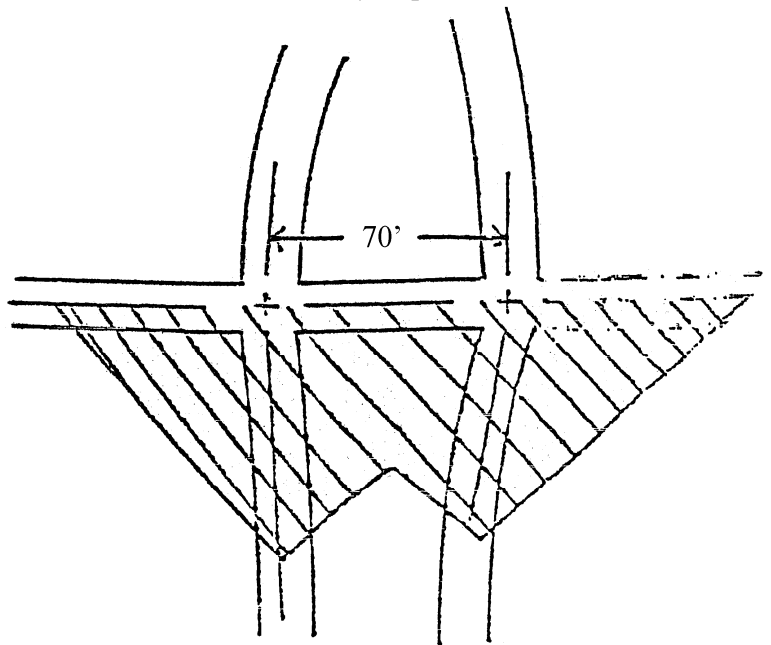
(1) Undivided Pavement



(2) Divided Pavement
Not Widely Separated



(3) Divided Pavement
Widely Separated



SECTION 10.0 – NONCONFORMING USES, STRUCTURES, AND LOTS

10.1 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Zoning Ordinance may be continued although the use does not conform to the provisions of this Chapter; however:

- (1) Only That Portion of the structure, land, or water in actual use may be so continued, and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except as required by law or order, or to comply with the provisions of this Chapter.

(Amended by Ordinance No. 09-1)

- (2) Repair. If total lifetime repairs to a nonconforming structure exceed 50% of its current fair market value, the structure shall be deemed to have lost its lawful nonconforming status unless it is permanently changed to conform to the provisions of this Chapter. No repairs to a nonconforming structure may result in a structural alteration or an enlargement of the structure unless the structure is simultaneously and permanently changed to conform to the provisions of this Chapter.

(Amended by Ordinance No. 99-1)

- (3) Substitution of New Equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

- (4) Licenses. This Chapter is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as to the effective date of this Zoning Ordinance.

10.2 Abolishment or Replacement

If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Chapter. If a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50% of its fair market value, it shall not be restored except so as to comply with the use provisions of this Chapter.

(Amended by Ordinance No. 09-1)

10.3 Existing Nonconforming Structures

Any lawful nonconforming structure existing at the time of the adoption or amendment of this Zoning Ordinance may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except as required by law or order, or to comply with the provisions of this Chapter.

(Amended by Ordinance No. 09-1)

10.4 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Planning & Zoning Committee has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Planning & Zoning Committee.

10.5 Substandard Lots

In any residential or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the Rock County Register of Deeds Office before the effective date of this Zoning Ordinance.

- (1) All the district requirements shall be complied with insofar as practical but shall not be less than the following.

| | | |
|-------|--------|---|
| Lot | Width | 50 ft. |
| | Area | Minimum 20,000 sq. ft. |
| Yards | Street | Minimum 35 ft.; the second street yard on corner lots shall be not less than 35 ft. |
| | Rear | Minimum 20 ft. |
| | Side | Minimum 10% of the frontage, but not less than 5 ft. |

- (2) If two (2) or more substandard lots exist side by side, under the same ownership, each of which individual lots is less than 25,000 square feet, they shall be combined and considered as one (1) building site.
- (3) Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a Zoning Permit.

SECTION 11.0 – CHANGES AND AMENDMENTS

11.1 Authority

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by the text of this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Planning & Zoning Committee prior to the approval of the Town Board.

11.2 Initiation

A change or amendment may be initiated by the Town Board, the Planning & Zoning Committee, or by a petition of one or more of the owners or agents of property within the area proposed to be changed.

11.3 Petitions

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- (1) Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 1000 feet of the area proposed to be rezoned.
- (2) Owners' Names and Addresses of all properties lying within 1000 feet of the area proposed to be rezoned.
- (3) Additional Information required by the Planning & Zoning Committee or the Town Board.
- (4) Fee Receipt from the Town Treasurer in the minimum amount to be determined by the Town Board.

11.4 Recommendations

The Planning & Zoning Committee shall review all proposed changes and amendments within the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made no later than the next meeting subsequent to the meeting at which the petition is first submitted and shall be made at the next Town Board meeting.

11.5 Guidelines for Zoning Changes

The Planning & Zoning Committee and the Town Board shall carefully analyze proposed zoning changes to determine whether they are appropriate and consistent with the purpose and intent of this Chapter. While zoning changes are made in the discretion of the Planning & Zoning Committee and the Town Board, consistent with the standards of this section, the Planning & Zoning Committee and the Town Board should consider the following before approving any zoning change:

- (1) Whether the proposed zoning change is in accordance with the development plan and its goals and objectives.
- (2) Whether the proposed zoning change is consistent with the purpose and intent sections of this Chapter, Sections 1.2 and 1.3.
- (3) Whether adequate public facilities to accommodate development from the proposed zoning change either exist or will be provided within a reasonable amount of time.
- (4) Whether provision of public facilities to accommodate development consistent with the zoning change will place an unreasonable burden on the affected governmental units and school districts.
- (5) Whether the land proposed for rezoning is suitable for development and whether development will result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.
- (6) Whether the proposed development may adversely affect property values and the property tax base.
- (7) Traffic to be generated by proposed development.
- (8) Access to commercial retail/service areas.
- (9) Relation to scenic or recreational values.

11.6 Notice

The Town Clerk shall notify all adjoining property owners of property within 1000 feet of the land in question. After publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, the Town Board shall hold a public hearing upon any petition filed under this Section. Such hearing may, in the discretion of the Town Board, be held before or after the Planning & Zoning Committee has made its recommendation. The Town Clerk shall also give at least 10 days prior written notice to the Clerk of any municipality within 1000 feet of any land to be affected by the proposed change or amendment.

11.7 Town Board's Action

Following such hearing and after careful consideration of the recommendations of the Planning & Zoning Committee, the Town Board shall vote on the passage of the proposed change or amendment.

11.8 Protest to Proposed Change

In the event of protest against a proposed district change or amendment to this Chapter, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed amendment, or by the owners of 20% or more of the land parcel within 500 feet of the proposed zoning amendment, such amendment shall not be passed unless recommended by a majority vote of the Planning & Zoning Committee and passed by a unanimous vote of all members of the Town Board present and voting on the proposed amendment.

SECTION 12.0 – PERFORMANCE STANDARDS

12.1 Compliance

This Chapter permits specific uses in specific districts; these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with its district regulations and with the following performance standards.

12.2 Air Pollution

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in United States Bureau of Mines Information Circular 8333.

(Amended by Ordinance No. 09-1)

12.3 Fire and Explosive Hazards

All industrial activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall have adequate safety devices to guard against the hazard of fire and explosion, and shall also have adequate fire-fighting and fire-suppression equipment and devices so that they are in full compliance with all applicable State and Federal regulations.

(Amended by Ordinance No. 09-1)

12.4 Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

12.5 Liquid or Solid Wastes

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature that can contaminate, pollute, or harm the quantity or quality of any water supply, cause the emission of dangerous or offensive elements, overload municipal utilities, or injure or damage persons or property.

12.6 Noise

No activity shall produce a sound level outside the M-1 District boundary that exceeds the following sound levels measured by a sound level meter and associated octave band filter:

| <u>Octave Band Frequency</u> <u>(Cycles per Second)</u> | | | <u>Sound Level</u> <u>(Decibels)</u> |
|--|-----|-------|---|
| 0 | to | 75 | 72 |
| 75 | to | 150 | 67 |
| 150 | to | 300 | 59 |
| 300 | to | 600 | 52 |
| 600 | to | 1200 | 46 |
| 1200 | to | 2400 | 40 |
| 2400 | to | 4800 | 34 |
| 4800 | and | above | 32 |

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

(Amended by Ordinance No. 09-1)

12.7 Odors

No activity shall emit any odorous matter or pollutant of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises. When providing for odor measurement and control, the Town may use as a guide Section NR 429.03 of the Wisconsin Administrative Code. The Town may also provide for use of scent monitoring and measurement devices that from time to time may be developed and/or recommended under or by government regulation or scientific studies. Agriculture odors associated with normal agricultural activities are exempted from this section, except those odors created by the use of Center Pivot Manure Distribution Systems, the use of which is prohibited in all zoning districts except for Agricultural District One (A-1), in which said systems require the issuance of a Conditional Use Permit.

(Amended by Ordinance No. 09-1)

(Amended by Ordinance No. 11-1)

12.8 Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

12.9 Vibration

No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1 District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

| <u>Frequency (Cycles Per Second)</u> | <u>Outside the Premises</u> | <u>Outside the District</u> |
|--|---------------------------------|---------------------------------|
| 0 to 10 | .0020 | .0004 |
| 10 to 20 | .0010 | .0002 |
| 20 to 30 | .0006 | .0001 |
| 30 to 40 | .0004 | .0001 |
| 40 to 50 | .0003 | .0001 |
| 50 and above | .0002 | .0001 |

12.10 Water Quality Protection

(Amended by Ordinance No. 09-1)

- (1) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated solid, liquid, or gaseous materials of such nature, quantity, obnoxiousness, toxicity, or temperature that would be likely to run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.
- (2) In addition, no activity shall discharge any solid, liquid, or gaseous materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR 102 of the Wisconsin Administrative Code for all navigable waters.

(Amended by Ordinance No. 09-1)

SECTION 13.0 – SIGNS

13.1 Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit, except those signs permitted under Section 13.2, and without being in conformance with the provisions of this Chapter, Section 84.30 of the Wisconsin Statutes, and Chapter Trans 201 of the Wisconsin Administrative Code. Such a sign shall also meet all the structural requirements of local and state building codes.

(Amended by Ordinance No. 09-1)

13.2 Signs Permitted in All Districts Without a Sign Permit

(Amended by Ordinance No. 09-1)

The following signs are permitted in all zoning districts without a permit subject to the following regulations.

- (1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed 2 feet in height and 10 feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, up to two signs with each sign face totaling not more than 4' x 8' advertising such sale.
- (3) Real Estate Signs not to exceed 4' x 8' in display area which advertise the sale, rental, or lease of the premises upon which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (4) Name, Occupation, and Warning Signs not to exceed 2 square feet in display area located on the premises, and not closer than 50 feet between signs.
- (5) Bulletin Boards of public, charitable, or religious institutions not to exceed 16 square feet in display area located on the premises.
- (6) Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official signs, such as traffic control, parking restrictions, information, and notices.
- (8) Political Signs for political candidates which shall not be larger than 4' x 8'.
- (9) Temporary Signs or banners when authorized by the Planning & Zoning Committee.

- (10) Signs advertising a park, golf course, or other recreational area and located at the entry of such area, not to exceed 4' x 8' in display area.

13.3 Signs Permitted in All Commercial and Industrial Districts

The following signs are permitted in the Commercial and Industrial Districts with a permit and are subject to the following regulations:

- (1) Wall Signs placed against the exterior wall of a building shall not extend more than 12 inches from the wall, and shall not extend above the roof line. The maximum area of all wall signs shall not exceed an area equal to 3 square feet for each lineal front foot of building.
- (2) Projecting Signs fastened to, suspended from, or supported by building structures shall not exceed 100 square feet in display area on all sides for any one premises, extend more than 6 feet in any required yard, be less than 10 feet from all lot lines, exceed a height of 6 feet above the roof line, or be less than 10 feet above a sidewalk or other pedestrian way, nor less than 15 feet above a driveway or an alley.
- (3) On-Premise Ground Signs in the B-1 District shall be limited to one sign for each individual business premises. Such sign shall advertise the business name, services offered, or products sold on the premises, shall not exceed 300 square feet in display area on any one side nor 600 square feet in display area on all sides for any one premises, and shall have a maximum height of 30 feet.
(Amended by Ordinance No. 09-1)
- (4) On-Premise Ground Signs in Other Business and Industrial Districts shall be limited to one sign for each individual business premises. Such sign shall advertise the business name, services offered, or products sold, shall not exceed 60 square feet in display area on any one side nor 120 square feet in display area on all sides for any one premises, shall have a maximum height of 30 feet, and shall be at least 50 feet from the boundary of any residential district.
- (5) Two wall signs, projecting signs and/or on-premise ground signs shall be permitted for each business or industrial use, subject to the limitations in (3) and (4). The total sign area for both signs shall not exceed the greatest maximum area allowed.
(Amended by Ordinance No. 09-1)
- (6) Window Signs shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.
- (7) Off-Premise Ground Signs shall require a conditional use permit from the Planning & Zoning Committee and are subject to the following requirements:
(Amended by Ordinance No. 09-1)
 - (A) Such signs shall not be located within 50 feet of the existing or proposed right-of-way of any state or county trunk highway or any town road

measured horizontally along a line perpendicular to the center of the highway.

- (B) No sign shall be located within 1000 feet of any other off-premise ground sign located on the same side of the road.

(Amended by Ordinance No. 09-1)

- (C) No sign shall exceed 30 feet in height.

(Amended by Ordinance No. 09-1)

- (D) No sign shall exceed 300 square feet in display area on any one side nor 600 square feet in display area on all sides.

(Amended by Ordinance No. 09-1)

- (E) Such signs shall conform to all yard and setback requirements of the district in which they are located.

(Amended by Ordinance No. 09-1)

- (F) No sign shall be located within 500 feet of a residential district.

(Amended by Ordinance No. 09-1)

13.4 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign shall be attached to a standpipe or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

13.5 Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Zoning Ordinance may be continued even though the use, size, or location does not conform to the provisions of this Chapter. However, such signs shall be deemed nonconforming uses or structures, and the provisions of Section 10 shall apply.

13.6 Bonds

Every applicant for a sign permit shall, before the permit is granted, execute a surety bond in a sum to be fixed by the Zoning Officer, but not to exceed \$25,000. The surety bond shall be of a form and type approved by the Town Attorney, indemnifying the municipality against all losses, costs, damages, or expenses incurred or sustained by or recovered against the municipality by reason of the erection, construction, or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin, and conforming to the requirements of this section, may be permitted by the Town Attorney in lieu of a bond.

(Amended by Ordinance No. 09-1)

13.7 Moveable or Temporary Signs

(Deleted per Ordinance No. 04-02)

13.8 Lighting of Signs

Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this Zoning Ordinance.

13.9 Roof-mounted Signs

Signs erected on the roof of a building are prohibited by this Chapter.

13.10 Areas of Special Control

Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

- (1) Architectural, historic, or scenic areas whose special and unique characteristics or whose natural beauty requires special sign regulations to ensure that all signs used within the area are compatible with each other and with the area.
- (2) Integrated centers of intensive business areas over 5 acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this Chapter.

13.11 Permit Fees

- (1) Signs less than 200 square feet in area To be determined by
Town Board Resolution
- (2) Signs 200 square feet or larger in area..... To be determined by
Town Board Resolution

SECTION 14.0 – DEFINITIONS

14.1 Usage

- (1) For purposes of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations.”

(Amended by Ordinance No. 09-1)
- (3) “Shall” is always mandatory.

(Amended by Ordinance No. 09-1)
- (4) A “building” includes a “structure”; a “building” or “structure” includes any part thereof; “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.”
- (5) Any words not defined herein shall be presumed to have their customary dictionary definitions as provided by the most recent edition of Webster’s Collegiate Dictionary.

14.2 Words and Terms Defined

Accessory Building. Any building except the principal building on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.

Adjacent. Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.

(Created by Ordinance No. 07-__)

Airport Not Open to the Public. Any airport on privately owned land used solely by the property owner.

Airport Open to the Public. Any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.

Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.

Animal Unit. The meaning that was given in Section NR 243.03(3) of the Wisconsin Administrative Code as of April 27, 2004. A horse or pony shall constitute one animal unit. For any animal unit not named in the above-cited Chapter of the Wisconsin Administrative Code, the equivalent of an animal unit shall be determined by the Planning & Zoning

Committee in a manner so as to be generally consistent with the above-specified standards, depending upon the size and use of the animal.

(Amended by Ordinance No. 07-___)

Applicant. The owner of the land or his or her representative. Consent shall be required in writing from the legal owner of the premises.

Arterial Roads & Highways. Streets serving inter-community travel within and outside the area, providing a high level of urban mobility with little variation in operating conditions, and forming a continuous system with other arterials as indicated on the Rock County Functional Highway Classification Map.

Automotive Vehicle. A vehicle that is self propelled, except a snowmobile, unless specifically referred to as a motor vehicle herein.

Basement. A story partly underground.

Boarding House. A residential structure other than a hotel where lodging or meals are provided for compensation, whether in money or in exchange for goods or services, for one or more persons not members of the owner's family.

(Amended by Ordinance No. 99-1)

Bond. Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in the amount and form satisfactory to the governing body. All bonds shall be approved by the Planning & Zoning Committee wherever a bond is required by these regulations.

Building. Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property.

Building Area. Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.

Building Height. The vertical distance from the top of the building roof to the top of the basement or to the foundation, whichever is less.

Center Pivot Manure Distribution Systems. A system for spreading manure which involves spraying the manure in liquid form through nozzles attached to a pivoting arm located in a farm field.

(Definition created by Ordinance No. 11-1)

Certified Survey Map. A division of a lot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where the act of division creates not more than four (4) parcels of land.

Child or Children. A first degree descendant, not a grandchild or one farther removed in degree of descendance.

Collector Roads & Highways. Streets serving intermediate to long trips within an area, collecting and distributing traffic to and from local roads and adjacent land within the area, providing fair mobility, and forming a generally continuous pattern when combined with the arterial system as indicated on the Rock County Functional Highway Map.

Committee. The Planning & Zoning Committee for the Town of Johnstown.

Common Area. An area or space designed for joint use of tenants or owners residing in a Planned Unit Development or Condominium Development.

Common Sewerage. A legal sewage system that serves two or more dwelling units.

Community. A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.

Community Living Arrangement. Any of the following facilities licensed, operated, or permitted under the authority of the Wisconsin Department of Health and Family Services: child welfare agencies under Section 48.60 of the Wisconsin Statutes, group foster homes for children under Section 48.02(7) of the Wisconsin Statutes, and community-based residential facilities under Section 50.01 of Wisconsin Statutes, but not including day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails.

Complete Application for Local Approval. An application that contains everything required under Sections ATCP 51.30(1)-(4) of the Wisconsin Administrative Code.

(Created by Ordinance No. 07-__)

Conditional Use. A use allowed under this Chapter, provided that certain conditions are met and a Conditional Use Permit is granted by the Town Board.

(Amended by Ordinance No. 09-1)

Density. The number of living units per acre allowable under a schedule of district regulations.

Department. The Department of Agriculture, Trade and Consumer Protection.

(Created by Ordinance No. 07-__)

Developer. The owner of land proposed for subdivision or his or her representative. Consent shall be required from the legal owner of the premises.

Development Guide. The Town's Development Plan (segment of the County Development Plan) (Section 59.97) or the incorporated municipality's Master Plan (Section 62.23).

Drive-in Establishment. A place of business in which patrons can be served while remaining in their automobiles.

Driveway. A minor private way used by vehicles and pedestrians for common access to a

lot, small group of lots, or facility.

Dwelling, Single-Family. A detached building designed for or occupied exclusively by one family or household.

Dwelling, Two-Family. A detached or semi-detached building designed for and occupied by two families or households.

Dwelling, Multiple-Family. A building or portion thereof designed for or occupied by three or more families or households.

Earthwork. The moving of more than 2 cubic yards of any type of soils.

Easement. Authorization by a property owner for the use of any designated part of his property by another and for a specified purpose.

Emergency Shelter. Public or private enclosures designed to protect people from flood, windstorm, fire, riots, or invasions, and from aerial, radiological, biological, or chemical warfare.

Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electricity, steam, water, sanitary sewer, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

Expanded Livestock Facility. The entire livestock facility that is created by the expansion, after May 1, 2006. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing, or altered.

(Created by Ordinance No. 07-__)

Expansion. An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

(Created by Ordinance No. 07-__)

Expressway. A divided arterial street or highway, either with full or partial control of access, and with or without grade-separated intersections.

Family. A group of persons related by blood or marriage and living together as a single housekeeping entity.

Farm Consolidation. The sale or acquisition of farm acreage to or from another farm owner.

A farm owner is a person who earns at least \$6,000/year in farm income.

Farm Family Business. Any lawful activity, except a farm operation, conducted primarily for any of the following:

- (A) The purchase, sale, lease, or rental of personal or real property;
- (B) The manufacture, processing, or marketing of products, commodities, or any other personal property; or
- (C) The sale of services.

A farm family business must be conducted in existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than two (2) persons who are not members of the resident farm family may be employed in the farm family business.

Flood Plain. The land adjacent to a body of water which is subject to periodic overflow therefrom.

Floodway. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

Floor Area. The area within the exterior walls of a building which is usable as living quarters.

Freeway. An expressway with full control of access and with fully grade-separated intersections.

Frontage. The side of a lot abutting a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Garage, Private. Any building or premises, other than a public or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold, or stored.

Garage, Public. Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold, or stored.

Garage, Storage. Any building or premises used for storage only of motor vehicles.

High Density. Those residential zoning districts in which the density is greater than one dwelling unit per 8500 square feet.

Home Occupation. A gainful occupation conducted by members of a family only within their place of residence or in outbuildings not constructed for commercial purposes, provided that such occupation does not result in significant traffic and that the character of any

outbuildings used shall not be altered in such a manner as to make such outbuilding into a commercial structure, and further provided that the only signage on the premises advertising any such home occupation shall not exceed one (1) sign, and that such sign shall not exceed 8 square feet in area.

(Amended by Ordinance No. 99-1)

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

Household Pet. Tame animals which have been traditionally kept in the home, to include dogs, cats, rabbits, birds, hamsters, and other animals which in their adult life do not exceed 250 pounds, or 4 feet in height at normal posture.

Household Unit. The body of persons who live together in one dwelling unit as a single housekeeping unit.

Incidental. Minor land uses that or secondary uses directly supported by the principal or permitted use (for example, a detached garage is an incidental use to a residential structure).

Intensive Soils Survey. The testing of soil at a particular geographic location as to its individual assets and limitations.

Interchange. A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

Kennel. Any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, or sporting purposes. Any residence, farm, or business at which more than three dogs over 6 months of age are kept shall also be deemed a kennel.

(Amended by Ordinance No. 01-2)

Land Division. The division of a tract or interest in real property by the owner thereof for the purpose of sale or building development which creates one or more lots, parcels, ownership units, or the need for a public land dedication.

Large Farm Animal. Any horse, head of cattle, pony, sheep, goat, or hog.

License. A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Chapter and regulations issued hereunder.

Livestock. Domestic animals traditionally used in this state in the production of food, fiber, or other animal products. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids, or mink.

(Created by Ordinance No. 07-__)

Livestock Facility. A feedlot, dairy farm, or other operation where livestock are or will be

fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of ATCP 51, except that an operator may elect to treat a separate species facility as a separate “livestock facility.”

(Created by Ordinance No. 07-__)

Livestock Structure. A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. “Livestock structure” includes a barn, milking parlor, feed storage facility, feeding facility, animal lot, or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

(Created by Ordinance No. 07-__)

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

Local Roads & Highways. Streets serving primarily to provide direct access to adjacent land, providing for short distance travel within the area, and providing access to the Collector and Arterial systems. Through traffic movement on locals is generally discouraged.

Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than 12 persons not members of the owner’s family.

Lot. A parcel of land described in a recorded plat or deed.

Lot Area. The total area reserved for exclusive use of the owners of a particular piece of real property.

Lot, Corner. A lot abutting on two or more streets at their intersection.

Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Depth. The mean horizontal distance between the front and rear lot lines.

Lot Width. The width of a parcel of land measured at the front of the specified road side of the parcel.

Low Density. Those residential zoning districts in which the density is more than 40,000 square feet per dwelling unit.

Master Plan. A comprehensive plan for development by the local government, prepared and

adopted by the local government pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

Medium Density. Those residential zoning districts in which the density is between 8500 and 40,000 square feet per dwelling unit.

Minor Structures. Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences less than 4 feet in height.

Mobile Home. A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used primarily for human habitation, with walls of rigid uncollapsible construction, which has an over all length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Navigable Waters. The meaning given in Section 30.01(4m) of the Wisconsin Statutes.
(Created by Ordinance No. 07-__)

New Livestock Facility. A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.
(Created by Ordinance No. 07-__)

Non-conforming Structure. A building or premises lawfully used, occupied, or erected at the time of the passage of this Zoning Ordinance or any amendments thereto, which does not conform to the regulations of this Chapter with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

Non-conforming Use. The use or occupancy of a building or premises which is lawful at the time of the enactment of this Zoning Ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this Chapter or any amendments thereto.

Operator. A person who applies for or holds a local approval for a livestock facility.
(Created by Ordinance No. 07-__)

Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

Outdoor Furnace. A furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(Amended by Ordinance No. 09-1)

Park Management. The person who owns or has charge, care, or control of a mobile home park or travel trailer park.

Permit. A written zoning permit or certification issued by the Zoning Officer permitting the construction, alteration and/or extension of a building under the provisions of this Chapter.

Permitted Use. Uses listed under this heading are permitted as of right. This means that an applicant for a zoning permit must be given a permit if he meets the other requirements of the Chapter, e.g., yards, setbacks, and so forth.

Person. An individual, corporation, partnership, cooperative, limited liability company, trust, or other legal entity.

(Amended by Ordinance No. 07-__)

Populate. To add animal units for which a permit or other local approval is required.

(Created by Ordinance No. 07-__)

Principal Structure. The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. In an agricultural district a barn for agricultural use or swine confinement facilities can be considered a principal structure.

Property Line. A line that separates parcels of land owned by different persons.

(Created by Ordinance No. 07-__)

Recreational Vehicle. A touring or recreational unit other than a primary housing unit designed to be either self-propelled or towed which does not exceed the minimum statutory size of a mobile home under Section 348.07(2) of the Wisconsin Statutes. Commonly referred to as a motor home, pop-up-camper, fifth wheel mobile home, or similar type of vehicle equipped and used or intended to be used for temporary human habitation. A unit may or may not include plumbing, heating, and electrical systems or appliances.

Related Livestock Facilities. Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

- (A) They are located on the same tax parcel or adjacent tax parcels of land.
- (B) They use one or more of the same livestock structures to collect or store manure.
- (C) At least a portion of their manure is applied to the same landspreading acreage.

(Created by Ordinance No. 07-__)

Rooming House. A residential structure other than a hotel where lodging only is provided for compensation, whether in money or in exchange for goods or services, for one or more persons not members of the owner's family.

(Amended by Ordinance No. 99-1)

Separate Species Facility. A livestock facility that meets all of the following criteria:

- (A) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of "Related Livestock Facilities"):
 - 1. Cattle;
 - 2. Swine;
 - 3. Poultry;
 - 4. Sheep;
 - 5. Goats.
- (B) It has no more than 500 animal units.
- (C) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
- (D) It meets one of the following criteria:
 - 1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
 - 2. It and the other livestock facilities to which it is related have a combined total of fewer than 1000 animal units.

(Created by Ordinance No. 07-__)

Service Building. A structure housing toilet, washing, and bathing facilities, and such other facilities as may be required by this Chapter.

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps. The setback requirements of this Chapter shall not be deemed applicable to a telecommunications or utilities cabinet which does not exceed 4 feet in height, 4 feet in width, and 6 feet in length, except with regard to the setback requirements contained in Section 9.2 of this Chapter, dealing with vision clearance at intersections. Setback requirements for such telecommunications and utilities cabinets which exceed the size set forth in this definition may be reduced by the Planning & Zoning Committee by issuance of a conditional use permit.

(Amended by Ordinance No. 01-4)

Sign. A structure or devise on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

Standards. The setbacks, vision corners, sideline requirements, height limitations, square footage requirements, and other specifications as required by this Chapter.

Standard Soils Survey. A soils survey of Rock County by the Soil Conservation Service, U.S. Department of Agriculture.

Story. That portion of a building included between the surface of the floor and the surface of the floor next above it, or the space between the floor and the ceiling next above it if there is no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of such story.

Street. All property dedicated or intended for public or private street purposes or subject to public easements 21 feet or more in width.

Street Right-of-Way Line. The dividing line between a lot, tract, or parcel of land and an abutting street.

Structure. Anything constructed or erected having location on the ground.

Structural Alteration. Any change in the supporting elements of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

Structure, Single Family. A building designed for or occupied by one family or household.

Structure, Two-Family. A detached or semi-detached building designed as two separate dwelling units and occupied by two families or households.

Structure, Multiple-Family. A building or portion thereof designed for or occupied by three or more families or households.

(Amended by Ordinance No. 09-1)

Subdivision Plat. Any divisions of a lot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where:

- (A) The act of division creates five (5) or more parcels or building sites,
- (B) Five or more parcels or building sites are created by successive divisions within a period of 5 years, or
- (C) There is a dedication or reservation for public improvements.

Taper. Point at which the access road to or from a highway interchange meets another intersecting road.

Temporary Structure. A removable structure not designed for human occupancy, not for the protection of goods or chattels, and not forming an enclosure.

Tenant Storage Area. An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.

Trailer Space. A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

Travel Trailer. A vehicular, portable unit designed as a temporary living unit for travel, recreation, and vacation, which may take one of the following forms, or a similar form:

- (A) A unit built on a chassis, having a body width not exceeding 8 feet and body length not exceeding 32 feet;
- (B) A unit designed to be mounted on a truck chassis;
- (C) A unit constructed as an integral part of a self-propelled vehicle; or
- (D) A canvas, folding unit mounted on wheels.

Travel Trailer Camp. A parcel of land in which two or more spaces are occupied or intended for occupancy (not more than 7 days) by travel trailers for transient dwelling purposes.

Turning Lane. An existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two (2) or more noncontiguous areas.

Use. (Land Use) That which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of the adoption of this Zoning Ordinance.

Variance. Authority granted to the owner to use his property in a manner which is prohibited by this Chapter. A departure from the terms of this Chapter where it is shown that, due to unique physical characteristics of a land parcel, application of a given provision of this Chapter to that land parcel causes a hardship to the owner, and that the condition permitted by the departure will still be in fundamental harmony with surrounding uses.

(Amended by Ordinance No. 09-1)

- (A) Area Variance: A variance which does not involve a use prohibited by this Chapter. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density regulations, and yard requirements.
- (B) Use Variance: A variance which permits a use of land other than that which is prescribed by this Chapter. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by this Chapter. A Use Variance shall not be granted under this Chapter.

Vision Clearance Triangle. An unoccupied triangular space at the corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

Waste. Manure, milking center waste, and other organic waste generated by a livestock facility.

(Created by Ordinance No. 07-__)

Waste Storage Facility. One or more waste storage structures, including stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. “Waste storage facility” does not include equipment used to apply waste to land.

(Created by Ordinance No. 07-__)

Waste Storage Structure. A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Waste storage structure” does not include equipment used to apply waste to land. For purposes of Sections ATCP 51.12(2) and 51.14 of the Wisconsin Administrative Code, “waste storage structure” does not include any of the following:

- (A) A structure used to collect and store waste under a livestock housing facility.
- (B) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

(Created by Ordinance No. 07-__)

Water Line. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75% of the length of such water line shall be on or on the landward side of the normal high-water mark of such stream.

Winter Grazing Area. Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period from October 1 to April 30. “Winter grazing area” does not include any of the following:

- (A) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.

- (B) An area which at any time has an average of more than four (4) livestock animal units per acre.
- (C) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
- (D) An area in which manure deposited by livestock causes nutrient levels to exceed standards in Section ATCP 51.16 of the Wisconsin Administrative Code.

(Created by Ordinance No. 07-__)

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building, excluding only such projections as are permitted herein.

Yard, Side. A yard extending from the front yard, or from the lot line where no front yard is required, to the rear yard between the side lot line and the nearest part of the principal building.

(Amended by Ordinance No. 09-1)

TOWN OF JOHNSTOWN
CHAPTER 2 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN
REGULATION OF DOGS

SECTION 1: DEFINITIONS

In this section, unless the context or subject matter requires otherwise,

- (A) “Owner” means that any person owning, harboring, or keeping a dog, and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of 10 days, is presumed to be harboring or keeping the dog within the meaning of this section.
- (B) “At large” means to be off the premises of the owner and not under the control of some person either by leash or other physical means of restraining a dog, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog’s owner shall be deemed to be upon the owner’s premises.

SECTION 2: RESTRICTIONS ON KEEPING OF DOGS

- (A) It shall be unlawful for any person in the Town of Johnstown to own, harbor, or keep any dog more than six months of age without complying with the provisions of Section 174.05 through Section 174.09 of the Wisconsin Statutes relating to the listing, licensing, and tagging of dogs.
- (B) It shall be unlawful for any person within the Town of Johnstown to own, harbor, or keep any dog which:
 - 1. Habitually pursues any vehicle upon any public street or highway in the town.
 - 2. Assaults or attacks any person.
 - 3. Is loose upon any property other than property owned or occupied by the person owning, harboring, or keeping the dog.
 - 4. Causes damage to personal or real property of any person other than the person owning, harboring, or keeping the dog, including, but not limited to, damage to lawns and gardens.
 - 5. Habitually barks or howls to the reasonable annoyance of any person.

6. Kills, wounds, or chases any domestic animal.
7. Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(Amended by Ordinance No. 01-5)

SECTION 3: DUTY OF OWNER IN CASE OF DOG BITE

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the health officer and shall keep such dog confined for not less than 14 days or for such period of time as the health officer shall direct. The owner or keeper of any such dog shall surrender the dog to the health officer or any Town policy officer upon demand for examination.

SECTION 4: IMPOUNDING OR DESTRUCTION OF DOGS

In addition to any penalty hereinafter provided for a violation of this Chapter, any police officer of the Town or County may impound or destroy any dog which habitually pursues any vehicle upon any public street or highway of the Town, or assaults or attacks any person, or kills or wounds any domestic animal, or is infected with rabies, or is at large within the Town of Johnstown. Possession of dogs impounded under this Section may be obtained by paying \$5.00 to the Town Treasurer, plus the cost of keeping said dog. Dogs impounded for a period of 7 days may be destroyed by or under the direction of the health or police officer in accordance with Section 174.10(2) of the Wisconsin Statutes.

SECTION 5: PENALTY

Any person, firm, or corporation who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200, 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 such costs and forfeitures are paid, but not exceeding 30 days. Each violation and each day a violation continues or occurs shall constitute a separate offense.

TOWN OF JOHNSTOWN

**CHAPTER 3 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN**

OPERATION OF MOTOR VEHICLES OFF PUBLIC ROADS

SECTION 1: UNLAWFUL OPERATION

It shall be unlawful for any person to ride a motorcycle, motorbike, minibike, or any motor driven vehicle upon public or private property not specifically designated for vehicular traffic without written permission of the owner of said public or private property.

SECTION 2: PENALTY

Any person, firm, or corporation who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$200.00, 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 such costs and forfeitures are paid, but not exceeding 30 days.

TOWN OF JOHNSTOWN
CHAPTER 4 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN
PUBLIC ROADS

SECTION 1: PURPOSE

The Town Board of Supervisors of the Town of Johnstown, Rock County, Wisconsin, do hereby find, determine and ordain that in order to promote the public safety, general welfare, and convenience, it is necessary that certain requirements be established and followed in the creation of new highways in the Town of Johnstown, so that in the opinion of the Supervisors the public will not be materially affected by the action of the Town Board of Supervisors accepting said road.

It is not intended by this Chapter to repeal, abrogate, annul, or interfere with any existing highway rules or regulations issued pursuant to laws in regard to any public highway.

SECTION 2: DEFINITIONS

In order to clarify this Chapter the following words have the following meanings:

- | | |
|-----------------|--|
| Road Bed: | the whole material laid in place and ready for travel. |
| Roadway: | a road; the traveled part of it. |
| Highway: | a road or way over which the public generally has a right to pass. |
| Base Course: | the supporting part of road or bottom. |
| Surface Course: | the top of road way or traffic course. |
| Drainage: | to make gradually dry by trenches, channels, etc. |
| Grade: | the rate of ascent or descent of a road. |
| Approach: | that portion of road extending 100 feet on each side of culvert or bridge. |

SECTION 3: APPLICATIONS

Individual home owners or owners of land abutting on that part of a highway sought to be created or altered shall make application in writing to the Board of Supervisors giving location and description of proposed highway. Said application may be delivered to any supervisor or to the Town Clerk. Upon receipt of application, Supervisors will proceed to examine the proposed route of the highway. If approval is received, then the individual or group of individual home owners may proceed to build the highway under supervision of the Town Board.

SECTION 4: STANDARDS

The following are the standards set up by the Board of Supervisors for the construction of the proposed highway, in compliance with good practice, general construction and safety:

Highway: The minimum width for any highway shall be not less than 66 feet, with a roadway of 28 feet. A cul-de-sac shall also meet highway specifications, and a turn-around shall have a turning radius of 75 feet or a diameter of 150 feet.

Grade: The establishment of a 5% grade will be required by the Board of Supervisors.

Ditching: Ditching of roadway must be complete and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from the main ditch, then the additional land necessary for the removal of accumulated water must be provided and deeded over to the Town, along with the necessary land for the highway. The additional land conveyed to the Town for drainage will be under the supervision of the Town Board at all times.

Base Course: Base course must be of a quality and composition suitable for the location. In low or swampy areas the base course must have a sandy composition to provide necessary drainage or road bed. Any muck holes encountered before and during construction of road bed must be removed and filled with a sandy lift to provide solid base.

Surface Course: Surface course must consist of hot-mixed blacktop of a quality and composition suitable for traffic loads. The depth of blacktop necessary for acceptance must be at least 4 inches, and travel surface must be at least 20 feet wide.

Culverts: Any culverts necessary for proper drainage shall be provided

and installed after elevation and location are obtained from the Town Board. The minimum length of any culvert installed in the road bed shall be 36 feet; however, the diameter and length of said culvert will be subject to the approval of the Board, after amount of flowage is determined. Any secondary culverts installed in any lateral trenches will be of a size and length determined by the Town Board.

Traffic Signs: the installation of proper traffic signs.

SECTION 5: FINAL ACCEPTANCE

Upon completion of the proposed highway, the Board of Supervisors will proceed to make final inspection, accepting or rejecting the road as the case may be. If the road is rejected, then corrections must be made as recommended by Board of Supervisors before final inspection can be made again. If final acceptance is then made, the owner or owners will deed over to the Town all land necessary for the road, as previously mentioned.

SECTION 6: AMENDMENT

Where any section or part thereof of this Chapter is amended, voided, or superseded, the remaining sections not amended, voided, or superseded shall remain in effect.

TOWN OF JOHNSTOWN
CHAPTER 5 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN
WISCONSIN UNIFORM DWELLING CODE

SECTION 1: PURPOSE

The purpose of this Chapter is:

- (A) To exercise jurisdiction over the construction and inspection of new one- and two-family dwellings;
- (B) To provide plan review and on-site inspections performed by persons or agencies certified by the Wisconsin Department of Commerce;
- (C) To establish and collect fees to defray costs; and
- (D) To provide remedies and penalties for violations.

SECTION 2: WISCONSIN UNIFORM DWELLING CODE ADOPTED

Chapters Comm 20-25 of the Wisconsin Administrative Code and any and all amendments thereto are hereby adopted and incorporated by reference.

SECTION 3: BUILDING CODE DEPARTMENT

The Town Building Code Department shall be created by the Chairman. Administrative authority shall be vested in the Building Inspector, which position is created in Section 4.

(Amended by Ordinance No. 09-1)

SECTION 4: BUILDING INSPECTOR

The position of Town Building Inspector is hereby created. The Building Inspector shall administer and enforce this Chapter and shall be certified by the Department of Commerce as required by Section 101.66(2) of the Wisconsin Statutes. The Town Board Chairperson shall have the authority to appoint the Building Inspector, subject to confirmation by the Town Board.

(Amended by Ordinance No. 09-1)

SECTION 5: BUILDING PERMIT REQUIRED

No person shall build or cause to be built any one- or two-family dwelling without first obtaining a state uniform building permit for such dwelling. Such building permit shall be issued by the Town. A copy of the issued permit issued shall be filed with the Town Building Department.

(Amended by Ordinance No. 09-1)

SECTION 6: BUILDING PERMIT FEE

The building permit fee shall be determined by the Town Board.

SECTION 7: PENALTIES

The Town Board shall provide for the enforcement of this Chapter and all other laws, chapters, and ordinances relating to buildings by means of withholding building permits, imposing forfeitures, and/or seeking injunctive action, according to Section 62.23(9) of the Wisconsin Statutes.

(Amended by Ordinance No. 09-1)

SECTION 8: SEVERABILITY

Should any provision in this Chapter or in Chapters Comm 20-25 of the Wisconsin Administrative Code be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

(Amended by Ordinance No. 09-1)

SECTION 9: ZONING PERMITS

Obtaining a building permit under this Chapter is not a substitute for obtaining a zoning permit under Section 6.0 of Chapter 1 of this Municipal Code. Any construction requiring a building permit under this Chapter shall also require the issuance of a zoning permit under Section 6.0 of Chapter 1.

(Amended by Ordinance No. 99-2)

**CHAPTER 6 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN**

SALVAGE DEALERS

SECTION 1: LICENSE REQUIREMENT

No person, persons, firm, partnership, association, or corporation shall hereafter in the Town of Johnstown, Rock County, Wisconsin, keep, conduct, or maintain any building, structure, yard, or place for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually, or for the buying or selling at retail or wholesale or dealing in any old, used, or second-hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal, furniture, used motor vehicles or the parts thereof, or other articles which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classified as salvage materials, whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided. One carrying on the aforesaid business shall be referred herein to as “salvage dealer.”

(Amended by Ordinance No. 09-1)

SECTION 2: APPLICATION

Every applicant for a license to engage in the business of salvage dealing shall file with the Town Clerk a written application upon a form prepared and provided by the Town, signed by the applicant or applicants. Said application shall state:

(Amended by Ordinance No. 09-1)

- (A) The names and residences of the applicants, if an individual, partnership, or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.
- (B) The length of time such applicant or applicants, if an individual, firm, or partnership, or the manager or person in charge, if the applicant is a firm or corporation, has or have resided in the Town of Johnstown, his, her, or their places of previous employment, whether married or single, whether he, she, they, or any of them, have been convicted of a felony, and, if so, what offense, when, and in what court.
- (C) Whether the applicant or applicants or officers or manager of applicant have been employed by a salvage dealer or have been a salvage dealer.
- (D) In detail, the nature of the business to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.

(Amended by Ordinance No. 09-1)

(E) The premises where such business is to be located or carried on.

Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for cause at any time by the Town Board.

SECTION 3: NOTARIZATION REQUIRED

(Amended by Ordinance No. 09-1)

Every application for a license to engage in the business of salvage dealing shall be signed and acknowledged before a notary public or other officer authorized to administer oaths.

(Amended by Ordinance No. 09-1)

SECTION 4: INSPECTION

The Town Clerk shall report such application to the Town Board, which shall inspect or cause to be inspected such premises to determine whether it complies with all laws, chapters, rules, and regulations. Said premises and all structures thereon shall be so situated and constructed that the business of salvage dealing may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper health, fire, building, and police authorities.

(Amended by Ordinance No. 09-1)

Each of the premises upon which the business of a salvage dealer is carried on shall be enclosed by a proper fence or other structure not less than 7 feet in height, constructed so that it completely obscures the materials kept within the fence. Said enclosure shall be maintained in good condition at all times. No article shall be piled so as to protrude above said enclosure.

SECTION 5: ISSUANCE OF LICENSE

Upon the filing of the application and the bond, as provided in the preceding section, and upon its approval of such application, after investigation, payment of such bond as is sufficient surety or sureties or collateral security, and payment to the Town of the license fee hereinafter provided, the Town Board shall issue to the applicant a license to engage in business as provided in Section 1. No license shall be refused except for a specified reason. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the salvage materials business, the dates of issuance and expiration of the license, and the name and address of the licensee.

(Amended by Ordinance No. 09-1)

SECTION 6: FEES

Every salvage dealer shall pay an annual license fee of \$125.00 or such other fee as the Town Board may adopt by resolution. All licenses shall be issued as of October 1

and shall continue in full force until the next October 1 following the date of issuance unless sooner revoked.

(Amended by Ordinance No. 09-1)

Each holder of a salvage dealer's license shall be entitled to have, keep, and operate one vehicle in connection with said business for the purpose of collecting salvage materials within the Town of Johnstown. For each additional vehicle used in and about said business for the purpose of collecting salvage materials within the municipal limits, an additional fee of \$5.00 shall be paid.

Whenever a license is lost or destroyed without fault on the part of the holder or his or her agent or employee, a duplicate license in lieu thereof under the original application and bond shall be issued by the town clerk upon the filing of an affidavit setting forth circumstances of the loss or destruction and upon the payment of the sum of \$1.00.

SECTION 7: POSTING

Every holder of a salvage dealer's license shall, at all times while in force, keep said license posted in a conspicuous place on the premises, which place is described in the application for such license. It shall be unlawful for any person to post such license or to be permitted to post it upon the premises in a place other than as mentioned in the application, or to knowingly to deface or destroy any such license.

Every licensed salvage dealer shall have and keep a sign on the outside and in front of each of his, her, or its places of business, on which shall be clearly set forth in conspicuous letters his, her, or its name, the words "Salvage Dealer," and the number corresponding to the number of his, her, or its license.

SECTION 8: PLACE OF BUSINESS

Every salvage dealer's license shall designate the place of business in or from which the salvage dealer receiving such license shall be authorized to carry on such business. No licensee shall remove his, her, or its place of business from the place designated in the license until a written permit has been secured from the Town Board, and the same shall have been endorsed upon the license. All signs required by Section 7 of this Chapter shall be altered to state the new address.

SECTION 9: REGULATIONS

- (A) No salvage dealer shall carry on the business at or from any place other than the one designated in the license, nor shall said business be carried on after such license has expired or been revoked.
- (B) No salvage dealer shall transact or be open for any business on Sundays between the hours of 12 a.m. and 7 a.m.

- (C) No salvage dealer shall purchase or acquire from any person under the age of 18 any salvage materials, other than old rags or paper, without the written consent of such person's parent or guardian. No items shall be acquired from any intoxicated person.
- (D) The contents of the premises of every salvage dealer shall be arranged in an orderly manner with all similar things located together so as to facilitate inspection by the proper authorities. The premises of every salvage dealer shall be subject to inspection by the proper municipal authorities at any time. In the case of salvage motor vehicle dealers, such premises shall be arranged so that all salvage motor vehicles are parked single file in a straight line, parking lot style, with hoods down and doors shut.
- (E) All articles received, except old rags or paper, shall be retained for 2 days before disposal.

SECTION 10: ADDITIONAL REGULATIONS

The Town Board shall formulate reasonable rules and regulations relating to the conduct of the business of salvage dealing which shall protect the health of the community. No salvage dealer shall violate any such rule or regulation.

SECTION 11: IDENTIFICATION MARKS

No person shall knowingly buy, sell, receive, dispose of, conceal, or have in his possession any motor vehicle, part, or accessory from which the manufacturer's serial number or any other number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory. Every person to whom is offered for sale, storage, or wreckage any motor vehicle, part, or accessory from which the manufacturer's serial number or any other number or identification mark has been removed, defaced, covered, altered, or destroyed shall immediately notify the Town Constable of such offer.

SECTION 12: LOST OR STOLEN GOODS

If any goods, articles, or things whatsoever shall be advertised in any newspaper printed in the Town as having been lost or stolen, and the same, or anything answering the description advertised or any part or portion thereof, shall be or come into the possession of any salvage materials merchant or peddler, he, she, or it shall give information about the same in writing to the Town Constable and state from whom the same was received. Any salvage materials merchant or peddler who shall have or receive any goods, articles, or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to the Town Constable, Town Board, any magistrate, or any person duly authorized in writing by the Town

Constable or any magistrate, who shall exhibit such authorization to such dealer or peddler.

SECTION 13: COMPLAINTS

Upon complaint being made in writing by any Town official or resident of the Town to the Town Clerk that any licensee has violated any of the provisions of this Chapter, the Town Board shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than 3 days after the date of the service thereof, to show cause why his, her, or its license shall not be revoked. The Town Board shall proceed to hear the matter, and if it finds that the allegations of said complaint are correct, it shall revoke said salvage dealer's license.

Whenever any license shall be so revoked, no refund of any portion of the license fee shall be made and no license shall be granted to any person, firm, partnership, association, or corporation whose license has been so revoked within a period of 5 years from the date of such revocation. Notice in writing of such revocation and the reason or reasons therefor shall be served by the Town Clerk upon the person, firm, partnership, association, or corporation named in the application by mailing the same to the address given in the application, and upon filing a copy of the same with the Town Clerk.

(Amended by Ordinance No. 09-1)

SECTION 14: PENALTIES

Any person, persons, firm, partnership, association, or corporation who by himself, herself, or itself, or by his, her, or its clerk, agent, or employee, shall conduct the business of a salvage dealer as herein defined without the license required by this Chapter, or shall otherwise violate any of the provisions of this Chapter, or who, having had his, her, its, or their license revoked, shall continue as a salvage dealer, may, upon conviction thereof, be subject to a fine or penalty of not more than \$200.00 for each day during which said violation shall continue, together with the costs of prosecution, and in default of payment of such fine and costs of such prosecution shall be imprisoned in the county jail for a period not exceeding 30 days. In addition to the penalties imposed, the license of the person, persons, firm, partnership, association, or corporation violating the same shall be canceled or revoked and the bond upon such license shall be forfeited.

(Amended by Ordinance No. 09-1)

SECTION 15: SEVERABILITY

Should any provision in this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

(Chapter Amended by Ordinance No. 99-3)

**CHAPTER 7 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN**

SPEED LIMITS

SECTION 1: EMERALD GROVE ROAD

The speed limit on Emerald Grove Road shall be 45 miles per hour from a point 0.7 miles north of C.T.H. "A" northerly to C.T.H. "M", for a total distance of approximately 1.2 miles.

SECTION 2: AUTHORIZATION FOR SIGNS

The Rock County Highway Department is authorized to install speed limit signs indicating the speed limits provided in this chapter.

(Amended by Ordinance No. 09-1)

SECTION 3: PENALTIES

Any person who violates the provisions of this Chapter regarding speed limits shall, upon conviction thereof, forfeit not less than \$30.00 nor more than \$300.00, 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 such costs and forfeitures are paid, but not exceeding 30 days.

TOWN OF JOHNSTOWN

**CHAPTER 8 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN**

FIRES

SECTION 1: LIABILITY FOR FIRE PROTECTION COSTS

- (A) False Alarms: Any person calling for assistance from a fire department when there is no fire, resulting in a false alarm, and any owner of a security system which results in a false alarm, shall be liable for expenses incurred by the Town of Johnstown as a result of such call.

(Amended by Ordinance No. 09-1)

- (B) Intentionally Set Fires: Any person who intentionally sets a fire or assists in the setting of a fire on land within the Town of Johnstown, regardless of whether a burning permit was obtained under this Chapter for the purpose of setting such fire, shall be liable for the expenses incurred by the Town of Johnstown if such fire is ultimately suppressed by a fire department, regardless of whether the person setting the fire or assisting in the setting of the fire acted negligently.

(Amended by Ordinance No. 09-1)

- (C) Non-Contracted Calls: Any property owner requesting fire protection directly from any fire department for property located in an area not consistent with the Town's contracts as described in Section 2 below shall be responsible for the full costs billed to the Town for the fire call from the unauthorized fire department. This subsection shall not apply to the costs of any department responding at the request of an authorized department under mutual aid.

(Amended by Ordinance No. 09-1)

- (D) Other Calls: In all other cases, when a fire department is called for assistance, the owner of the property to which the fire department is called, as well as the occupant of such property, jointly and severally, shall be liable for the expenses incurred by the Town of Johnstown up to the sum of \$500 for each call.

(Repealed and Recreated by Ordinance No. 04-01)

SECTION 2: CONTRACTED FIRE DEPARTMENTS

(Entire Section Amended by Ordinance 04-01)

The Town of Johnstown has contracted with three fire departments, with each department having responsibility for certain sections of the Town. Those departments and the sections for which they are responsible are as follows:

- (A) Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34 and 35 – Milton Volunteer Firemen, Inc.

(Amended by Ordinance No. 99-4)

- (B) Sections 1, 2, 11, 12, 13, 14, 23, 24, 25 and 26 – Whitewater Fire Department
(Amended by Ordinance No. 99-4)
- (C) Section 36 – Darien Fire Department
(Amended by Ordinance No. 99-4)

SECTION 3: BILLING AND PAYMENT PROCEDURE

The costs of fire calls imposed against individuals under Sections 1 and 2 above shall be billed by the Town Clerk to the person responsible and to the property owner and shall be paid to the Town Treasurer within 60 days of the date the bill is mailed to the property owner. Failure to pay the bill within 60 days shall result in a delinquency penalty calculated at the rate of 1.5% per month from the date the bill was mailed. Any bill hereunder not paid within 60 days shall become a delinquent special charge under Section 66.0627 of the Wisconsin Statutes on the property to which the fire call was made, and shall be included in the current or next tax roll for collection and settlement under Chapter 74 of the Wisconsin Statutes.

SECTION 4: BURNING PERMITS

Open burning is prohibited within the Town of Johnstown, except for small outdoor fires for cooking, ceremonies, or recreation, unless the person conducting such open burning first obtains from any member of the Town Board a burning permit. Burning permits may be issued only for the following purposes:

- (A) Burning of brush or weeds on agricultural lands.
- (B) Fires set for practice and instruction of firefighters or testing of firefighting equipment.
- (C) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the Wisconsin Department of Natural Resources.
- (D) Burning of small amounts of dry combustible rubbish (which does not include wet combustible rubbish, garbage, oily substances, asphalt, plastic, or rubber products).
- (E) Burning of trees, wood, brush, or demolition materials, excluding asphalt or rubber material, using methods approved by the Wisconsin Department of Natural Resources.
(Amended by Ordinance No. 09-1)
- (F) Burning of small amounts of dry leaves and dry plant clippings.

All open burning shall be conducted in a safe, pollution-free manner when wind and weather conditions are such as to minimize adverse effects, and in accordance with

state fire protection regulations.

SECTION 5: CONTROL OF BURNING

No person, firm, or corporation who sets a fire or assists in the setting of a fire, including a backfire, on any land within the Town of Johnstown, shall willfully or negligently allow such fire to become out of control so as to require suppression of such fire by a fire department. This section shall apply regardless of whether a burning permit has been obtained, and violation of this section shall be deemed a separate violation from that of failing to obtain a burning permit.

SECTION 6: FALSE ALARMS

No person shall initiate a false alarm by calling a fire department to provide firefighting services within the Town of Johnstown when there is no fire. Any person owning a security system which malfunctions and results in a false alarm shall be deemed to be in violation of this section.

SECTION 7: HAZARDOUS SUBSTANCES

The owner, occupant, or renter of property within the Town where hazardous substances, as that term is defined in Section 100.37(1)(c) of the Wisconsin Statutes, are kept shall notify the fire department which is responsible for fire protection in the area where such property is located of the type, amount, and location of such hazardous substances.

SECTION 8: PENALTIES

Any person who violates a provision of this Chapter may be required to forfeit not less than \$50.00, nor more than \$200.00, for each violation, plus the actual costs incurred by the Town of Johnstown for any firefighting services resulting from such violation, plus all costs of prosecution. The penalty surcharge shall be 26% of the forfeiture, the jail surcharge shall be 1% of the forfeiture or \$10.00, whichever is greater, and the crime labs and drug enforcement surcharge shall be \$8.00.

(Amended by Ordinance No. 99-4)

SECTION 9: SEVERABILITY

Should any provision in this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

(Amended by Ordinance No. 09-1)

TOWN OF JOHNSTOWN
CHAPTER 9 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN

PUBLIC NUISANCES

SECTION 1: DEFINITIONS

In this Chapter, the following words and phrases shall be construed to have the following meanings:

- (A) “Vehicle” means any device, other than farm machinery, designed to be self-propelled, including, but not limited to, automobiles, trucks, buses, motorcycles, snowmobiles, and all-terrain vehicles.
(Amended by Ordinance No. 09-1)
- (B) “Equipment” means tractors, other farm machinery, trailers, semi-trailers, mobile homes, boats, motors, lawn mowers, and garden tractors.
- (C) “Abandoned Vehicles or Equipment” means any vehicles or equipment which remain in one location on public property for more than 48 hours. Also included are any vehicles or equipment which remain in one location on private property without permission of the occupant of the private property for more than 1 hour. Any substantial part or parts of any vehicles and equipment are included in the above definition.
- (D) “Non-operable Vehicles or Equipment” means any vehicles or equipment or any substantial part or parts thereof which are incapable of being operated.
- (E) “Unlicensed Vehicle or Equipment” means any vehicle or equipment subject to a license law which does not have affixed thereto a current license under such license law.
- (F) “Refuse” means combustible and non-combustible discarded material, including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction or demolition.
- (G) “Public nuisance” means any object, act, occupation, condition, or use of property which shall continue for such length of time as to: (1) substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public; (2) in any way render the public insecure in life or in the use of property; (3) greatly offend the public morals or decency; or (4) unlawfully and

substantially interfere with, obstruct, tend to obstruct, or render dangerous for passage any street, alley, highway, navigable body of water or other public way, or the use of public property.

(Subsection Added by Ordinance No. 09-1)

- (H) “Center Pivot Manure Distribution Systems” shall mean a system for spreading manure which involves spraying the manure in liquid form through nozzles attached to a pivoting arm located in a farm field.”

(Amended by Ordinance No. 11-2)

The following acts, omissions, places, conditions, and objects are hereby specifically declared to be public nuisances if they exist outside of completely enclosed structures which prevent them from being visible, audible, or otherwise detected from outside the parcel of land on which the enclosure is placed. The following shall not be construed to exclude other nuisances falling within the definition above:

(Amended by Ordinance No. 09-1)

1. Appliances intended to be used indoors, including, but not limited to, refrigerators, freezers, washing machines, and dryers.
2. Debris from demolition or disassembly of buildings and other fixtures.
3. Piles of manure in any zoning district other than an agricultural district.
4. Tires which are not usable on a motor vehicle unless used for a legitimate functional or decorative purpose such as a sandbox or a flower bed.
5. Motor vehicle parts, including, but not limited to, batteries.
6. Empty chemical containers.
7. Stockpiles of recyclable materials, as defined in Chapter 11 of this Municipal Code.
8. Carcasses of animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in an appropriate and sanitary manner.
9. Buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use or occupancy.
10. Refuse which is not disposed of in an appropriate and sanitary manner.

11. Abandoned vehicles or equipment, inoperable vehicles or equipment, and unlicensed vehicles or equipment.
12. Stacks of used lumber and wooden palettes.
13. Piles of firewood which are not neatly stacked so that the pieces of wood run parallel to each other.

The use of center pivot manure distribution systems is hereby declared to be a public nuisance and the use of center pivot manure distribution systems is strictly prohibited within the Town of Johnstown.

(Paragraph Added by Ordinance No. 11-2)

SECTION 2: PROHIBITION OF PUBLIC NUISANCES

- (A) No owner or occupant of land located in the Town of Johnstown shall permit any public nuisance to exist on land owned or occupied by such owner or occupant longer than 10 days after written notification by the Town Board that such public nuisance shall be removed. The Town Board may appoint a person with the power to give notice hereunder. Notification under this section may be accomplished by placing a notice in a conspicuous place on the property where the public nuisance exists, setting forth briefly the applicable provisions of this Chapter and the date of the notice, or by sending a letter by certified mail, return receipt requested, to the owner or occupant.
- (B) No person who owns or possesses or has custody of any vehicles or equipment shall allow the same or any substantial part thereof to become an abandoned vehicle or equipment.

SECTION 3: EXCLUSION FOR AGRICULTURAL VEHICLES AND EQUIPMENT

This Chapter shall not apply to vehicles or equipment designed for use in the business of agriculture if located in an agricultural zoning district.

SECTION 4: REMOVAL BY TOWN

If a public nuisance is not abated within the time period provided in this Chapter, or if the owner, occupant, or person causing the nuisance cannot be found, any member of the Town Board or any person duly appointed by the Town Board is authorized to cause the removal or cessation of such public nuisance.

SECTION 5: ASSESSMENT TO PROPERTY OWNER

In all cases in which the Town Board or its representatives take action to remove or

stop a public nuisance under this chapter, the sums expended in accomplishing such removal shall be a lien on the real estate from which such nuisance is removed, in the same manner as any tax upon real estate. The Town Clerk shall certify the description of such property, and the cost of such removal, and the Clerk shall include the same in the annual schedule of land subject to special taxation. Payment of costs include a lien hereunder shall be enforced in like manners on the special tax upon real estate levied and collected in the Town of Johnstown.

(Amended by Ordinance No. 11-2)

SECTION 6: ENFORCEMENT PROVISIONS

- (A) First Offense/Penalty: Any person who violates this Chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution and the costs of removal of the nuisance incurred under Section 4 above, and in default of payment shall be imprisoned in the county jail until such forfeiture is paid, but not to exceed 90 days.
- (B) Second Offense/Penalty: Any person who violates this Chapter and has previously been convicted of violating the same provision of this Chapter shall, upon conviction thereof, forfeit not less than \$200 nor more than \$300 for each such offense, together with the costs of prosecution and the costs of removal, and in default of payment shall be imprisoned in the county jail until such forfeiture is paid, but not to exceed 6 months.
- (C) Each day a violation continues shall be deemed a separate offense or violation of this Chapter.
- (D) The Town Board may, in its discretion, enforce this Chapter under Chapter 823 of the Wisconsin Statutes and may obtain an injunction to prevent existing and future violations of this Chapter.

SECTION 7: LIEN

It shall be lawful for the Town Board in all cases where they shall deem it necessary under this Chapter to cause any vehicles or equipment to be removed, impounded, and disposed of, at Town expense, in accordance with the terms of this Chapter. In such cases, the sum or sums so expended in the abatement, removal, or disposal of said vehicle or equipment shall be a lien, in the same manner as any tax upon real estate, upon the lots or premises from which such vehicles or equipment shall be removed. The Town Clerk shall certify to the Town Treasurer the description of such property and the cost of abating, removing, and disposing of such vehicle or equipment therefrom, and the Treasurer shall include the same in the annual schedule of land subject to special taxation; payment thereof shall be enforced in like manner as other special taxes upon real estate levied and collected in the Town.

(Amended by Ordinance No. 09-1)

SECTION 8: SEVERABILITY

Should any provision in this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

(Amended by Ordinance No. 09-1)

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TOWN OF JOHNSTOWN
CHAPTER 10 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN

CITATIONS

SECTION 1: ADOPTION OF CITATION

Pursuant to Section 66.0113 of the Wisconsin Statutes, the Town of Johnstown does hereby adopt and authorize the use of a citation to be used for violations of the Municipal Code of the Town of Johnstown.

(Amended by Ordinance No. 09-1)

SECTION 2: FORM OF CITATION

The citation issued hereunder shall include the following:

- (A) The name and address of the alleged violator.
- (B) The factual allegations described in the alleged violation.
- (C) The time and place of the offense.
- (D) The number of the chapter and section violated.
- (E) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (F) The time at which the alleged violator may appear in court.
- (G) A statement which in essence informs the alleged violator:
 - 1. That the alleged violator may make a cash deposit as set forth in Section 3 of this Chapter, to be mailed to the Clerk of Courts of Rock County within 10 days after the issuance of the citation.
 - 2. That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.
 - 3. That if the alleged violator makes a cash deposit and does not appear in court, he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty surcharge imposed by Section 757.05(1) of the Wisconsin Statutes, a jail surcharge imposed by Section 302.46(1) of the Wisconsin Statutes, and a crime

laboratories and drug law enforcement surcharge imposed by Section 165.755 of the Wisconsin Statutes, as well as any applicable consumer protection surcharge imposed by Section 100.261 of the Wisconsin Statutes and any applicable domestic abuse surcharge imposed by Section 973.055(1) of the Wisconsin Statutes, the total not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

(Amended by Ordinance No. 09-1)

4. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty surcharge imposed by Section 757.05(1) of the Wisconsin Statutes, the jail surcharge imposed by Section 302.46(1) of the Wisconsin Statutes, and the crime laboratories and drug law enforcement surcharge imposed by Section 165.755 of the Wisconsin Statutes, as well as any applicable consumer protection surcharge imposed by Section 100.261 of the Wisconsin Statutes and any applicable domestic abuse surcharge imposed by Section 973.055(1) of the Wisconsin Statutes.

(Amended by Ordinance No. 09-1)

5. That if the court finds that the violation involves an chapter or provision thereof that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Sec. 800.093 of the Wisconsin Statutes.

- (H) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subsection (G) above and shall send the signed statement with the cash deposit.

SECTION 3: SCHEDULE OF CASH DEPOSITS

The following cash deposits are required for violations of the Municipal Code of the Town of Johnstown:

| Chapter | Violation Forfeiture | Penalty Surcharge | Jail Surcharge | Crime Labs and Drug Law Enforcement Surcharge | Total Deposit |
|---|----------------------|-------------------|----------------|---|---------------|
| Chapter 2 – Regulation of Dogs | \$100.00 | \$26.00 | \$10.00 | \$8.00 | \$144.00 |
| Chapter 3 – Operator of Motor Vehicles Off Public Roads | \$75.00 | \$19.50 | \$10.00 | \$8.00 | \$112.50 |
| Chapter 6 – Salvage Dealers | \$125.00 | \$32.50 | \$10.00 | \$8.00 | \$175.50 |
| Chapter 7 – Speed Limits | \$75.00 | \$19.50 | \$10.00 | \$8.00 | \$112.50 |
| Chapter 8 – Fires | \$125.00 | \$32.50 | \$10.00 | \$8.00 | \$175.50 |
| Chapter 9 – Public Nuisances (1 st offense) | \$125.00 | \$32.50 | \$10.00 | \$8.00 | \$175.50 |
| Chapter 9 – Public Nuisances (2 nd offense) | \$250.00 | \$65.00 | \$10.00 | \$8.00 | \$333.00 |
| Chapter 14 – Landspreading of Petroleum-Contaminated Soil | \$500.00 | \$130.00 | \$10.00 | \$8.00 | \$648.00 |

(Amended by Ordinance No. 09-1)

SECTION 4: PAYMENT OF CASH DEPOSIT

Cash deposits hereunder are to be made to the Town Attorney for the Town of Johnstown, who shall issue a receipt for any such cash deposits.

SECTION 5: AUTHORITY FOR ISSUANCE OF CITATION

Citations authorized under this Chapter may be issued by law enforcement officers of Rock County. In addition, the Town Chair shall have authority to issue citations under this Chapter, and the Town Board may by resolution designate one or more additional officials of the Town to have authority to issue citations under this Chapter.

SECTION 6: SEVERABILITY

Should any provision in this Chapter be declared unconstitutional or invalid by a

court of competent jurisdiction, the remaining provisions shall not be affected.

(Entire Chapter Amended by Ordinance No. 01-1)

TOWN OF JOHNSTOWN
CHAPTER 11 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN

RECYCLING

SECTION 1: AUTHORITY

This chapter is created to promote recycling, composting, and resource recovery through the administration of an effective recycling program as provided in Section 159.11 of the Wisconsin Statutes and Chapter NR 544 of the Wisconsin Administrative Code.

SECTION 2: FINDINGS

The Town Board of the Town of Johnstown determines that there is an increasing need to conserve natural resources and reduce the need for landfill space for the citizens of the Town of Johnstown. Newspapers, clear, amber, and green glass, used oil, aluminum cans, steel and bi-metal cans, scrap metal products, plastic, foam polystyrene packaging, mixed paper, corrugated fiberboard, tires, lead-acid batteries, and yard waste comprise a substantial portion of residential and business solid waste material. These items can be separated from other solid waste materials and recycled, benefiting residents, businesses, and other taxpayers of the Town by reducing the volume of solid waste materials collected by the Town and transported to and deposited in authorized landfill sites.

(Amended by Ordinance No. 09-1)

SECTION 3: DEFINITIONS

As used in this Chapter, the following terms shall be defined as follows:

- (A) “Collector” means the persons specifically authorized by the Town Board to collect garbage, rubbish, and recyclable materials and dispose of the same.
- (B) “Garbage” means and includes all organic kitchen waste that attends the storage, preparation, use, cooking, or serving of food.
- (C) “Scrap metal products” means heavy objects made of metal, including but not limited to iron and steel objects and large metal appliances.
- (D) “Newspapers” means matter printed on newsprint, including daily or weekly publications and advertising circulars, whether delivered separately or accompanying newspapers, normally delivered or mailed to businesses for dissemination of public information.

- (E) “Mixed paper” means all other paper, including books, magazines, catalogs, phone books, office paper, junk mail, cereal boxes, and similar material.
- (F) “Corrugated fiberboard” means two-ply cardboard used in shipping and packaging containers.
(Amended by Ordinance No. 09-1)
- (G) “Recyclable material” means newspaper, clear, amber, and green container glass, used oil, aluminum, steel and bi-metal cans, plastic containers #1 thru #7, aseptic containers (i.e. juice boxes), foam polystyrene, corrugated fiberboard, scrap metal products, leaves, trees, tree limbs, and brush, tires and lead-acid batteries, and other solid waste materials designated from time to time as recyclable. Items may be added to or deleted from this list by the Town Board.
(Amended by Ordinance No. 09-1)
- (H) “Non-recyclable materials” means all materials not defined as recyclable materials under paragraph (G).
- (I) “Rubbish” means and includes all useless waste except leaves, trees, tree limbs, brush, earth, or stone.
- (J) “Yard waste” means leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than eight inches in diameter. This does not include stumps, roots, or shrubs with intact root balls.
- (K) “Solid waste” means all garbage and rubbish as herein defined.
- (L) “Hazardous waste” means any substance that can catch fire, can react or explode when mixed with another substance, or is corrosive or toxic. Such substances include but are not limited to chemicals, solvents, fertilizers, acids and caustics, poisons, herbicides, pesticides, insecticides, and wood preservatives.
- (M) “Infectious waste” means biological and medical waste which is a medium for communicating disease or illness, human and animal body waste, dead animals, and contaminated substances or materials, including but not limited to contaminated food, water, or clothing.
(Amended by Ordinance No. 09-1)
- (N) “Recycling container” means any labeled or marked container for collection of recyclable materials from residential properties and businesses or clear plastic bags for holding recyclable paper products.
- (O) “Residential family dwelling” means a property containing four or fewer residential units.

- (P) “Multi-family dwelling” means a property containing five or more residential units.
- (Q) “Non-residential facilities and properties” means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multi-family or residential family dwellings.

SECTION 4: REQUIRED SEPARATION OF RECYCLABLES FROM SOLID WASTE

The owner or occupant of each residence, residential unit, place of business, industrial site, institution, or other place providing foods or services of any type shall cooperate in the recycling of recyclable material by performing the following:

- (A) Except as otherwise directed by the Town Board, all recyclable material shall be separated from other solid waste. Recyclable materials shall be placed in appropriate recycling containers for collection in the same manner as regular solid waste according to the collection schedule established under Section 5. Recyclables shall not be placed in containers with solid waste.
- (B) Newspaper and mixed paper shall be placed in a paper bag or placed in the appropriated container and placed at the curb with solid waste on the designated collection date for collection by the Town’s solid waste collector. Bundles or separated newspapers shall not be placed in containers with solid waste. No newspapers or mixed paper, except contaminated paper or paper otherwise rendered useless for recycling purposes, shall be disposed of with solid waste.
- (C) Owners of multi-family dwellings must provide separate containers for regular collection of recyclables outside and wherever practicable within each apartment, on every floor, or in a central area, and must notify tenants upon move-in and semi-annually thereafter of the reasons to reduce and recycle solid waste, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company including a name, address, and phone number. Recyclables shall not be placed in containers with solid waste.
- (D) Rimless tires, lead-acid batteries, and used oil shall be kept separate from other solid waste materials and shall be placed for collection in the same manner as regular solid waste on the designated collection date. The items may also be recycled at private businesses where they are purchased or at private recycling centers.
- (E) Owners of non-residential facilities must provide separate containers for recyclable materials and regular collection of those containers, must notify

all users of these facilities semi-annually of the reasons to reduce and recycle, which materials are collected, how to prepare recyclable materials in order to meet the processing requirements of their collection programs, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and phone number.

(Amended by Ordinance No. 09-1)

- (F) All non-residential facilities and multi-family dwellings shall have on file with the Town a description of their individual recycling programs. The Town may conduct annual audits and inspections to ensure compliance with this Chapter.

SECTION 5: RESIDENTIAL COLLECTION SCHEDULE

- (A) The Town Board and Town's collector shall establish the time of collection of recyclable materials and other solid waste, and the Town shall publish the collection schedule at least once in the spring and fall of each year and, in addition, at any time the collection schedule is changed.
- (B) Solid waste containers and recycling containers shall be placed as herein required at the required collection point no earlier than 4 p.m. the day before the regularly scheduled collection and no later than 6 a.m. on the collection day, and no person shall permit solid waste or solid waste containers to accumulate or remain at the curb line after 7 p.m. on the regularly scheduled collection day.

(Amended by Ordinance No. 09-1)

SECTION 6: PLACING SOLID WASTE FOR RESIDENTIAL COLLECTION

- (A) Except as otherwise specifically directed or authorized by the Town under (B), solid waste and recycling containers from all residences shall be placed 5 feet from the edge of the road. In addition, solid waste containers and recycling containers shall be placed 5 feet apart.
- (B) The Town may direct or authorize the placing of solid waste and recycling containers in a manner different from that provided herein in order to facilitate a more reasonable mode of collection from particular premises.

(Amended by Ordinance No. 09-1)

SECTION 7: PREPARATION OF SOLID WASTE FOR RESIDENTIAL COLLECTION

- (A) All garbage or rubbish placed for collection shall be well drained, wrapped, and deposited in water-tight containers or water-tight bags. No container or bag placed for collection shall exceed 30 gallons in capacity or 40 pounds in weight.

- (B) Any garbage or rubbish not placed for collection in accordance with the provisions of this section may be refused by the collector.

SECTION 8: GARBAGE OR RUBBISH NOT TO BE DEPOSITED IN ANY OTHER PLACE OR MANNER THAN HEREIN PROVIDED

- (A) No person shall place any garbage on any street, alley, sidewalk, or other public or private property unless the same is placed in containers or bags for Town collection at the times and in the manner as herein provided.
- (B) No person shall place for collection any solid waste at the curb line or alley adjacent to any premises not owned or occupied by such person or dispose of waste at any unauthorized site.

SECTION 9: ITEMS NOT TO BE PLACED FOR RESIDENTIAL PICKUP BY COLLECTOR

No person shall dump, deposit, or place at the curb line adjacent to any street or public alley for collection or for any other purpose any of the following:

- (A) Construction and/or demolition materials, such as large amounts of stone, concrete, lumber, roofing materials, earth, or sod;
- (B) Containers over 30 gallons or 40 pounds;
- (C) Tree stumps, roots, and shrubs with intact root balls over 8 inches in diameter and/or greater than 40 pounds;
- (D) Hazardous, toxic, or infectious waste;
- (E) Yard waste.

SECTION 10: PUBLIC INFORMATION AND EDUCATION PROGRAM

The Town, with the assistance of the Recycling Committee, shall conduct an ongoing public information and consumer and youth education program concerning local and state recycling and waste reduction efforts.

SECTION 11: PROHIBITED DISPOSAL OF RECYCLABLES

No items which have been separated for recycling shall be disposed of in a solid waste disposal facility or burned in a solid waste treatment facility.

SECTION 12: FEES FOR RESIDENTIAL FAMILY DWELLING

A fee established by the Town Board by resolution shall be assessed to each residential family dwelling in the Town. Said fee shall become a special assessment pursuant to Section 66.0703 of the Wisconsin Statutes and may be collected in accordance with the terms of that section.

(Amended by Ordinance No. 09-1)

SECTION 13: FEES FOR NON-RESIDENTIAL FACILITIES AND PROPERTIES AND MULTI-FAMILY DWELLINGS

The owners of each multi-family dwelling and each non-residential facility and property within the Town shall contract with the collector to provide for collection of solid waste and recyclables consistent with the terms of this Chapter. No special assessment shall be created against multi-family dwellings or non-residential facilities or properties, and the collector shall be responsible for collecting fees from such multi-family dwellings and non-residential facilities and properties. The collector may refuse to provide services to a multi-family dwelling or a non-residential facility or property if the owner of such property fails to make payment to the collector consistent with the terms of his or her agreement with the collector, or if such owner fails to enter into such an agreement; in such event, the owner shall be deemed to be in violation of this Chapter and shall be subject to the enforcement provisions of this Chapter.

SECTION 14: ENFORCEMENT

- (A) For the purpose of ascertaining compliance with the provisions of this Chapter, any authorized officer, employee, or representative of the Town of Johnstown may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-family dwellings and non-residential facilities and properties, and any records related to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee, or representative of the Town of Johnstown who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (B) Any person who violates any provision of this Chapter may be issued a citation by the Building Inspector or any member of the Town Board of the Town of Johnstown authorized to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other chapter or law relating to the same or any other matter, nor shall proceeding under any other chapter or law relating to the same or any other matter preclude the issuance of a citation under this section.

- (C) Any person who violates any provision of this Chapter may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation. Each day a violation exists or continues shall constitute a separate offense.

SECTION 15: INTERIM PROVISIONS

With respect to all assessments made against multi-family dwellings and non-residential facilities and properties for recycling purposes prior to the enactment of this Chapter, fees collected from each such assessments shall be turned over to the collector, whereupon the collector shall grant a credit to the owner of the corresponding multi-family dwelling or non-residential facility or property on fees which would otherwise be collectable by the collector under Section 13 of this chapter.

(Amended by Ordinance No. 99-7)

SECTION 16: SEVERABILITY

Should any provision in this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

(Amended by Ordinance No. 09-1)

TOWN OF JOHNSTOWN
CHAPTER 12 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN

AUTHORITY TO PAY TAXES

SECTION 1: PURPOSE AND INTENT

It is the declared intent of this Chapter to give direction to the Town Treasurer of the Town of Johnstown to receive and disburse Town money pursuant to Section 60.34 of the Wisconsin Statutes. It is further the declared intent of this Chapter that it shall constitute an ordinance adopted pursuant to Section 70.67(2) of the Wisconsin Statutes, obligating the Town of Johnstown to pay, in case the Treasurer hereof shall fail to do so, all taxes of any kind required by law to be paid by such Treasurer to the County Treasurer.

SECTION 2: OBLIGATION TO PAY

The Town of Johnstown hereby declares its obligation to pay, in case the Treasurer thereof shall fail to do so, all taxes of any kind required by law to be paid by such Treasurer to the Rock County Treasurer. The obligation hereby undertaken excuses the Treasurer of the Town of Johnstown from giving a bond for tax collection under Section 70.67(1) of the Wisconsin Statutes.

TOWN OF JOHNSTOWN

**CHAPTER 13 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN**

REGULATION OF DRIVEWAYS

SECTION 1. PURPOSE

The purpose of this chapter is to control the location and construction of all driveways connecting to town roads in the interest of protecting the health, safety and welfare of the motoring public, as well as pedestrians.

SECTION 2. DEFINITIONS

The following words and phrases, as used in this ordinance, shall have the meaning provided:

- A. Driveway: A point of access from property abutting a road onto that road. For purposes of this ordinance all of the following are considered driveways:
1. Commercial Driveway: An access that will be used primarily for a commercial, business or industrial site.
 2. Field Entrance: An access that will be used on a seasonal basis for entrance to an undeveloped piece of land. The access will not be used as an access for a private residence or a commercial, business or industrial site.
 3. Intersecting Public Road: An access that will be constructed and dedicated to the Town as part of the local road network and to be maintained by the Town.
 4. Park Entrance or Entrance to Public Lands: An access to a park or to public lands owned or controlled by a local, state or federal government.
 5. Private Driveway: An access that will be used as the primary access for a private residence.
 6. Shared Driveway: An access for a private residence or a commercial, business or industrial site that is shared with the adjoining property owner for the purpose of sight distance or reducing accesses along the public road.

- B. Point of Access: The physical location where entrance to and exit from abutting land is possible from and to a road.
- C. Road: Any surface maintained by the Town for use by vehicle traffic.
 - a. Connecting Road: The road which a driveway touches and joins to allow for entrance to and exit from property abutting the same road.
 - b. Cross Road: Any road which touches, joins or intersects a connecting road.

SECTION 3. PERMIT REQUIRED

No person shall construct, reconstruct or enlarge any driveway accessing any public road under the control and jurisdiction of the Town without first obtaining a permit as provided by this ordinance. Approved permits run with the property unless revoked by the Town Board pursuant to the provisions of this chapter. Building permits shall not be issued by the Town until a driveway permit has first been issued. Permits for access on county trunk highways in Rock County and state highways within the Town are available from the Rock County Highway Department.

SECTION 4. PERMIT APPLICATIONS

- A. Applications for all permits shall be made to the Zoning Officer.
- B. Applications shall be in writing and in a form directed by the Zoning Officer. A drawing accurately depicting the construction, reconstruction or enlargement of the driveway and its dimensions shall be attached to the application. The application shall include:
 - 1. A statement that the applicant represents all parties in interest, and that the proposed driveway is for the singular purpose of securing access to the applicant's property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the road, or for any other purpose.
 - 2. An acknowledgment by the applicant that, notwithstanding the issuance of a permit and or the construction of the driveway, the Town reserves the right to make any changes, additions, repairs or relocations within the road at any time, including relocation, reconstruction, widening and maintaining the road without compensating the owner of the driveway for the damage or destruction of the driveway.

- C. Upon receipt of the application, the Zoning Officer shall examine and approve such application if the proposed driveway complies with this and any other applicable ordinance.
- D. Any application failing to meet the requirements of this or any other applicable ordinance shall be rejected by the Zoning Officer. In such event, the applicant may file a request for a special exception from the terms of this chapter under Section 8 below.
- E. A driveway permit shall expire one (1) year from the date of issuance if the driveway is not installed or not used for access to a road within that time. Permit holders shall be notified of the discontinuance of the permit and the need to reapply for another permit prior to any future work on a driveway.
- F. Following issuance of a permit, the point of access shall be inspected during and after construction for compliance with the terms of this chapter.
- G. When violations occur, the Town Board shall revoke the driveway permit and will have the authority to demand that work done in violation of this ordinance be removed at the expense of the owner.
- H. The Zoning Officer may reject any application that is substantially identical to a previously denied application or application for special exception that was denied by the Town Board.

SECTION 4. TEMPORARY PERMITS

Temporary permits may be issued for temporary points of access that do not meet the requirements of this ordinance for extenuating circumstances at the discretion of the Town Board. The duration of a temporary permit shall be fixed when it is issued and shall in no case exceed two months' time.

SECTION 5. EXISTING DRIVEWAYS

Any driveway existing on the date of adoption of this chapter shall not require a permit under this chapter except as set forth in this section. If the use of any such driveway is discontinued for a period of one (1) year, the Town Board may require issuance of a permit and compliance with this chapter as a condition for any further use of the driveway. Any reconstruction, enlargement or modification to a driveway existing prior to the adoption of this chapter shall require a permit under and be subject to the terms of this chapter.

SECTION 6. DRIVEWAY DIMENSIONS

- A. A driveway shall have a minimum width of twelve feet (12') where it connects to a road.
- B. The maximum width of a driveway where it connects to a road shall be thirty-six feet (36').
- C. If a culvert is deemed necessary by the Zoning Officer to promote drainage in the ditch line, the size (diameter and length) of the culvert pipe may be specified by the Zoning Officer. The minimum culvert size shall be fifteen inches (15").
- D. Shared driveways shall have a minimum width of twelve feet (12') and shall be constructed so that at least 40% of the driveway is constructed on each of the adjoining landowners' property and shall remain shared for no less than twenty feet (20') before any separation to serve the separate landowners.
- E. The number of driveways to serve an individual parcel or adjoining parcels under the same ownership abutting a road shall be the minimum deemed necessary by the Zoning Officer for reasonable and adequate service to the property, considering the safety, convenience, dimensions and utility of the driveway and the road.

SECTION 7. DRIVEWAY LOCATION

- A. All driveways shall have a minimum of six hundred fifty feet (650') of clear sight distance in both directions from the point of access.
- B. All driveways shall be constructed no closer to another driveway, a cross road or a curve in the connecting road than as set forth below. The Zoning Officer may require such additional separation as may be deemed necessary for the conditions of traffic, safety or the physical features of the road, either existing or proposed.
 - 1. The centerline of a private driveway, shared driveway, field entrance or park entrance shall be located a minimum of one hundred fifty feet (150') from the centerline of the nearest cross road or from any point at which the connecting road makes a turn or curve of thirty degrees (30°) or more (measured along the centerline of the road).
 - 2. The centerline of a commercial driveway shall be located a minimum of three hundred feet (300') from the centerline of the nearest cross road or from any point at which the connecting road makes a turn or curve of thirty degrees (30°) or more (measured along the centerline of the road).

3. The centerline of an intersecting public road shall be located a minimum distance from the centerline of the nearest cross road or from any point at which the connecting road makes a turn or curve of thirty degrees (30°) or more (measured along the centerline of the road) determined by the Town Board on a case-by-case basis, but in no case shall such distance be less than one hundred fifty feet (150').
 4. The centerline of a driveway shall be at least two hundred fifty feet (250') from the intersection of a connecting road and a controlled access highway (as defined by Wis. Stat. § 83.027(2) (2005-06)).
 5. Driveways shall be placed a minimum of four hundred fifty feet (450') apart, measured from where the centerline of each driveway joins the connecting road.
- C. The edge of a driveway and the end of any culvert pipe shall be located at least ten feet (10') from any property line. In the case of a shared driveway, the culvert pipe shall be at least five feet (5') from any property line upon which the driveway is located, and at least ten feet (10') from any other property line.
 - D. Any culvert pipe shall have a minimum cover of six inches (6") of gravel or rock.
 - E. Any end wall located on a driveway shall be constructed in such a manner as not to be a safety hazard. Standard apron end sections made of concrete or metal are permissible.
 - F. The driveway shall be constructed with a gentle slope to the back of the ditch line such that the surface of the driveway at the back of the ditch line is at least six inches (6") lower than the roadway in order to keep drainage off the roadway. All water that drains from a driveway must drain into the ditch before it reaches the roadway.
 - G. No concrete surfacing shall be placed in the road right-of-way without the approval of the Town Board.
 - H. Maintenance of any driveway shall be the sole responsibility of the property owner. The Town does not assume any responsibility for maintenance of any driveway along any road.
 - I. No driveway shall have a point of access on a connecting road if it is reasonably possible under the terms of this chapter to locate the driveway on a different connecting road with a lower daily traffic count.

- J. Field entrances are limited to one entrance per farm field, with additional field entrances allowable where natural obstacles within the field prevent reasonable access across the field or where the distance across the field exceeds one-half (1/2) mile.
- K. No driveway shall be located directly across from a private residence in such a manner that lights from a vehicle exiting the driveway would cause an unnecessary disturbance to the residence.

SECTION 8. SPECIAL EXCEPTIONS

- A. In the event that the Zoning Officer rejects an application for a driveway permit, the applicant may apply to the Town Board for a special exception from the provisions of this ordinance.
 - 1. The application for a special exception shall be a written statement that at a minimum addresses the following:
 - (a) Reason the original application for a permit was rejected by the Zoning Officer.
 - (b) Reason a special exception is necessary for a driveway that does not satisfy the provisions of this ordinance.
 - (c) Any alternative points of access to the property and the reason those alternative points of access are not suitable or less desirable than the point of access requested.
 - (d) Statement of any unnecessary hardship the owner would face absent approval of a special exception.
 - 2. The application for a special exception shall be submitted to the Town Clerk within 30 days of the date the original application was rejected by the Zoning Officer. The original application made to the Zoning Officer shall be attached to the request for a special exception.
- B. The procedure for obtaining a special exception is as follows:
 - 1. A completed application for special exception is submitted to the Zoning Officer.
 - 2. The Town Clerk shall notify all property owners located on the same road or an intersecting road and within one thousand feet (1000') of the parcel for which a special exception is requested and publish a Class 1 Legal Notice listing the time and place of the public hearing,

the special exception requested, and the location of the proposed special exception driveway. Such notice shall be given and published at least ten (10) days before the date of the hearing.

3. A public hearing shall be held by the Town Board. The hearing may be held during a regularly scheduled Town Board meeting. The hearing shall be in compliance with requirements of the Wisconsin Statutes for an administrative appeal under Wis. Stat. section 68.11 (2005-06) or any successor statute.
4. The application and information obtained at the public hearing shall be reviewed by the Town Board at a public meeting (which may occur immediately following the public hearing).
5. Upon consideration of the provisions of this chapter and standards in this section, the Board may approve, approve with conditions or modifications, or deny the application for a special exception.
6. A special exception driveway permit (with or without conditions or modifications) shall run with the land and is assigned to the driveway, not the person who owns the land.
7. The Town Board may revoke, by majority vote, a special exception permit if it is not actively used for a period of one (1) year, the conditions or modifications required are not met or construction, reconstruction, enlargement or use are expanded beyond what the Board approved.
8. Prior to revocation, the owner of the driveway shall be given notice by first class mail that the subject of revocation will be taken up by the Board at a time and place identified in the notice. Such notice shall be mailed at least ten (10) days before the date of the meeting.
9. If a special exception application is approved with conditions or modifications, the Board shall provide its decision in a written form, listing the conditions or modifications that must occur and be maintained for the permit to remain valid. The decision will specify the obligations of the owner and the obligations of the Town regarding each condition or modification.
10. If a special exception application is denied, the Board shall provide its decision in a written form, listing the reasons for denial.
11. The Town Board may, without a public hearing or public notice, deny an application for a special exception which is substantially identical to a special exception permit which it has previously denied.

- C. In considering a special exception request, the Town Board shall consider each of the following as they may apply to the request:
1. Alternative access points the owner could use that more closely or fully conform to this ordinance.
 2. Location of the proposed point of access with respect to existing or planned roads.
 3. Potential problems that may affect the community, adjoining parcels of land, traffic conditions on the connecting road, safety, and or the physical features of the road and the surrounding environment.
 4. Modifications that would reduce potential problems (for example, changes to the proposed driveway or surrounding property, posting warning signs, changing speed limits, etc...).
 5. The degree of unnecessary hardship created for the applicant by enforcement of the strict terms of this chapter.

In addition to the standards above, if six hundred fifty feet (650') of clear sight distance in both directions is not possible at the point of access for the proposed driveway, the Town Board's determination of whether a driveway can provide safe access to and exit from the property shall be guided whenever possible by the minimum standards developed in a 1990 study done for the State of New Jersey based on the American Association of State Highway and Transportation Officials' (AAHTO) stopping sight distances for given posted speeds, as follows:

Stopping Sight Distances

| <u>Posted Speed (mph)</u> | <u>Minimum Stopping Sight Distance (feet)</u> |
|---------------------------|---|
| 25 | 150 |
| 30 | 200 |
| 35 | 250 |
| 40 | 325 |
| 45 | 400 |
| 50 | 475 |
| 55 | 550 |

If a driveway is to be located in an area where a speed zone transitions from a faster speed limit to a lower speed limit, the higher speed limit will be used for purposes of the posted speed up in the above chart up to the spot where the slower speed limit is posted on a sign.

SECTION 9. PERMIT FEES AND VIOLATION

- A. The applicant shall pay to the Town of Johnstown a fee at the time of application. No application will be processed without payment of the applicable fee. The fee structure is as follows, and is structured for the cost of permit administration and field inspections:

| <u>Driveway Type</u> | <u>Fee</u> |
|---|----------------------------|
| Commercial Driveway | \$100.00 |
| Field Entrance | \$50.00 |
| Intersecting Public Road | \$200.00 |
| Park Entrance or Entrance to Public Lands | No Fee |
| Private Driveway | \$75.00 |
| Shared Driveway | \$75.00 per property owner |

- B. The fees set forth above may be amended by resolution of the Town Board and the fee in effect at any time shall be as set forth on the schedule on file in the offices of the Town Clerk and Treasurer.
- C. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100, nor more than \$250, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offence under this ordinance. In

addition, the Town Board may seek injunctive relief from a court to enjoin further violations.

AMENDMENT TO CHAPTER 10

In addition to the creation of Chapter 13 of the Municipal Code as described above, Section 3 of Chapter 10 of the Municipal Code of the Town of Johnstown is hereby amended to include the following violations and penalties provided for in Chapter 13.

| Chapter | Violation Forfeiture | Penalty Surcharge | Jail Surcharge | Crime Labs and Drug Law Enforcement Surcharge | Total Deposit |
|--------------------------------------|----------------------|-------------------|----------------|---|---------------|
| Chapter 13.- Regulation of Driveways | \$250.00 | \$65.00 | \$10.00 | \$8.00 | \$333.00 |

SECTION 11: EFFECTIVE DATE

This ordinance shall take effect upon passage and posting as required by law.

TOWN OF JOHNSTOWN
CHAPTER 14 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN

LANDSPREADING

SECTION 1: LANDSPREADING PROHIBITED

No person shall landspread or permit landspreading of petroleum-contaminated soil in the Town of Johnstown except as set forth in Section 2 below.

SECTION 2: EXCEPTION

Petroleum-contaminated soil taken from land located within the Town of Johnstown may be landspread, provided that the landspreading is done in accordance with all applicable regulations and requirements of the Wisconsin Department of Natural Resources.

SECTION 3: DEFINITIONS

In this Chapter the following terms shall have the following definitions:

- (A) “Landspread” and “landspreading” mean the controlled application of petroleum-contaminated soil to the land surface and incorporation of such soil into the upper soil zone.
- (B) “Person” means an individual, partnership, corporation, limited liability company, municipality, government entity, or any other legal entity.
- (C) “Petroleum-contaminated soil” means soil contaminated with light and middle petroleum distillates or heavier petroleum products.
- (D) “Light and middle petroleum distillates” means gasoline, diesel fuel numbers 1 and 2, jet fuel, kerosene, and aviation gasoline.
- (E) “Heavier petroleum products” means numbers 4 and 5 fuel oil, waste oil, and sludges derived from petroleum products.

SECTION 4: PENALTIES

Any person convicted of a violation of this Chapter shall be subject to a fine of not less than \$100.00 nor more than \$500.00, together with the costs of prosecution. Each day a violation continues or occurs shall constitute a separate offense. In default of payment, the violator shall be imprisoned in the county jail until such fine

and costs are paid, such imprisonment not to exceed 90 days. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent a violation of any provision of this Chapter or the removal of petroleum-contaminated soil.

SECTION 5: SEVERABILITY

Should any provision in this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

(Amended by Ordinance No. 09-1)

TOWN OF JOHNSTOWN

**CHAPTER 15 OF THE MUNICIPAL CODE
OF THE TOWN OF JOHNSTOWN, WISCONSIN**

SLUDGE HAULING

SECTION 1. PURPOSE

The Town Board of the Town of Johnstown, Rock County, Wisconsin, does hereby find, determine and ordain that in order to promote the health, safety, welfare and convenience of the public, it is necessary to restrict the transportation of garbage, sludge, septage or other refuse which can cause damage to Town Roads.

SECTION 2. DEFINITIONS

2.1 Town Roads. All streets, highways and roadways that are maintained by or at the expense of the Town of Johnstown.

2.2 Garbage. Garbage is discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

2.3 Sludge. Sludge is sewage treatment residue in any form whatsoever, whether solid, semi-solid or liquid, which has been process or treated in any way, form or manner.

2.4 Septage. Septage is the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms as those terms are defined in Chapter NR 113 of the Wisconsin Administrative Code or its successors.

2.5 Refuse. Refuse is combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial wasted, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, material and debris resulting from construction or demolition, and by-products of food production.

2.6 Municipality. Municipality is any city, village, town or sanitary district.

SECTION 3. PERMIT REQUIRED

No person, firm, corporation or municipality shall transport any garbage, sludge, septage, or other refuse on Town Roads until such person, firm, corporation or municipality has first secured a permit to do so from the Town Board.

SECTION 4. APPLICATION FOR PERMIT

Application for a permit to transport garbage, sludge, septage or other refuse on

Town Roads, as required in Section 3 above, shall be made to the Town Board. Such application shall contain the following information:

1. A description of the material to be transported.
2. The quantity of material to be transported.
3. The destination for the material.

SECTION 5. REQUIREMENTS FOR ISSUANCE OF PERMIT

The Town Board may issue a permit under this chapter upon the following conditions:

1. The applicant agrees in writing to indemnify and hold the Town of Johnstown harmless for any and all damage or injury to Town Roads that is caused by the applicant's use of the Town Roads.
2. The applicant has satisfied the Town Board that the fee imposed for the proposed transportation will adequately compensate the Town for any anticipated damage to Town Roads resulting from the hauling of garbage, sludge, septage or other refuse.
3. The applicant demonstrates that any vehicles used for transportation of garbage, sludge, septage or other refuse are so designed as to prevent the dropping of any of said materials on the Town Roads.
4. The applicant has not shown a pattern of failure to abide by the terms of this chapter.

SECTION 6. TRANSPORTATION OF SLUDGE OR SEPTAGE

In addition to obtaining a permit under this chapter, any person transporting sludge or septage on Town Roads shall notify the Town Clerk or the Town Chair in writing of the date and time of such transportation at least seven days before the date of such transportation. Such notice shall be personally delivered or, in the alternative, may be delivered by certified mail, return receipt requested, in which case notice shall be effective on receipt.

Any garbage, sludge, septage or other refuse dropped on a Town Road must be removed within four hours of the time that notice is given to the owner or operator of a vehicle from which such material was dropped.

SECTION 7. PERMIT FEE

Any applicant granted a permit under this chapter shall pay a fee to be determined by resolution of the Town Board. Such fee shall be sufficient to compensate the Town for its expenses incurred in administering this chapter and for any reasonably anticipated road damage resulting from the hauling of garbage, sludge, septage and other refuse. The Town

Board may impose a lesser fee for applicants hauling less than 100,000 gallons of sludge or septage in a calendar year.

SECTION 8. PENALTIES

Any person, firm, corporation or municipality who shall violate any provision of this ordinance shall be fined not less than \$50.00 nor more than \$5,000.00 for each day that the violation continues, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. The Town may also seek injunctive relief to prevent the continuation of any such violation.

SECTION 9. EXCEPTIONS

The following activities are exempt from the application of this chapter:

1. The transportation of garbage or refuse from a single family or household provided that such garbage or refuse is handled in a manner consistent with the provisions of Chapter 1 of the Municipal Code of the Town of Johnstown.
2. The hauling of and distribution of animal waste on a farm from which such waste was generated.

SECTION 10. ENFORCEMENT

In the event the Town Board finds that this ordinance has been violated in any way, he or she shall have the authority to suspend any permit granted hereunder pending review by the Town Board at its next regular meeting.

SECTION 11. REVOCAION

Any permit issued hereunder may be revoked after public hearing held upon the publication of a class 1 notice by the Johnstown Town Board. Such revocation may occur if any of the conditions necessary for the issuance of the permit or any terms of this ordinance are violated by the person, firm, corporation or municipality holding the permit.

SECTION 12. STATE LAW

Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this ordinance.

SECTION 13. SEVERABILITY ON CONFLICT

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 14. EFFECTIVE DATE

This ordinance shall take effect upon passage and after publication as required by law.

TOWN OF JOHNSTOWN

CHAPTER 16 OF THE MUNICIPALITY CODE OF THE TOWN OF JOHNSTOWN, WISCONSIN

CONFIDENTIALITY OF INCOME AND EXPENSE RECORDS

SECTION 1. TITLE AND PURPOSE

This Chapter is entitled the “Confidentiality of Income and Expense Records.” The purpose of this Chapter is to provide for confidentiality of the records and information of taxpayers who furnish said records and information to the Town Assessor under §70.47(7)(af), Wis. Stats., and to exempt the records and information from being subject to the right of inspection or copying as a public record under §19.35(1), Wis. Stats.

SECTION 2. AUTHORITY

The Town Board of the Town of Johnstown, Rock County, Wisconsin, has the specific authority under §70.47(7)(af), Wis. Stats. to provide for confidentiality to taxpayers for certain income and expense records and information furnished to the Town Assessor for the valuation and assessment by the income method of real property located within the Town of Johnstown.

SECTION 3. ADOPTION OF ORDINANCE

This Chapter, adopted by a majority of the Town Board on a roll call vote with a quorum present and proper notice having been given, adopts by reference §70.47(7)(af), Wis. Stats., providing for the confidentiality of income and expense records and information used for the purposes of property tax valuation and assessment.

SECTION 4. CONFIDENTIALITY REQUIREMENT

Income and expense records and information provided by a property owner to the Town Assessor to value and assess real property by the income method, shall be confidential and not a public record open to inspection or copying under §19.35(1), Wis. Stats. Unless a Court determines that the information is inaccurate, the information provided to the Town Assessor is not subject to the right of inspection or copying as a public record under §19.35(1), Wis. Stat.

SECTION 5. EXCEPTIONS TO CONFIDENTIALITY

A Town Officer in the Town of Johnstown may make public disclosure or allow access to income and expense records and information provided by a property owner to the Town Assessor to be used for property valuation and assessment by the income

method in his or her position as provided below:

- A. The Town Assessor shall have access to the provided income and expense information in the performance of his or her duties;
- B. The Board of Review may review the provided income and expense information when needed, in its opinion, to decide upon a contested assessment;
- C. Any person or body who has the right or whose duty in his or her office is to review the provided income and expense information shall have access to the information;
- D. A Town Officer who is complying with a court order may release the provided income and expense information in accordance with the court's order;
- E. If the provided income and expense information has been determined to be inaccurate, the information is open to the public;
- F. If the property owner has provided written approval for public disclosure or limited disclosure to that person and that the Town Board of the Town of Johnstown has approved the disclosure, the provided income and expense information is open to the public to the extent approved.

SECTION 6. PENALTY PROVISIONS

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this Chapter shall upon conviction, pay a forfeiture of not less than \$500 no more than \$5,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Chapter. In addition, the Town Board may seek injunctive relief from a court of record to adjoin further violations.

SECTION 7. SEVERABILITY

If any provision of this Chapter or its application to any person or circumstances held invalid, the invalidity does not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are severable.

SECTION 8. EFFECTIVE DATE

This Chapter shall take effect upon passage and posting as required by law.

(Chapter created by Ordinance 11-1)