

**CODE OF ORDINANCES  
OF THE  
TOWN OF CASCO  
KEWAUNEE COUNTY  
WISCONSIN**

**ADOPTED: SEPTEMBER 26, 2012  
EFFECTIVE DATE: OCTOBER 10, 2012**



Prepared by  
Bay-Lake Regional Planning Commission  
441 South Jackson Street  
Green Bay, WI 54301



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**CODE OF ORDINANCES OF THE TOWN OF CASCO**  
**TOWN OF CASCO**  
**KEWAUNEE COUNTY, WISCONSIN**

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**CODE OF ORDINANCES OF THE TOWN OF CASCO**  
**TOWN OF CASCO**  
**KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 1:**  
**GENERAL PROVISIONS**

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## **CHAPTER 1: GENERAL PROVISIONS**

### **1.0100 CONSTRUCTION AND EFFECT OF ORDINANCES**

### **1.0200 AUTHORITY**

This code of general ordinances is adopted under the authority granted by Section 66.0103 of the Wisconsin State Statutes.

### **1.0300 TITLE**

This municipal code of general ordinances shall be known, cited, and referenced to as the *Code of General Ordinances of the Town of Casco, Kewaunee County, Wisconsin*.

### **1.0400 AMENDMENTS**

Any additions or amendments to this code are incorporated in this code so that a reference to the *Code of General Ordinances of the Town of Casco, Kewaunee County, Wisconsin* includes such additions and amendments.

### **1.0500 RULES OF CONSTRUCTION**

In the construction of this code of general ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

#### **1.0501 WISCONSIN STATE STATUTES**

The term Wis. State Stats. wherever used in this code shall mean the Wisconsin State Statutes.

#### **1.0502 GENDER, SINGULAR AND PLURAL**

Every word in this code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

#### **1.0503 PERSON**

The word *person* extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

#### **1.0504 ACTS OR AGENTS**

When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

**1.0505 NUMBERING OF SECTIONS**

Each section number of this code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the position of the section within the chapter.

**1.0506 NUMBER ADDITIONS**

The decimal system shall be used for all additions or amendments to this code. When a chapter or section is to be added the new chapter or section shall be given a decimal character, when practical using the following outline:

- Section 1.0100
  - 1.0101
    - A.
      - 1.
        - a.
          - (1)
            - (a)

**1.0600 CONFLICT AND SEPARABILITY**

**1.0601 CONFLICT OF PROVISIONS**

If the provisions of the different Chapters of this Code conflict with or contravene each other, the provisions of each Chapter shall prevail as to all matters and questions arising out of the subject matter of such Chapter.

**1.0602 SEPARABILITY OF CODE PROVISIONS**

If any Section, Subsection sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

**1.0700 AFFECT ON GENERAL ORDINANCES**

Any existing ordinance heretofore adopted by the Town Board which is not made part of this Code shall be unaffected by this Code of General Ordinances. Where there is a conflict between this Code and such existing ordinance, the more restrictive provisions shall apply.

**1.0800 EFFECT OF REPEALS**

The repeal or amendment of any Section or provision of this Code or of any other ordinance or resolution of the Board shall not:

- A. By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- B. Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the

privilege of repealing such obligation or privilege has been reserved by the Town.

- C. Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgement to be pronounced after such ordinance takes effect for any offense committed before that time.
- D. Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this Code shall take effect, shall be conducted according to the provisions of this Code.

**1.0900 EFFECTIVE DATE**

This Code of Ordinances shall take effect from and after passage and publication as provided in Section 60.80, and Section 66.0103 Wis. State Stats. All references thereto shall be cited by Chapter and Section number (example: Chapter 1, Section 1.0108, of the Code of General Ordinance of the Town of Casco, Kewaunee County, Wisconsin).

**1.1000 COPIES ON FILE**

Copies of this Code of General Ordinances shall be maintained and available for inspection in the office of the Town clerk.

**1.1100 PENALTIES**

See Section 1.0116

**1.1200 KEEPING CODE CURRENT; REVISOR'S AMENDMENTS**

As each ordinance or resolution affecting the Code of General Ordinances becomes effective, the Town Clerk shall incorporate them into the Code of General Ordinances. The Town Clerk shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the Town Board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code of General Ordinances affected thereby.

**1.1300 RESERVED**

**1.1400 RESERVED**

**1.1500 RESERVED**

**1.1600 ISSUANCE OF CITATIONS**

The Board of Supervisors of the Town of Casco does ordain as follows:

**1.1700 AUTHORITY**

Pursuant to the authority of Section 66.0113 of the Wisconsin Statutes, the Town of Casco hereby elects to use the citation method of enforcement of ordinance including those for which a statutory counter-part exists.

**1.1800 CITATION CONTENT**

**1.1801 THE CITATION SHALL CONTAIN THE FOLLOWING:**

- A. The name and address of alleged violation
- B. Factual allegations describing the alleged violation
- C. The time and place of the offense
- D. The section of the ordinance violated
- E. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- F. The time at which the alleged violator may appear
- G. A statement which in essence informs the alleged violator
  - 1. That a cash deposit based on the schedule established by this ordinance may be made which shall be delivered or mailed to the Clerk of Circuit Court of Kewaunee County or the Town of Casco or any other designated officer prior to the time of the scheduled court appearance.
  - 2. That if a cash deposit is made, no appearance in Court is necessary unless subsequently summoned.
  - 3. That if a cash deposit is made, and the alleged violator does not appear in Court, the non-appearance will be deemed a plea of no contest, for which a forfeiture not to exceed the amount of deposit is submitted, or, if the court does not accept the plea of no contest, a summons will be issued for the alleged violator to appear in Court to answer the complaint.
  - 4. That if no cash deposit is made and the alleged violator does not appear in Court at the time specified, an action may be commenced to collect the forfeiture up to the maximum permitted by law.
  - 5. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under (7) above has been read. Such statement shall be sent or brought with the cash deposit
    - (a) The form of the citation shall be that of the Wisconsin Uniform Municipal Citation adopted pursuant to Wisconsin Statutes

Section 66.0113 as amended from time to time and the current form shall be incorporated into this ordinance by reference.

**1.1802 SCHEDULE OF DEPOSITS**

- A. The schedule of cash deposits shall be established for use with citations issued under this Chapter by the Town Board according to the penalty provision of this Code (Chapter 10, Section 10.0218).
- B. Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court who shall provide a receipt therefore.
- C. All deposit figures herein to be increased by any penalty assessments, fees and actual court costs in effect at time of offense and imposed by the Circuit Court of Kewaunee County.
- D. Deposit shall be paid in cash, money order or certified check to the Clerk of Circuit Court of Kewaunee County or the Town of Casco Clerk or any other designated officer who shall provide a receipt of therefore.

**1.1900 ISSUANCE OF CITATIONS**

Any law enforcement officer empowered to act in the Town of Casco, the Town of Casco Zoning Administrator, the Town constable, or any other designated Town of Casco official authorized by the Town Board from time to time may issue citations for enforcement of any ordinance authorized under this ordinance.

**1.2000 PROCEDURE**

The provisions of Section 66.0113 (3) (a) relating to violator's options and procedure on default are hereby adopted and incorporated herein by reference.

**1.2100 NONEXCLUSIVITY**

Adoption of this ordinance in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance in no way precludes the processing under any other law or ordinance relating to the same or any other matter.

**1.2101 SEVERABILITY**

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

**1.2200      EFFECTIVE DATE**

This ordinance shall take effect and be in force upon its passage and publication as provided by law.

**CODE OF ORDINANCES OF THE TOWN OF CASCO**  
**TOWN OF CASCO**  
**KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 2:**  
**TOWN ADMINISTRATION AND PERSONNEL**

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## **CHAPTER 2: TOWN ADMINISTRATION AND PERSONNEL**

### **2.0100 TOWN GOVERNMENT AND ELECTIONS - RESERVED**

### **2.0200 TOWN MEETINGS AND TOWN BOARD MEETINGS**

#### **2.0201 TOWN MEETINGS**

##### **A. Annual Town Meeting**

The annual Town Meeting shall be held on the 2<sup>nd</sup> Tuesday in April unless a later date is set by the previous Annual Town Meeting, but not later than 10 days after the 2<sup>nd</sup> Tuesday in April. The Town Board may change the location of the annual Meeting. If the place of the Meeting is changed, the Town Clerk shall publish or post a class 2 notice under Ch. 985, Wis. Stat., of the time, date and location of the Meeting and shall make and file an affidavit of posting of such notice, if any. The annual Town Meeting has the powers set forth in § 60.10, Wis. Stat., or post in 3 public places all resolutions, motions or other actions adopted by the Town Meeting as required by § 60.80, Wis. Stat.

##### **B. Special Town Meetings**

A special Town Meeting may be called by the Town Board or by written request of electors equal to at least 10% of the votes cast in the Town at the last election for governor. The call shall state the time, date and purpose of the special Town Meeting. The Town Clerk shall publish or post a class 2 notice stating the time date and purpose of the special Meeting not more than 20 days or less than 15 days prior thereto. Special Town Meetings must be held at the place where the preceding Town Meeting was held unless changed by the Town Board. Any business which may be transacted at the annual Town Meeting may be transacted at a special Town Meeting provided it is specified in the call and notice.

#### **2.0202 TOWN BOARD**

##### **A. Authority and Powers**

The Casco Town Board has the specific authority, powers and duties to manage and direct the affairs of the Town as set forth in Chapter 60 and other provisions of the Wisconsin Statutes, including powers conferred on village boards by ch. 61, Wis. Stat. the exercise of which does not conflict with the duties and powers of town boards set forth elsewhere in the Wisconsin Statutes, granted by annual Town Meeting. The Town Board shall have charge of all of the affairs of the Town not otherwise delegated by law to the annual Town Meeting or other Town officers.

B. Membership Compensation

The Town Board shall be composed of three (3) members, two Supervisors and a Chairman, who shall be elected in odd numbered years and shall receive such compensation as established at a Town Meeting.

C. Vacancies

Vacancies in elective offices shall be filled by appointment by a majority vote of the Town Board for the remainder of the unexpired term.

D. Meetings

The Town Board shall meet each month in the Town Hall or such other place or place as the Board shall designate and notice pursuant to the Wisconsin Open Meetings law. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. Special meetings may be called by the Chairman or any Supervisor by requesting the Town Clerk to call such meeting, stating the time and place for the meeting, by notifying each Supervisor and the public in accordance with §19.84 of the Wisconsin Statutes. Notice of all Town Board meetings shall be given in compliance with the Wisconsin Open Meeting Law, by posting written notice of the time, place and purpose thereof in three (3) public places in the Town and by written or oral notice to the media which has requested such notice at least 24 hours prior to the meeting, unless in an emergency, when proper notice shall be posted and given to the media at least two (2) hours prior to the meeting. No business shall be transacted at a special meeting except for the purpose which was stated in the notice thereof

E. Quorum

Two members of the Town Board shall constitute a quorum and the only business to be undertaken in the absence of a quorum shall be to adjourn from time to time or to compel the attendance of absent members.

F. Conduct of Meetings

The Order of Business at meetings shall be substantially as follows:

1. Call to order
2. Roll call and declaration of a quorum. If a quorum is not present, the meeting shall be adjourned
3. Certificates and announcement of compliance with Wisconsin Open Meeting Law posting and Town Municipal Code notice and publication procedures
4. Approval of agenda
5. Reading, correction and approval of minutes of previous meetings.
6. Public comments
7. Communications

8. Reports
    - (a) Town Committee and Commission Reports
    - (b) Town Officials Report
      - (1) Treasurers Report
      - (2) Other Town Officials
  9. Old business
  10. New business
  11. Resolutions and Ordinances
  12. Adjournment
- G. Notice
1. Agendas

The Town Clerk or person designated by the Town Chairman shall prepare a written agenda for each Town Board or committee meeting and distribute and post or publish the same as provided by the Wisconsin Open Meeting Law, ch. 19, Wis. Stat., and the Code of General Ordinances for the Town of Casco, Kewaunee County, Wisconsin.
  2. Ordinances and Resolutions

All ordinances, resolutions or bylaws shall be reduced to writing before final action by the Board. Unless requested by a Supervisor or Chairperson before final vote is taken, no ordinance, resolution, bylaw or communication need be read in full.
- H. Rules of Order
- The meetings of the Board shall be conducted in accordance with the parliamentary rules contained in *Robert's Rules of Order, newly revised*, or the most recent version thereof, except as otherwise specifically provided in these ordinances or by written bylaw adopted by the Board.
- I. Suspension of Rules
- These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present, but in no event shall the rules be suspended when there are less than 3 Board Members present.

**2.0300 GENERAL REGULATIONS GOVERNING ALL TOWN OFFICERS**

**2.0301 EFFECT**

The provisions of this section shall apply to all officers of the Town, regardless of the time of creation of the office or method of selection of the officer unless otherwise specifically provided by ordinance or resolution of the Town Board.

**A. Official Oath of Office**

Every officer of the Town, including members of Town boards and commissions, shall, before entering upon his/her duties and within five (5) days of election or appointment or notice thereof, take the oath of office prescribed by Section 19.01 of the Wisconsin Statutes and file said oath in the office of the Town Clerk, except the Town Clerk who shall file his/her oath in the office of the Town Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

**B. Bond**

Every officer shall, if required by law or the Town Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Town Board with such sureties as are approved by the Town Chairman, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed as are oaths as provided in sub. (B) of this section.

**C. Salaries**

All appointed officers of the Town shall receive such salaries as may be provided from time to time by the Town Board. No officer receiving a salary from the Town shall be entitled to retain any portion of any fees collected by him or her for the performance of his duties as such officer in the absence of a specific law or ordinance to that effect. Payment of regular wages and salaries established by the Town Board shall be by voucher as provided by statute.

**D. Vacancies**

Vacancies in appointive offices shall be filled in the same manner as the original appointment for the remainder of the unexpired term unless the term for such office is indefinite.

**2.0400 TOWN OFFICERS AND EMPLOYEES**

**2.0401 CLERK**

In general perform all other duties required by law, Wisconsin Statutes 66.33, ordinance or lawful direction of the town meeting or town board.

**2.0402 DEPUTY TOWN CLERK**

Each town clerk may appoint one or more deputies for whom the town clerk is responsible. A deputy shall take and file the official oath and bond under s. 60.31. The town clerk may designate a deputy to perform the clerk's duties during the absence, sickness or other disability of the clerk.

**2.0403 TOWN TREASURER**

In general perform all other duties required by law, Wisconsin Statutes 66.34, ordinance or lawful direction of the town meeting or town board.

**2.0404 DEPUTY TOWN TREASURER**

- A. Each town treasurer may appoint a deputy for whom the treasurer is responsible. The deputy shall take and file the official oath and bond under s. 60.31.
- B. In case of the absence, sickness or other disability of the treasurer, the deputy shall perform the treasurer's duties.

**2.0405 TOWN CONSTABLE**

In general perform all duties required by law, Wisconsin Statutes 66.22(4), ordinance or lawful direction of the town meeting or town board.

**2.0500 APPOINT ALTERNATE MEMBERS FOR BOARD OF REVIEW**

Whereas, 1997 Wis. Act 237 has amended the procedures for Board of Review procedures commencing in the year 2002.

Whereas, one of the changes to Sec. 70.47 of Wis. Statutes authorizes the removal of board of review members for individual cases under specific circumstances;

Whereas, Sec. 70.47 (6m)(c) authorizes the appointment of alternate members to serve on the board of review when standing members are removed from individual cases;

Now Therefore, the Town of Casco, Kewaunee County does ordain as follows:

**2.0501 ADOPTION**

Pursuant to Section 70.47(6m)(c) and Sec. 70.46(1) of Wis. Statutes the Town Board hereby provides for the appointment of alternates to serve on the town board of review in the event of standing board member of the board of review is removed or unable to serve for any reason.

**2.0502 APPOINTMENTS**

The following electors of the Town of Casco are hereby named as alternates in the order indicated to serve as alternate board of review members:

Alternate 1: Edith Lauscher

Alternate 2: Lloyd Drossart

**2.0503 EFFECTIVE DATE**

The appointments made in this ordinance are for the Year 2002 Board of Review proceedings and effective upon postings as provided by law.

Passed on this 20<sup>th</sup> day of June, 2002. By the Town Board of the Town of Casco.

**2.0600 GENERAL**

The town board may employ on a temporary or permanent basis persons necessary to carry out the functions of town government including, subject to sub. (4), any elected officer of the town. The board may establish the qualifications and terms of employment, which may include the residency of the employee. The board may delegate the authority to hire town employees to any town official or employee.

**2.0700 LEGAL ASSISTANCE**

The town board may designate, retain or employ one or more attorneys on a temporary or continuing basis to counsel the town on legal matters or represent the town in legal proceedings.

**2.0800 TREASURER**

The Town Treasurer shall have the rights, duties and obligations as specified in Chapter 60.34, Wis. State Stats. (per Wis. State Stats. 60.305(1) WI Act 34 allows for the appointed position of Town Treasurer) [Revision Adopted 4/27/98]

**2.0900 ASSESSOR**

The Town Assessor shall have the rights, obligations and duties as specified in Chapter 70, Wis. State Stats.

**2.1000 ZONING ADMINISTRATOR**

A. Designated

The Town Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance.

B. Duties

The duty of the Zoning Administrator shall be to interpret and administer this Code and to issue, after on-site inspection if needed, all permits required by this Code. Additionally, the Zoning Administrator is required to perform all lawful duties and functions as direct by the town meeting or town board.

C. The Zoning Administrator shall further:

1. Maintain Records of all permits issued, inspections made, work approved, and other official actions;
2. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Code;



3. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Code to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Town Board, Plan Commission and Town Attorney in a manner specified by him or her;
4. Assist the Town Board, Plan Commission and Town Attorney in the prosecution of Code violations;
5. Issue citations for enforcement of and or violation of this ordinance;
6. Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this Code. If, however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with Section 66.0119 of the Wisconsin Statutes;
7. Prohibit the use or erection of any structure, land or water until he/she has inspected and approved such use or erection;
8. Attend all meetings of the Town Plan Commission and the Town Zoning Board of Appeals.

**2.1002 RESERVED**

**2.1003 RESERVED**

**2.1004 RESERVED**

**2.1005 RESERVED**

**2.1006 RESERVED**

**2.1100 BOARDS, COMMISSIONS, AND COMMITTEES**

**2.1200 PLAN COMMISSION**

**2.1201 AUTHORITY; ESTABLISHMENT**

The Town Board of the Town of Casco has been authorized by the Town meeting under sec. 60.10 (2)(c), 60.62, 61.35, and 62.23 of the Wisconsin Statutes, to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, sec. 990.01(29), Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under sections. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

- A. **Membership**  
The Plan Commission shall consist of five (5) members; (1) of which may be a member of the Town Board or the Town Chairman; and, and least four (4) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.
- B. **Appointments**  
The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. [All appointments are subject to the advisory approval of the Town Board.] In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected.  
Any citizen appointed to the Plan Commission shall take and file the oath of office within (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.
- C. **Terms of Office**  
The term shall be for three (3) years, except that of those first appointed; two (2) shall serve for one (1) year; two (2) for two (2) years and one (1) for three (3) years.
- D. **Vacancies**  
A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.
- E. **Compensation; Expenses**  
The Town Board of the Town of Casco will determine a per diem allowance for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 66.0321, Wis. Stats.
- F. **Experts & Staff**  
The Plan Commission may, under sec. 62.23(1)(e), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.
- G. **Rules; Records**  
The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall

keep a record of its resolutions, findings and determinations, which shall be a public record under Sections 19.21 and 19.39, Wis. Stats.

H. Chairperson and Officers

1. Chairperson. The Plan Commission Chairperson shall be elected by the Plan Commission and serve a term as provided in Section 2.1201(C) of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:
  - (a) Provide leadership to the Commission;
  - (b) Set Commission meeting and hearing dates;
  - (c) Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
  - (d) Preside at Commission meetings and hearings; and
  - (e) Ensure that the laws are followed.

I. Vice Chairperson

The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

J. Secretary

The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

K. Commission Members as Local Public Officials

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

L. General & Miscellaneous Powers

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

1. Necessary to enable it to perform its functions and promote Town planning.

2. To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
3. To recommend to the Town Board programs for public improvements and the financing of such improvements.
4. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
5. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and survey, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

M. Town Comprehensive Planning: General Authority & Requirements

The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.

In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

N. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

The Plan Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats, are met, shall proceed as follows:

1. Public participation verification

Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the

public to the Town Board and for the Town Board to respond to such written comments.

2. Resolution

The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely

- (a) The Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
- (b) The plan contains the nine (9) specified elements and meets the requirements of those elements;
- (c) The maps and other descriptive materials relate to the plan;
- (d) The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
- (e) The Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001 (4), Wis. Stats., and sub. (3) of this section.

3. Transmittal

One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

- (a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
- (b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
- (c) The Wisconsin Land Council.
- (d) After September 1, 2003, the Department of Administration.
- (e) The regional planning commission in which the Town is located.

- (f) The public library that serves the area in which the Town is located.

O. Plan Implementation and Administration

1. Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
  - (a) Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.
  - (b) Official map. A proposed official map ordinance under sec. 62.23(6), Wis. Stats.
  - (c) Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
  - (d) Other. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).
  - (e) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.
  - (f) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
  - (g) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.
    - (1) Zoning conditional use permits. The zoning administrator shall refer applications for conditional use permits under Town zoning to the Plan Commission for review and determination as provided under section 10.0501 of the Town zoning ordinances.

- (2) Subdivision review. Proposed plats under ch. 236, Wis. Stats. shall be referred to the Plan Commission for review and determination.

P. Referrals to the Plan Commission

1. Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report to the Town Board:
  - (a) The location and architectural design of any public building.
  - (b) The location of any statue or other memorial.
  - (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
    - (1) street, alley or other public way;
    - (2) park or playground;
    - (3) airport;
    - (4) area for parking vehicles; or
    - (5) other memorial or public grounds
  - (d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
  - (e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
  - (f) The location, character and extent or acquisition, leasing or sale of lands for
    - (1) public or semi-public housing;
    - (2) slum clearance;
    - (3) relief of congestion; or
    - (4) vacation camps for children
  - (g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan; the Town comprehensive plan under sec. 66.1001, Wis. Stats.; an official map under sec. 62.23(6); and, Town zoning under village powers.
2. Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report to the Town Board:

- (a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
  - (b) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
  - (c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
  - (d) Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.
  - (e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
  - (f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
  - (g) A proposed housing project under sec. 66.1211(3), Wis. Stats.
  - (h) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.
  - (i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
  - (j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
3. Required referrals under this ordinance. In addition to referrals required by the Wisconsin statutes, the following matters shall be referred to the Plan Commission for determination:
- (a) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
  - (b) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
  - (c) A proposed driveway access ordinance or amendment.
  - (d) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
  - (e) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control



or stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.,

- (f) An application for a conditional use permit under the Town zoning ordinance.
- (g) A proposed site plan under the Town Zoning Ordinance.
- (h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
- (i) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.
- (j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
- (k) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
- (l) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- (m) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
- (n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
- (o) A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
- (p) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.
- (q) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
- (r) Other (specify)

- (s) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
4. Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:
- (a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment of such plan.
  - (b) A proposed county zoning ordinance or amendment.
  - (c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
  - (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
  - (e) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis. State., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
  - (f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
  - (g) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
  - (h) Any matter deemed advisable for referral to the Plan Commission for report.

5. Referral period

No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

## **2.1300 ZONING BOARD OF APPEALS**

### **2.1301 AUTHORITY AND ESTABLISHMENT**

Pursuant to Section 62.23 (7) (c) Wisconsin Statutes, there is hereby established a Zoning Board of Appeals for the Town of Casco for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of the Zoning Ordinance.

#### **A. Membership**

1. The board of appeals shall consist of 5 members appointed by the Town Chairperson subject to confirmation of the Town Board.
  - (a) Members of the Board of Appeals shall be appointed for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years.
  - (b) The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the Chairperson for cause upon written charges and after public hearing.
2. The members serve at the pleasure of the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after a public hearing.
3. The Chairperson shall designate one of the members as chairperson. A Secretary shall be elected by the Zoning Board of Appeals.
4. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
5. The Chairperson shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for.
  - (a) Annually, the Chairperson shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent.
  - (b) The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
6. The Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.
7. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving

notice of their appointment.

B. Organization

1. The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this Ordinance.
2. Meetings shall be held at the call of the Chairperson and shall be open to the public.
3. 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, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board of Appeals (Town Hall) and shall be a public record.
4. The Concurring Vote of 3 members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a substituted use.

C. Powers

1. The Zoning Board of Appeals shall have the following powers:
2. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or Plan Commission.
3. Variances. To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured.
4. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Plan Commission has made a review and recommendation.
5. Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
6. Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issuance of a permit.
7. Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.
8. Oaths. The Chairperson may administer oaths and compel the

attendance of witnesses.

D. Appeals and Applications

1. Appeals from the decisions of the Zoning Administrator and Plan Commission concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, or board of the Town. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator and Town Plan Commission. Applications for other determinations by the Board of Appeals provided by this Ordinance may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following information:
  2. Name and Address of the appellant or applicant and all abutting and opposite property owners of the record.
  3. Plat of Survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required under Section 10.1101(C) for a Zoning/Building Permit.
  4. Additional Information required by the Town Board, Town Plan Commission, Zoning Board of Appeals, or Zoning Administrator.

E. Hearings

1. The Zoning Board of Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in Section 10.1306 of this Ordinance. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

F. Findings

1. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
2. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated principal use, accessory use, or conditional use in that particular district.
3. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

4. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
5. Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
6. Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

G. Decisions

1. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, Plan Commission, and the Town Board.
2. Conditions may be placed upon any Zoning/Building Permit ordered or authorized by this Board.
3. Variances or Substitutions granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

H. Review by Court of Record

1. Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

**2.1400 RECORDS RETENTION**

**2.1401 PURPOSE**

The purpose of this chapter is to establish a town-wide records retention schedule and authorized destruction of town records pursuant to that schedule on an annual basis. Record custodians do not have the authority to destroy records prior to the established retention period. If there is not a specific law requiring a specific retention period, all records must be retained seven years, unless the public records fixes a shorter period.

**2.1402 DEFINITIONS**

- A. “Board” means the public records and board.
- B. “Legal Custodian” means the individual responsible for maintaining records pursuant to Section 19.33 Stats.
- C. “Microfilm Reproduction” means any manner by which an image is reduced in size and reproduced on fine-grain, high resolution film.
- D. “Record” means record as defined in Section 19.32(2) Stats.

**2.1403 NOTICE TO STATE HISTORICAL SOCIETY OF WISCONSIN**

The State Historical Society of Wisconsin (SHSW) has waived the required statutory 60 days notice under Chapter 19.21(4)(a) for any record marked with a W. SHSW must be notified prior to destruction of any record marked with an N. Notice is also required for any record not listed in this Ordinance. N/A indicated not applicable and applies to any town record designated for permanent retention.

**2.1404 TOWNWIDE**

The following records are found throughout various departments in the town and are subject to uniform regulation unless otherwise specified.

<u>RECORDS</u>	<u>RETENTION</u>	<u>AUTHORITY</u>	<u>SHSW</u>
Contracts, leases, agreements	7 years after last effective date	60.175(1) Stat. & 19.21(4)	W
Insurance policies			
Claim made	7 years after expiration	60.175(10) Stat.	W
Master contracts	Permanent	& 19.21 (4)	
Canceled checks	7 years	19.21(4) Stat.	W
Receipts	7 years	19.21(4) Stats.	W
Accounts Payable purchasing, invoices, vouchers, detail listing vendor	7 years	19.21(4) [7 yrs if no specified date listed]	W
Accounts receivable, receipts	7 years		W
Receipt journals	7 years		W
Vouchers/order register	7 years		W
General journal	7 years		N

<u>RECORDS</u>	<u>RETENTION</u>	<u>AUTHORITY</u>	<u>SHSW</u>
Construction plans for town buildings & bridges	Life of Structure		N
Blueprints	Until Superseded by as-built tracings		N
As-built tracings	Life of roject		N
Personal records	See Section 5. Town Clerk		W
Warranty records	Life of product or end of warranty, whichever occurs first		W
Equipment & furnishings	Until superseded inventories		W
Any record subject to litigation, claim, audit or other	Until permission to destroy obtained from Town Attorney		N/A
Citations (copies)	2 years		W

**2.1405 TOWN CLERK**

<u>RECORDS</u>	<u>RETENTION</u>	<u>AUTHORITY</u>	<u>SHSW</u>
Notices of Tax apportionment from County, School Districts & NWTC	3 years	60.715(1) Stats. & 19.21(4)	W
List of town officers certified to county clerk	After date of expiration term listed	60.715 (4) Stats. & 19.21 (4)	N
Illegal tax certificates charged back to local tax districts	3 years after charging	60.715 (6) Stats. & 19.21(4)	W



<b><u>RECORDS</u></b>	<b><u>RETENTION</u></b>	<b><u>AUTHORITY</u></b>	<b><u>SHSW</u></b>
Official bonds	6 years	60.715(8) Stats. & 19.21(4)	W
Claims paid by town & supporting papers	7 years	60.715(8) Stats. & 19.21(4)	W
Reports of town treasurer on dog licenses sold & records of dog licenses issued	3 years	60.715 (12) Stats. & 19.21(4)	W
Copies of receipts issued by treasurer	4 years or until audited, whichever is earlier	60.715(14) Stats. & 19.21(4)	W
Oaths of office	7 years	60.715(19) Stats. & 19.21(4)	W
Original papers, resolutions & reports concerning town board proceedings	6 years after date of publication	60.717(1) Stats. & 19.21(4)	N
Check register/ treasurer cash	7 years		W
Deeds	Permanent of listing of when & where recorded		W
Abstracts & certificates of title, title insurance policies	Permanent		N/A
Canceled bonds, coupons & promissory notes	Until audited		W

<b><u>RECORDS</u></b>	<b><u>RETENTION</u></b>	<b><u>AUTHORITY</u></b>	<b><u>SHSW</u></b>
Apportionment maps	Until next apportionment		W
Report on functional jurisdiction of roads	10 years or until next report received		W
Certified mileage lists	Until next list received		W
Town plats	3 years		W
Mill rates for town	7 years		W
Journal entries & any audits or journal entries	7 years		W
Journal of Proceedings	6 years after date of publication		N
Canceled registration cards	4 years after cancellation	7.23(1)(c) Stats.	W
Financial registration statement and reports	6 years	7.23(1)(d) Stats.	W
Registration & poll lists: Non-partisan elections Partisan election	2 years 4 years after election	7.23(1)(e) Stats.	W
Federal election records other than registration cards	22 months	7.23(1)(f) Stats.	W
Electronic ballot tallies	22 months after date election	7.23(1)(g) Stats.	W
Ballots	30 days after election	7.23(1)(h) Stats.	W
Official canvasses	10 years after election	7.23(1)(i) Stats.	W

<b><u>RECORDS</u></b>	<b><u>RETENTION</u></b>	<b><u>AUTHORITY</u></b>	<b><u>SHSW</u></b>
Election notices & proofs of publication & correspondence	1 year after date of election unless contested, then by court order	7.23(1)(j) Stats.	W
All other election materials & supplies	90 days after election	7.23(1)(k) Stats.	W
Records transferred by registrants who submit dissolution reports after primary & general elections	3 years after their last election	10.74(8)(e) Stats.	W
Payroll registers, other payroll reports, & social security & retirement earnings reports	10 years		W
Withholding allowance certificates, employee wage & tax statements & other tax records	7 years		W
Time card, attendance records, salary schedules & department training records	7 years		W
Certified special assessment roll	After assessment collected or 7 years, whichever is longer		W
Statement of new special assessments	5 years		W
Special assessment payment register	Until all assessments collected or 7 years whichever is longer		W

<u>RECORDS</u>	<u>RETENTION</u>	<u>AUTHORITY</u>	<u>SHSW</u>
All accounts of town & books of account	7 years		W
General ledger	15 years		N
Insurance records	7 years		W
Performance evaluations, garnishment records & medical records	5 years		W
EEO-4 reports obsolete job descriptions & any personnel or employment records made or kept including but not limited to application forms or test papers by applicants & other records of decisions pertaining to hiring, promotion, demotion, transfer layoff or termination, terms of compensation, & selection of training	3 years except where a charge of discrimination has been filed; all personnel records relevant to a charge or action shall be retained until final disposition of the charge or the action		W
Rough work papers used in payroll calculations	3 years		W
Unemployment compensation records	3 years		W
Individual employee personnel files & retirement records	8 years after separation from employment		W
Accident reports, injury claims & settlement; injury frequency charts	8 years after end of service		W

<b><u>RECORDS</u></b>	<b><u>RETENTION</u></b>	<b><u>AUTHORITY</u></b>	<b><u>SHSW</u></b>
Deferred compensation payment records	8 years after end of service		W
Directives & policies	7 years after being updated or terminated		W
Bids & proposals, successful	7 years after contract expiration		W
Bids & proposals, unsuccessful	1 year after audit		W
Property inventory	Until superseded		W
Public Works contracts:			
Notice to contractors: Successful bidders	7 years		W
Notice to contractors: Unsuccessful bidders	2 years		W
Bidder's proof of responsibility: Successful bidders	7 years		W
Bidder's proof of responsibility: Unsuccessful bidders	2 years		W
Bids: Successful bidders	7 years after completion of project		W
Bids: Unsuccessful bidders	2 years		W
Affidavit of organization & authority: Successful bidders	7 years after project completion		W
Affidavit of organization & authority: Unsuccessful bidders	2 years		W
Bid tabulations	2 years		W

<u>RECORDS</u>	<u>RETENTION</u>	<u>AUTHORITY</u>	<u>SHSW</u>
Performance bond	7 years after completion of project		W
Contracts	7 years after completion of project		W
Master Project files	20 years		W

**2.1406 TREASURER**

<u>RECORDS</u>	<u>RETENTION</u>	<u>AUTHORITY</u>	<u>SHSW</u>
Bank statements	7 years	60.715(17) Stats. & 19.21(4)	W
General receipts & settlement receipts	7 years	19.21(4) Stats.	W
Tax rolls	15 years		N
Balancing reports	3 years		W
Audit letters	3 years		W
Accounting payable/ detail listing/ check register (copies)	3 years		W
General ledger, trial balance	7 years		W
Journal entries, resolutions, general, receipts, treasurer's cash	3 years		W
Budget, vendor listing, general receipts combined payables	3 years		W
Bank reconciliation	7 years		W
Outstanding checks	7 years		W
Check register	7 years		W
Deposit tickets	7 years		W

<u>RECORDS</u>	<u>RETENTION</u>	<u>AUTHORITY</u>	<u>SHSW</u>
Bank credit/ debit notices	1 year after audit		W
Cash drawer reconciliation	1 year after audit		W
Tax receipts	15 years	19.21(4) Stats.	W
All other receipts of town treasurer	7 years	19.21(4) Stats.	W

**2.1407 ZONING**

<u>RECORDS</u>	<u>RETENTION</u>	<u>AUTHORITY</u>	<u>SHSW</u>
Plats	Permanent		N/A
Aerial Photographs	Permanent		N/A
Committee Agendas & summaries	6 years		W
Citation & park patrol records	2 years		W
General information	Until updated		W
Land acquisitions- deeds, abstracts	Permanent		N/A
Certified surveys	Permanent		N/A
Assessors plat	Permanent		N/A
Final real property assessment roll	15 years “No assessment roll containing forest crop acreage may be destroyed without prior approval of the secretary of revenue		N
Sanitary, building & land use permit applications	Permanent		N/A

<u>RECORDS</u>	<u>RETENTION</u>	<u>AUTHORITY</u>	<u>SHSW</u>
Code compliance inspection reports	Permanent		N/A
Permit ledger	3 years	19.21(4) Stats.	W
Decisions & supporting documents of Board of Land Use Appeals	Permanent	Ord. 132-100 Sec. 24, 1989, 132-62 Sec. 1, 1988	W
New “house number” forms	Permanent		N/A
Correspondence to landowners Realtors, etc.	7 years		W

**2.1408 DESTRUCTION AFTER REQUEST FOR INSPECTION**

No requested record may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Section 19.37, Stats., the requested record may not be destroyed until a court order is issued and all appeals have been completed. See Section 19.35(5), Stats.

**2.1409 DESTRUCTION PENDING LITIGATION**

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

**2.1410 ALTERNATE MEDIA FOR STORAGE OF TOWN RECORDS**

Departments may keep and preserve public records throughout the use of microfilm or optical disc storage, provided that the applicable standards established in S. 16.61(7) and 16.612 Wis. Stats. are met. Departments should consider factors such as the retention period and estimated costs in deciding which records to store on microfilm or optical disc. After verification by towns, paper records can be destroyed if these records are to be preserved on microfilm or optical disc.

**2.1411 REVIEW AND APPROVAL BY PUBLIC RECORDS AND BOARD**

This ordinance has been reviewed and approved by the Public Records and Board.

**2.1500 ISSUANCE OF CITATIONS FOR VIOLATIONS OF TOWN ORDINANCES**

The Town Board of the Town of Casco, Kewaunee County, Wisconsin, does ordain as follows:



**2.1501 AUTHORITY**

Pursuant to Section 66.0113 of Wisconsin Statutes the Town Board hereby elects to use the citation method of enforcement of town ordinances described herein or in a separate ordinance including those for which a statutory counterpart exists.

**2.1502 FORM OF CITATION**

The citation shall contain the following:

- A. The name and address of the alleged violator.
- B. The factual allegations describing the alleged violation.
- C. The time and place of the offense.
- D. The section of the ordinance violated.
- E. A designation of the offense in such a 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 that:
  - 1. The alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
  - 2. If the alleged violator makes a deposit, he/she need not appear in court unless subsequently summoned.
  - 3. If the alleged violator makes a cash deposit and does not appear in court, he/she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by Wis. Stats. §757.05, a jail assessment imposed by Wis. Stats. §302.46(1), a crime laboratories and drug law enforcement assessment imposed by Wis. Stats. §165.755, any applicable consumer information assessment imposed by Wis. Stats. §100.261 and any applicable domestic abuse assessment imposed by Wis. Stats. §973.055(1).
  - 4. If the court finds that the violation involves an ordinance that prohibits conduct that is the same or similar to conduct prohibited by statute punishable by fine or imprisonment, or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stats. §800.093.
- 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/she has read the statement required under subsection(g)(2) of this section and shall send the signed statement with the cash deposit;
- I. Such other information as the town deems necessary.

**2.1503 SCHEDULE OF DEPOSITS**

The following schedule of cash deposits is established for use with citations issued under this ordinance:

Ordinance Title	Offense	Deposit & Cost
Zoning Ordinance	Failure to obtain building permit as required	\$10.00 per day plus current court costs
	All other zoning ordinance violations	\$10.00 per day plus current court costs

Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court who shall provide a receipt therefore.

**2.1504 ISSUANCE OF CITATIONS**

The following officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities.

<u>Ordinance Title</u>	<u>Enforcement Official</u>
Zoning Ordinance	Zoning Administrator

**2.1505 GENERAL PENALTY**

- A. Unless another penalty is expressly provided in this Code or in any ordinance of the town, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a forfeiture, which shall be as follows:
  - 1. *First offense.* For a first offense, a forfeiture of not less than \$10.00 nor more than \$500.00, together with costs of prosecution including but not limited to attorney fees, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
  - 2. *Second offense.* Any person found guilty of violating any ordinance or provision of this Code who shall previously have been convicted of a violation of the same ordinance or provision shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 for each such offense, together with costs of prosecution including but not limited to attorney fees and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not to exceed six months.
- B. The imposition of a forfeiture does not prevent revocation or suspension of a license, permit or franchise.

**State law references:** Penalty for violation of ordinances, Wis. Stats. §66.0109;

bail generally, Wis. Stats. §66.0111; collection of forfeitures generally, Wis. Stats. §66.0115; actions for violations of municipal ordinances, Wis. Stats. §66.0114; fees of municipal courts, Wis. Stats. §814.65; collection of forfeitures generally, Wis. Stats. §778.10.

**2.1506 PROCEDURE**

Section 66.0113(3), Wis. Stats., and all subsequent amendments thereto, relating to violator's options and procedures on default are hereby adopted and incorporated herein by reference.

**2.1507 NONEXCLUSIVITY**

- A. *Other Ordinance.* Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B. *Other Remedies.* The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance regulations or order.

**2.1508 SEVERABILITY**

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person circumstances is invalid or unconstitutional, such invalidity or unconstitutionally held shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

**2.1509 EFFECTIVE DATE**

This ordinance shall take effect upon passage and the day following its publication.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Casco on March 19, 2003.

**2.1600 CONFIDENTIALITY OF INCOME AND EXPENSES PROVIDED TO ASSESSOR FOR ASSESSMENT PURPOSE ORDINANCE**

**2.1601 ADOPTION**

This Ordinance adopts by reference Wis. Statutes Sec. 70.47(7)(af). Income and expense information provided by a property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Sec. 19.35(1) of Wis. Statutes.

**2.1602 EXCEPTIONS**

An officer may make disclosure of such information under the following circumstances:

- A. The assessor has access to such information in the performance of his/her

duties;

- B. The board of review may review such information when needed, in its opinion, to decide upon a contested assessment.
- C. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
- D. The officer is complying with a court order;
- E. The person providing the income and expense information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.

**2.1603 SEVERABILITY**

The several section of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**2.1604 EFFECTIVE DATE**

This ordinance shall take effect immediately upon passage and posting (or publication) as provide by law.

Adoption this 20<sup>th</sup> day of June, 2002. By the Town Board of the Town of Casco.

**2.1700 EFFECTIVE DATE**

Following passage by the Town Board, the *Code of General Ordinances of the Town of Casco, Kewaunee County, Wisconsin* shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

**CODE OF ORDINANCES OF THE TOWN OF CASCO  
TOWN OF CASCO  
KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 3:  
COMPREHENSIVE PLAN ORDINANCE**

Adopted December 20, 2006

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## **CHAPTER 3: COMPREHENSIVE PLAN ORDINANCE**

Pursuant to the provisions of Ch. 66.1001 and Ch. 60.22(3) Wis. Stats., the Casco Town Board of Supervisors, Kewaunee County, Wisconsin does ordain as follows:

Having completed the Town of Casco Comprehensive Plan, in accordance with the requirements stipulated in Wisconsin's Smart Growth Law, 1999 Wisconsin Act 9, and defined in Ch. 66.1001 Wis. Stats., and as recommended for adoption by the Plan Committee on 12-20-06, and posted in accordance with Class I Public Notice requirements, the Casco Town Board of Supervisors hereby adopts the Town of Casco Comprehensive Plan as the guide for future land use and development decisions in the Town. All programs and actions of the town that affect land use shall be consistent with the comprehensive plan. This includes any other ordinances, plans, or regulations of the Town that relate to land use, including, but not limited to: Local Subdivision Regulation under §236.45, Town Zoning Ordinances under §60.62, Land Acquisition for Recreational Lands under §23.09(2), and Construction Site Erosion Control and Stormwater Management Zoning under §61.354.

### **3.0100 BACKGROUND**

On September 27, 2006, the Town of Casco Citizens Advisory Committee for Land Use (Comprehensive Planning) recommended the Town of Casco Comprehensive Plan be distributed, in accordance with 1999 Wisconsin Act 9, as the Town's recommended plan.

Since that motion was passed, copies of the recommended plan were forwarded to the neighboring communities, Bay-Lake Regional Planning Commission, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, local School districts, Kewaunee County, and the Wisconsin Land Council c/o Wisconsin Department of Administration. Written comments from these agencies and governments were requested by September 27, 2006. Copies of the recommended plan have been displayed at the Town Hall, on the project web page, and at the Casco Town Hall, Rio Creek Feed Mill & Walter's of Rio Creek for 30 days prior to the Public Hearing.

### **3.0200 AUTHORITY**

This ordinance is enacted pursuant to power granted by virtue of present Wisconsin Statutes, including Section 66.1001(4)(c).

### **3.0300 DEFINITION**

Comprehensive Plan is a plan for development that recognizes the physical, economic, social, political, aesthetic, and related factors of the community. As required by the Wisconsin Smart Growth Legislation, the Comprehensive Plan addresses nine(9) required plan elements; Issues & Opportunities, Housing, Transportation, Agricultural Natural & Cultural Resources, Economic Development, Land Use, Intergovernmental Coordination and Implementation.

### **3.0400 RESTRICTIONS**

The Town of Casco Plan Committee shall review and recommend all subsequent amendments to the plan to the Town Board of Supervisors. All amendments shall

require a public hearing and Class I Public Notice. Copies of the recommended and approved changes shall be mailed to all neighboring units of government and affected agencies, in accordance with the §66.1001(4)(b) requirements for recommendation of the original plan.

**3.0500 EFFECT**

This ordinance takes effect upon passage and publication. Approved the 20<sup>th</sup> day of December, 2006. Dated this 20<sup>th</sup> day of December, 2006.

**CODE OF ORDINANCES OF THE TOWN OF CASCO  
TOWN OF CASCO  
KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 4:  
FIRE PROTECTION CHARGES**

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## **CHAPTER 4: FIRE PROTECTION CHARGES**

WHEREAS, the Wisconsin Statutes authorize towns to charge property owners a portion or all of the costs of fire protection; and

WHEREAS, it is in the public interest of the Town of Casco, to charge the cost of such protection to property owners;

NOW THEREFORE, the Town Board of Supervisors of the Town of Casco does ordain as follows:

### **4.0100 STATE AUTHORITY**

Pursuant to Section 60.55, 60.555, 60.557 and 26.14 of the Wisconsin Statutes, the Town of Casco, Kewaunee County, hereby establishes the following policy and procedure for the payment of fire costs incurred by the Town of Casco.

### **4.0200 LIABILITY FOR FIRE PROTECTION COSTS**

The property owners of real estate or personal property within the Town of Casco for which fire protection is provided shall be responsible to the Town for the actual costs billed to the Town by the fire departments responding to a fire call. This provision shall not apply to any fire which the Town Board determines, based on information provided by the responding fire departments, originated as a structure fire.

### **4.0300 LIABILITY FROM UNAUTHORIZED FIRE DEPARTMENTS**

It is the policy of the Town of Casco to contract with the Kewaunee and Luxemburg Fire Departments for fire protection. Any property owner requesting fire protection directly from any fire department other than Kewaunee or Luxemburg, shall be responsible for the full cost billed to the town for the fire call from any unauthorized fire department regardless of the origin of the fire. This section shall not apply to the cost of any other department responding at the request of any authorized department under mutual aide.

### **4.0400 BILLING AND PAYMENT PROCEDURES**

The cost of fire calls as outlined above shall be billed by the town clerk to the property owner and paid to the Town of Casco Treasurer within sixty (60) days from the date of the bill. The failure to pay the bill within sixty (60) days will result in interest being charged at one and one half (1-1/2%) percent interest per month from the date of the bill. Those bills remaining outstanding, including interest, for more than ninety (90) days as of November 1 of any year shall become a lien against the real estate for which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Section 66.60 of the Wisconsin Statutes.

### **4.0500 SEPARABILITY OF PROVISIONS**

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

**4.0600      EFFECTIVE DATE**

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

Adopted this 24<sup>th</sup> day of January, 1995 by the Town Board of Supervisors of the Town of Casco, Kewaunee County.



**CODE OF ORDINANCES OF THE TOWN OF CASCO  
TOWN OF CASCO  
KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 5:  
BURNING ORDINANCE**

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## **CHAPTER 5: BURNING ORDINANCE**

Whereas, Section 26.13(3) of the Wisconsin Statutes states, “Whenever the town board of any town deems it imprudent to set fires upon any land within the town, they shall post or cause to be posted in five public places in each township in such town, notices, which shall be prepared by the commission, forbidding the setting of fires therein, and after the posting of such notices no person shall set any fire upon any land in said town except for warming the person or cooking food, until written permission has been received from one of the fire wardens of said town.”

Be it resolved, by the Town Board of Casco, that no person shall set any fire except for warming the person or cooking food without a permit, unless the ground is snow covered.

Be it further resolved, that any person setting a fire shall comply with the following requirements.

1. Before setting any fire, a burning permit shall be obtained from a person or persons designated by the town board.
2. No permit will be required to burn rubbish in a barrel or trash can if a heavy wire screen or cover is used to prevent burning paper from blowing out.
3. No burning in town or village dumps by unauthorized person or persons.

This order becomes effective upon the posting of SPECIAL FIRE WARNING NOTICE FP-25, and shall continue in effect unless ground is snow covered.



**CODE OF ORDINANCES OF THE TOWN OF CASCO**  
**TOWN OF CASCO**  
**KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 6:**  
**BUSINESS CONTINUATION ORDINANCE**

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## **CHAPTER 6: BUSINESS CONTINUATION ORDINANCE**

1. It shall be a condition of maintaining and keeping a license in this town, that the licensee continue in business. Issuance of, or retention of, a license by a party not doing business, is hereby declared to be against public policy and lacking in usefulness.
2. “Business continuation” is hereby defined to be: Each licensee shall be open at least one calendar week in at least 6 months of each year. “Open” means conducting business publicly.
3. In the event any licensed party violates this ordinance, disciplinary action may be taken by the town board, including reprimand, suspension of the license for a specified number of days (up to 90 days), or revocation of the license. Any license that has been revoked shall not be reinstated within the following six months. Any disciplinary action taken shall follow notice to the licensee prior to a hearing. Both the hearing notice, which will include the reason for the hearing, and the decision of the board, will be sent by first class mail to the last known address of the licensee, or personally served, at the option of the town chairperson.
4. In the event disciplinary action is taken against an alcohol licensee, the state procedure mandated under present Wisconsin Statute 125.12, or its successors, will be followed. At present, said procedure requires personal service of the hearing notice (summons) and complaint, and a hearing within 3 – 10 days thereafter.
5. There shall be no refund of any license fee paid to a party whose license is revoked.
6. In lieu of a hearing, the town board may accept surrender of the license, and the board shall then determine the time period before another application for the same type of license will be accepted from the former licensee.
7. Evidence and testimony at the hearing shall be done in open session. Pursuant to 19.85(1)(a), the board may go into closed session to deliberate with regard to its decision, where that possibility has been listed on the hearing notice posted or published. The Clerk shall see that the hearing notice is posted or published, in format acceptable to the chairperson.
8. **SEVERABILITY.** In the event any portion of this ordinance is or becomes invalid or illegal, the remaining portion shall remain in full force and effect.
9. **EFFECT.** This ordinance shall take effect following passage and posting in three public places by the Clerk.



**CODE OF ORDINANCES OF THE TOWN OF CASCO  
TOWN OF CASCO  
KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 7:  
ORDINANCE TO ASSIGN TOWN ROAD NAMES**

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## **CHAPTER 7: ORDINANCE TO ASSIGN TOWN ROAD NAMES**

The Town Board of the Town of Casco, Kewaunee County, Wisconsin, does ordain as follows;

### **7.0100 ROAD NAMES**

In accordance with §81.01 Chapter 11 of the Wisconsin Statutes (created by Chapter 381, Laws of 1975), which requires the assignment of names for each road under the town's jurisdiction, the road names are hereby assigned.

### **7.0200 EFFECTIVE DATE**

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

Dated September 1<sup>st</sup> 1976.



**CODE OF ORDINANCES OF THE TOWN OF CASCO  
TOWN OF CASCO  
KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 9:  
WIND ENERGY FACILITIES AND WINDMILLS**

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## **CHAPTER 9: WIND ENERGY FACILITIES AND WINDMILLS**

The Board of Supervisors of the Town of Casco, Kewaunee County, Wisconsin, does ordain as follows:

### **9.0100 AUTHORITY**

This ordinance is adopted pursuant to the authority granted in Wisconsin Stats. §60.22, 60.61, and 60.62.

### **9.0200 PURPOSE**

The purpose of this ordinance is to amend the existing zoning ordinance of the Town of Casco to provide a regulatory scheme for the construction and operation of Wind Energy Facilities in the Town of Casco, subject to reasonable restrictions, which will preserve the public health and safety.

### **9.0300 DEFINITIONS**

Section 2.1 of the Town of Casco Zoning Ordinance is amended to include the following definitions:

FAA shall mean the Federal Aviation Administration.

Hub Height shall mean, when referring to a Wind Turbine or Windmill, the distance measured from ground level to the center of the turbine or Windmill hub.

MET Tower shall mean a meteorological tower used for the measurement of wind speed.

Total Height shall mean, when referring to a Wind Turbine or Windmill, the distance measured from ground level to the blade extended at its highest point.

Wind Access Permit shall mean a wind access permit within the meaning of Wis. Stats. §66.0403 or any successor statute.

Wind Energy Facility shall mean an electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). It includes substations, MET towers, cables and wires and other buildings accessory to such facility.

Wind Energy Facility Siting Permit shall mean a construction and operating permit granted in accordance with the provisions of this Ordinance.

Windmills shall mean all towers with a system of rotating blades used to capture wind energy which do not meet the definitions of a Wind Turbine as herein defined.

Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a Wind Turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a Wind Turbine for purposes of this Ordinance if it both has

a Total Height greater than 170 feet and nameplate capacity of greater than 100 kilowatts [Note: Wind Turbines less than 170 feet in height or less than 100 kilowatts will be regulated as Windmills].

## **9.0400 PLACEMENT/USE OF WIND ENERGY FACILITIES AND WINDMILLS**

Section 9.7 of the Zoning Ordinance of the Town of Casco is hereby created as follows:

### **9.0401 WIND ENERGY FACILITIES AND WINDMILLS**

#### **A. Applicability**

The requirements set forth in this article shall govern the location, placement and use of Wind Energy Facilities and Windmills proposed after the effective date of this ordinance. Wind Energy Facilities and Windmills for which a required permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the provisions of this ordinance, provided that any such preexisting Wind Energy Facility which does not provide energy or which does not operate for a continuous period of twelve (12) months shall meet the requirements of this ordinance prior to resuming operations or production of energy. However, no modification or alteration to an existing Wind Energy Facility or Windmill shall be allowed without full compliance with this ordinance.

#### **B. General Guidelines and Requirements**

1. Wind Turbines and Windmills shall be painted a non-reflective, non-obtrusive color.
2. At Wind Energy Facility sites and Windmills, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the Wind Energy Facility or Windmill to the natural setting and their existing environment.
3. Wind Energy Facilities and Windmills shall not be artificially lighted except to the extent required by the FAA or other applicable authority.
4. Wind Turbines and Windmills shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility or Windmill.
5. Electrical controls and control wiring and power-lines shall be wireless or not above ground except where wiring is brought together for connection to the transmission or distribution network, adjacent to that network.



C. Setbacks

The following setbacks and separation requirements shall apply to all Wind Turbines and Windmills including all guy wires or projections, provided, however, that a conditional use permit may reduce standard setbacks and separation requirements if the intent of this Ordinance would be better served and the public health and safety is not adversely affected.

1. Inhabited structures: Each Wind Turbine and Windmill shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its Total Height or (b) one thousand (1,000) feet.
2. Property lines: Each Wind Turbine and Windmill shall be set back from the nearest property line a distance no less than two (2) times its Total Height, unless appropriate easements are secured from adjacent property owners, or other acceptable mitigation is approved by the Town.
3. Public Roads: Each Wind Turbine and Windmill shall be set back from the nearest public road a distance no less than two (2) times its Total Height, determined by the nearest boundary of the underlying right-of-way for such public road.
4. Communication and Electrical Lines: Each Wind Turbine and Windmill shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than two (2) times its Total Height, determined from the existing power line or telephone line.

D. Noise

Audible noise due to Wind Energy Facility operations and Windmills shall not exceed fifty (50) dBA for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of any Wind Energy Facility Siting Permit.

1. In the event audible noise due to Wind Energy Facility operations or Windmills contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

2. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow Wind Turbine or Windmill operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement locations.
3. Any noise level falling between two whole decibels shall be the lower of the two.
4. In the event the noise levels resulting from the Wind Energy Facility or Windmill exceed the criteria listed above, a waiver to said levels may be granted by the Committee provided that the following has been accomplished:
  - (a) Written consent from the affected property owners has been obtained stating that they are aware of the Wind Energy Facility or Windmill and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
  - (b) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement has been recorded in the County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

E. Minimum Ground Clearance

The blade tip of any Wind Turbine or Windmill shall at its lowest point have ground clearance of no less than seventy-five percent (75%) of the length of the blade.

F. Signal Interference

The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone, cellular, wireless internet or television signals caused by any Wind Energy Facility or Windmill. (If the applicant is a public utility, s. PSC 113.0707 also applies.)

G. Safety

1. All wiring between Wind Turbines, Windmills and the Wind Energy Facility substation shall be underground.
2. Wind Turbine and Windmill towers shall not be climbable up to 15 feet above ground level.
3. All access doors to Wind Turbine towers and Windmills and electrical equipment shall be lockable and shall be locked on a regular basis.
4. Appropriate warning signage shall be placed on Wind Turbine towers, Windmills, electrical equipment, and Wind Energy Facility entrances.

H. Permitted Uses

1. General

The uses listed in this Section 9.7.8 are deemed to be permitted uses and shall not require a conditional use permit. Nevertheless, all such uses shall comply with Section 9.7 of this article and all other applicable articles.

2. Specific Permitted Uses

The following uses are specifically permitted:

- (a) Construction or installation of a Windmill or Wind Turbine where the total height of the structure does not exceed the height limitation applicable to structures in that zoning district; and
- (b) Installation of Wind Turbine or Windmill equipment on a preexisting tower, where the placement of additional equipment adds no more than 20 feet to the height of said existing tower.

I. Conditional Use Permits

1. General

The following provisions shall govern conditional use permits.

- (a) If the Wind Turbine, Windmill or antenna is not a permitted use under Section 9.7.8 of this article, then a conditional use permit shall be required prior to construction or installation of any Wind Turbine or Windmill.
- (b) Wind Turbines and Windmills requiring a conditional use may only be located in the prime agricultural land district (A-1), agricultural/rural residential district (A-2), general industrial district (I-1), and business district (B-1).

- (c) If a conditional use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed Windmill or Wind Turbine on adjoining properties.
- (d) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed engineer.

2. Information Required

Each applicant requesting a conditional use permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, electrical frequencies regenerated, total height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses and other information deemed by the governing authority to be necessary to assess compliance with this article.

3. Factors considered in granting conditional use permits

The governing authority shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby and that the public health and safety is not adversely affected thereby.

- (a) Total height of the proposed Wind Turbine or Windmill;
- (b) Proximity of the Wind Turbine or Windmill to residential structures, schools, hospitals, churches or public libraries and property boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the Windmill or Wind Turbine tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

J. Building Permit Required

No Wind Turbine or Windmill shall hereafter be located, erected, moved, reconstructed, extended, enlarged or structurally altered until the owner or his agent has secured a building permit from the zoning administrator as provided by Section 12 of this ordinance.

K. Removal of Abandoned Wind Turbines and Windmills

Any Wind Turbine or Windmill that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of the property upon which such equipment is located shall remove the same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such Windmill or Wind Turbine is not removed within said ninety (90) days, the governing authority may remove such equipment at the expense of the property owner and may charge the property owner as a special charge for current services under Wis. Stats. §66.0627 or by special assessment.

**9.0500 EFFECT**

This ordinance shall take effect upon passage and the day following its publications.

July 27<sup>th</sup>, 2006.



**CODE OF ORDINANCES OF THE TOWN OF CASCO**  
**TOWN OF CASCO**  
**KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 10:**  
**ZONING ORDINANCE**

Adopted September 26, 2012  
Effective October 10, 2012

Official Zoning Map is on file with the Town of Casco Zoning Administrator

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## **CHAPTER 10: ZONING ORDINANCE**

### **10.0100 TITLE, AUTHORITY, INTENT AND PURPOSE**

#### **10.0101 TITLE**

This ordinance shall be known, cited and referred to as: THE TOWN OF CASCO ZONING ORDINANCE, KEWAUNEE COUNTY, WISCONSIN

#### **10.0102 AUTHORITY**

The Town of Casco pursuant to the authority conferred by applicable provisions of sections 60.61, 60.62, 61.35, 62.23 and other relevant provisions of the Wisconsin Statutes, hereby enacts a Zoning Ordinance to read as follows:

#### **10.0103 INTENT**

This Ordinance is intended to promote the orderly development of the community.

#### **10.0104 PURPOSE**

The Zoning Ordinance of the Town of Casco, Kewaunee County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to preserve prime agricultural land and to foster a more rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.

#### **10.0105 ABROGATION AND GREATER RESTRICTIONS**

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

#### **10.0106 INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance 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.

**10.0107 SEPARABILITY**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinances as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**10.0108 REPEALER**

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**10.0109 EFFECTIVE DATE**

This Ordinance shall take effect from and after its passage and posting according to law, and shall be effective for all areas of the Town of Casco, excluding only those which are subject to extraterritorial zoning by an incorporated village or city which has exercised such power.

## 10.0200 DEFINITIONS

### 10.0201 GENERAL DEFINITIONS

For the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.

- A. The word "shall" is mandatory and not discretionary.
- B. The word "may" is permissive.
- C. The word "lot" shall include the words "piece", "parcel", and "plats"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- D. All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the next "integral foot" below shall be taken.

Any words not herein defined shall be construed as defined in other respective state, county, and town codes.

### 10.0202 WORDS DEFINED

Certain words and terms in this Ordinance are to be interpreted as defined herein:

Accessory Building - A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. It shall be limited to not greater than 75 percent of the size of the main building.

Agricultural Operation - Including, but not limited to, general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, but not including commercial seed, fertilizer, grain mills, food processing, or canning operations.

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

Animal Feedlot or Feedlot - means an operation or facility, including a drylot other than a pasture, where animals have been, are or will be fed, confined, maintained or stabled. (Also refer to *Chapter 11: Livestock Facility Siting and Licensing* of the Town of Casco Code of Ordinances).

Automobile wrecking yard - Any premises on which more than three motor vehicles, not in running or operating condition, are stored in the open or any premises that cut ups, compresses, or otherwise disposed of motor vehicles.

Basement - A story partly underground, which, if occupied for living purposes, shall be counted as a story for the purposes of height measurement.

Bed and Breakfast - A place of lodging for transient guests that is the owner's personal residence, that is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Boarding House - A building other than a hotel where meals, or lodging and meals, are furnished for compensation for 4 (four) or more persons, not members of a family.

Buildable Area - The space remaining on a zoning lot after the minimum open space requirements (coverage, yards, setbacks) have been met.

Building - Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animal, or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

Building, Height of - The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of gambrel, hip or pitch roof.

Campgrounds or Sites - A tract of land with or without buildings or other equipment on which one or more cabins are located or where temporary accommodations are provided for two or more automobile trailers or house cars or tents open to the public, free or for a fee.

Community Living Arrangement - "Community living arrangement" means any of the following facilities licensed or operated or permitted under the authority of the State Department of Health and Social Services: child welfare agencies under Wis. Stat. s.48.60, group homes for children under s.48.02 (7), and community-based residential facilities under s.50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

Conditional Use - A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Contiguous - Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

Day Care Center, Group - An establishment for the care and supervision of six (6) or more children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.

Day Care Home, Family - An establishment for the care and supervision of one (1) to five (5) children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.



Dwelling - A building, structure, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including, manufactured home, modular homes, single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels and motels.

Dwelling, One Family - A detached building designed for or occupied exclusively by one family, which does not include tents, cabins or mobile homes.

Dwelling, Multiple - A building or portion thereof designed for and occupied by more than 2 (two) families living independently of each other.

Dwelling, Two Family - A detached or semi-detached building designed for or occupied exclusively by 2 (two) families living independently of each other.

Dwelling Unit - One (1) or more rooms which are arranged, designed for use as living quarters for one family only. Individual bathrooms and complete kitchen facilities that are permanently installed, shall always be included for each dwelling unit.

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, electrical, steam, water, sanitary sewerage, 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 not including buildings.

FAA shall mean the Federal Aviation Administration.

Family - Two or more persons, each related to the other by blood, marriage, or legal adoption. A family may include, in addition, thereto, not more than two roomers, boarders or permanent guests, whether or not gratuitous.

Farm - Means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

1. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
2. A majority of the land area is in agricultural use.

Farm Consolidation - Means the combination of two or more farms to create a smaller number of farms.

Farm Residence - Means a one family dwelling that is located on a farm and occupied by any of the following:

1. An owner or operator of the farm.
2. A parent or child of an owner or operator of the farm.

3. An individual who earns more than 50 percent of his or her gross income from the farm.

Floor Area - (For determining off-street parking and loading requirements). Shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Forestation - Planting trees or shrubs on burned over land, cut over land or land that was never covered by forest, consisting of 5 (five) or more acres.

Frontage - All the property abutting one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Frontage, Zoning Lot - The length of all the property of such zoning lot fronting on a street, measured between side lot lines.

Garbage - Means discarded materials resulting from the handling, processing, storage and consumption of food or any putrescible waste.

Garage, Private - An accessory building or space for the storage of motor vehicles for the use of the occupants of a lot on which such building is located.

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

Garage, Storage - Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons capacity shall be stored in any storage garage.

Holding Tank - Tank for holding effluent per town specifications.

Home Occupation - A gainful occupation conducted by members of the family only, within their place of residence, provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, and that no stock in trade is kept or sold, that no sign other than one unlighted name plate no more than eight foot square is installed and then only one person other than a member of the immediate family living on the premises is employed. A home occupation may not occupy more than 25 percent of the floor area of the residence. A home occupation may not occupy any accessory building except

through the issuance of a conditional use permit. A permitted home occupation shall not be deemed to include animal hospitals or kennels.

Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms.

Hub Height shall mean, when referring to a Wind Turbine or Windmill, the distance measured from ground level to the center of the turbine or Windmill hub.

Junk - Any scrap, waste, reclaimable material or debris whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, baled, disposed or other uses or disposition and includes without limitations because of enumeration unregistered vehicles, inoperable vehicles, tires, vehicle parts, equipment, paper, rags, building materials, household appliances, machinery, brush, wood, and lumber. Junk includes motor vehicles used for parts.

Junk (or Salvage) Yard - An area where junk, waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used machinery, used building material and similar materials. A "junk" or "salvage" yard includes an auto wrecking yard.

Kennel - The term kennel as used in this Ordinance shall mean any lot or premises wherein or whereon more than 3 dogs over 6 months of age are either permanently or temporarily kept, boarded, bred or sold.

Limited Forestation - Planting trees or shrubs on burned over or cut over land or land that was never covered by forest, consisting of 5 (five) or less acres.

Living Area - The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Lodging House - A building other than a hotel or motel where lodging only is provided for compensation for more than two persons not members of the family.

Lot - A parcel of land having a width and depth sufficient to provide the space necessary for one principal building and its accessory building, together with the open spaces required by this ordinance and abutting on a public street or officially approved place, and having the area, size and dimensions required by this Ordinance for the particular zoning district.

Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Kewaunee County; or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds' Office of Kewaunee County.

Lot, Corner - A lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.

Lot, Depth of - The mean horizontal distance between the front and rear lot line, measured within the lot boundaries.

Lot Area, Gross - The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.

Lot, Interior - A lot other than a corner lot or reversed corner lot.

Lot Lines - The lines bounding a lot as defined herein.

Lot Line, Front - That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.

Lot Line, Rear - That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

Lot, Reversed Corner - A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot Sub-Standard - A lot smaller than the minimum required acreage that has been recorded with the Register of Deeds prior to the adoption of the Zoning Ordinance.

Lot, Through - A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

Lot Width - The horizontal distance between the side lot lines of a lot, measured at the rear line of the required front yard.

Manufactured Homes - Manufactured home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426.

Manufactured Home Court - Any plot or plots of ground upon which two or more manufactured home units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

Manufactured Home Sales Lot - An area for display and inspection of Manufactured Homes not to be used for dwelling.

MET Tower shall mean a meteorological tower used for the measurement of wind speed.

Mobile Home - Mobile home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15,

1976.

Modular Home - Modular homes are manufactured buildings constructed in compliance with State of Wisconsin Uniform Dwelling Code - Wisconsin Administrative Code Chs. ILHR-20-25.

Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients or tourists.

Non-Conforming Use - A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments hereto, which use or occupancy does not conform to the regulations of this Ordinance or any amendments thereto for the zoning district in which it is situated.

Parking Space, Off-Street - For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriated to the circumstances of the case, and in accordance with all the ordinances and regulations of the Town.

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the permitted use of structure.

Permitted Use - A use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.

Prime Agricultural Land - All lands which have capability unit I and II soils: farmlands of state wide importance having capability unit III soils and farmland of local significance have capability class and subclass IV, Vw, VIe, VIIe. Wetland type 3-8 found within these boundaries are not considered part of units I, II, or III.

Principal Use - The main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted", "conditional" or "non-conforming".

Professional Office - The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25 percent of the floor area of any one story of a dwelling unit shall be occupied by such office and only one unlighted name plate not exceeding three square feet

in area, containing the name and profession of the occupant of the premises shall be exhibited.

Public Airport - Any airport which complies with the definition contained in section 114.002(3) Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

Public Hunting & Fishing Grounds - Land purchased or held in compliance with applicable state and federal government statutes and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statutes and regulations.

Right-of-Way - a.) A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. b.) The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

Roadside Stand - A structure not permanently fixed to the ground and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one lot.

Satellite Dish Antenna - A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

Seasonal Cottage - Dwelling occupied less than 181 days per year.

Setback - The minimum horizontal distance between the line of a building or structure and the front property line.

Setback Area - The minimum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.

Setback, Corner Side Yard - The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.

Setback, Front Yard - The minimum horizontal distance between the front line of the building or use, and the street right-of-way line.

Setback Lines - Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings,

structures, or uses may not be constructed, maintained or carried on, except as shown herein.

Setback, Rear Yard - The minimum horizontal distance between the back line of the building or use, and the rear lot line.

Setback, Side Yard - The minimum horizontal distance between the side line of the building or use, and the side lot lines; unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.

Sign - Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, and model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

Solid Waste - Means any salvageable material as further defined in s.289.01 (33), except garbage.

Solid Waste Recycling Facility - Means a facility where solid waste is recycled, except garbage.

Solid Waste Storage Facility - Means a solid waste facility for the storage of solid waste, on a temporary basis in such a manner as not to constitute the ultimate disposal of solid waste, except garbage

Solid Waste Transfer Facility - Means a solid waste facility at which transferring of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transporting to the point of processing or disposal, except garbage. -.

Solid Waste Facilities - Includes sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities and the land where the facility is located. This term does not include an auto-wrecking yard or scrap metal salvage yard. This term does not include facilities that store, process or handle garbage.

Stable - An accessory building in which horses or domestic livestock are kept.

Shooting Preserve - Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.

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

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

Structural Alterations - any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

Structure - Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

Survey and Plans - survey and plans as referred to in this Ordinance and as relating to the construction of highways, shall be considered as accepted by the Town Board if Town or County funds have been used in the improvement carried out according to such plans.

Total Height shall mean, when referring to a Wind Turbine or Windmill, the distance measured from ground level to the blade extended at its highest point.

Town - The Town of Casco.

Town Board - The governing body of the Town of Casco.

Town Zoning Administrator - The Administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.

Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.

Variance - A variance is a relaxation of the terms of the Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformity's in the district or uses in an adjoining district.

Vision Clearance - An unoccupied triangular space at the intersection of two or more streets or highways which is bounded by the street lines or highway right-of-way lines and a setback line connecting points specified by measurement from the corner on each street or highway line.

Wind Access Permit shall mean a wind access permit within the meaning of Wis. Stats. §66.0403 or any successor statute.

Wind Energy Facility shall mean an electricity generating facility consisting of one or more Wind Turbines under common ownership operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). It includes substations, MET towers, cables and wires and other buildings accessory to such facility.



Wind Energy Facility Siting Permit shall mean a construction and operating permit granted in accordance with the provisions of this Ordinance.

Windmills shall mean all towers with a system of rotating blades used to capture wind energy which do not meet the definitions of a Wind Turbine as herein defined.

Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a Wind Turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a Wind Turbine for purposes of this Ordinance if it both has a Total Height greater than 170 feet and nameplate capacity of greater than 100 kilowatts [Note: Wind Turbines less than 170 feet in height or less than 100 kilowatts will be regulated as Windmills].

Yard - An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation and except as otherwise provided herein. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.

Yard, Corner Side - A side yard which adjoins a public street.

Yard, Front - A yard extending along the full length of the front lot line between the side lot lines.

Yard, Interior Side - A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Yard, Rear - A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Transitional - That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.

Zoning District - Divisions of the town, each area being accurately defined to boundaries and locations on the Official Zoning Map and in the Zoning Ordinance, for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

## **10.0300 GENERAL PROVISIONS**

### **10.0301 JURISDICTION**

The jurisdiction of this Ordinance shall include all lands and waters within the Town of Casco.

### **10.0302 COMPLIANCE**

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located and without the issuance of a building permit as required in Section 10.1100.
- B. No building or other structure shall hereafter be erected or altered:
  - 1. To exceed the height or bulk:
  - 2. To accommodate or house a greater number of families:
  - 3. To occupy a greater percentage of lot area:
  - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance.
- C. Noting herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which any permit has been issued before the effective date of this Ordinance and the construction of which shall have been started within six months from the date of such permit.

### **10.0303 SITE RESTRICTIONS**

- A. No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Town Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he/she bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter the Town Plan Commission may affirm, modify, or withdraw the determination of unsuitability.
- B. All Lots shall abut upon a public street, and each lot shall have a minimum frontage of 200 feet.

- C. All Principal Structures in a single-family residential district (R-1) and a multi-family residential (R-2) district shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures. However, in the A-1 Prime Agricultural Lands District (i.e., farmland preservation zoning district), a farm residence, as well as one additional farm residence, must be a conditional use granted by the Town Board and must meet the restrictions of listed in 10.0404 A.(f) of this ordinance.
- D. Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- E. Holding tanks will be allowed in the Town of Casco only if no other means of proper sewage disposal is available at reasonable cost. An individual landowner will be required to follow all regulations established by the Casco Town Board pursuant to the provisions of the Ordinance.

**10.0304 USE RESTRICTIONS**

The following use restrictions and regulations shall apply:

- A. Principal Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- B. Accessory Uses and structures are allowed in any district, however no accessory building or use shall be constructed or developed on a parcel prior to the time of construction of the principal structure to which it is accessory, except by conditional use permit. Agricultural accessory uses in the A-1 district lacking a principal structure on the parcel are exempt from the conditional use permit provided that they are an integral part of, or is incidental to, an agricultural use on a farm.

Unattached garages or storage structures without a principal structure on the same parcel require direct access to a road.

Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Ordinance. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's owner's, itinerant agricultural laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.

Items prohibited as accessory structures. Such items as but not limited to boats, manufactured homes, buses, railroad cars, shipping containers, and trailers shall not be used as accessory structures, except as a temporary use not to exceed 30 consecutive days in a calendar year.

Items allowed as accessory structures through a conditional use permit. Semi trailers and storage containers are allowed as conditional uses under A-1 and A-2.

- C. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board in accordance with Section 10.1200 of this Ordinance.
- D. In any district, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of this Ordinance, October 10, 2012, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not continuous frontage with other lots in the same ownership. This provision shall apply even through such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Such lot must meet the minimum lot size required for lots without public sewer by the Wisconsin Administrative Code. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

#### **10.0305 LOT REDUCTION OR JOINT USE**

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

### **10.0306 HEIGHT REGULATIONS**

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

- A. Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Ordinance.
- B. Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- C. Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- D. Communication Structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- E. Agricultural Structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
- F. Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, and governmental offices and stations, may be erected to a height of 60 feet provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

### **10.0307 FRONT, SIDE, AND REAR YARD REGULATION**

- A. No part of the required front yard shall be used for open storage of boats, vehicles or any other equipment except for vehicular parking on driveways. All open storage areas, shall be properly landscaped.
- B. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of the yard or any other open space required for another building.
- C. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:
  - 1. Uncovered Stairs, landings, and fire escapes may project into any yard but shall not exceed six (6) feet nor be closer than three (3) feet to any lot line.

2. Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.
  3. Accessory Uses, except those within the principal residence, and detached accessory structures are permitted in the rear yard only; they shall not be closer than 10 feet to the principal structure or other accessory structure, shall not exceed 18 feet in height, shall not occupy more than 20 percent of the rear yard area, or side yard and shall not be closer than three (3) feet to any lot line nor five (5) feet to an alley line. Farm accessory building shall not be closer than 20 feet to any lot line; however any farm accessory building used for the housing of animals must be 100 feet from the side lot lines and 100 feet from the rear lot line.
  4. Off-street Parking is permitted in all yards of the B-1 Business District.
  5. Essential Services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
  6. Landscaping and vegetation are exempt from the yard requirements of this Ordinance except as specifically regulated.
- D. Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- E. The required street yard, or setback, may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side, but shall in no case be less than 15 feet.
- F. Corner lot structures shall provide a front yard setback as required by this Ordinance on the street that the structure faces. A second front yard setback shall be provided on the side of the structure abutting a public or private street.
- G. Kennels, every kennel shall be located at least 200 feet from the nearest dwelling and at least 100 from any lot line.
- H. Street Setbacks
1. Setback from a state or federal highway shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.
  2. Setback from a county trunk shall be 75 feet from the centerline of such county trunk or 42 feet from the right-of-way line, whichever is greater.

3. Setback from all other town or local road shall be 65 feet from the centerline of such road or 30 feet from the right-of-way line, whichever is greater.

**10.0308 BUILDING AREA REGULATION**

The total minimum living area of a dwelling shall be 840 square feet per dwelling unit.

**10.0309 PHYSICAL REQUIREMENTS APPLYING TO SINGLE AND TWO FAMILY RESIDENTIAL DWELLINGS**

A. Minimum Size:

1. The total minimum living area of a dwelling shall be 840 square feet per dwelling unit.
2. The minimum exterior width shall be 22 feet at its narrowest point of its first story for a depth of 20 feet, exclusive of porches (enclosed or unenclosed), garages, decks, and other similar structural additions.

B. Foundation:

1. The dwelling is set on an enclosed foundation in accordance with Sec. 70.043(1), Wisconsin Stats., and subchapters III-Excavations, IV-Footings, and V-Foundations of ch. IHR 21, Wis. Admin. Code. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

Dwellings shall have a properly engineered, permanently attached means of support that meets the manufacturer's installation requirements and all applicable building codes.

2. In addition to the requirements of paragraph 1 above any manufactured home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2800 lb. and the anchors embedded in concrete to withstand the tie-down strain. The amount of tie-downs shall be guided by the manufactured home manufacturer's recommendations provided there are no less than 4 tie-downs.

C. Applicability of Wisconsin Uniform Dwelling Code to-Site Built Additions to Manufactured Homes:

Site built additions to a manufactured home, such as a basement, crawl spaces or room additions must meet the requirements of the Wisconsin Uniform Dwelling Code.

D. Siding Material:

Dwellings shall have exterior siding material that is residential in appearance and consists of either wood, masonry, concrete, stucco,

clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

E. Roof

The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run, and covered with material that is residential in appearance, including but not limited to, approved wood, asphalt, composition or fiberglass shingles, corrugated aluminum, corrugated fiberglass, or metal roof. The roof shall have a minimum 12-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.

F. Mobility

Once placed on site, no modular home or manufactured home shall contain any wheels, hitch, or any other device facilitating its mobility.

G. Any manufactured home not meeting the requirements of this section shall only be permitted as described in Section 10.0504 of this ordinance. (Note Section 10.0504 only permits manufactured homes as a permitted use in the A-1, and A-2 Districts)



## **10.0400 ESTABLISHMENT OF DISTRICTS**

### **10.0401 ESTABLISHMENT OF DISTRICTS**

For the purpose of this Ordinance, the Town of Casco, Kewaunee County, Wisconsin, is hereby divided into the following zoning districts:

- A-1 Prime Agricultural Land District
- A-2 Agriculture - Rural Residential District
- R-1 Single Family Residential District
- R-2 Multi-family Residential District
- B-1 Business District
- I-1 General Industrial District
- C-1 Conservancy Overlay District

### **10.0402 ZONING MAP**

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled "Zoning District Map for the Town of Casco, Kewaunee County, Wisconsin," dated September 26, 2012 which are incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

### **10.0403 INTERPRETATION OF DISTRICT BOUNDARIES**

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

- A. District boundary lines are the center lines of highways, streets, alleys, and pavements; or right of way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of- way, unless otherwise indicated.
- C. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Town Board, after due hearing may extend the regulation for either portion of such lot.

## 10.0404 DISTRICT REGULATIONS

### A. A-1 Prime Agricultural Land District

The A-1 district is intended to protect the agricultural industry from scattered nonagricultural development that may displace agricultural uses and is, therefore, not intended to accommodate future nonagricultural growth. It is intended that this district apply to lands included in productive farm operations and which have historically exhibited good crop yields, or are capable of such yields; have demonstrated productivity for dairying, livestock raising, and grazing; have been used for production of specialty crops such as tree and plant materials, fruits, and vegetables; or have been integral parts of such farm operations.

Definitions.

The following words, terms, and phrases, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

- (a) “Agricultural accessory use” means any of the following land uses on a farm:
  - (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
    - A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
    - A facility used to keep livestock on the farm.
    - A facility used to store or process inputs primarily for agricultural uses on the farm.
    - A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
    - A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
    - A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
  - (2) An activity or business operation that is an integral part of, or incidental to, an agricultural use.

- (b) “Agricultural uses” means any of the following activities conducted for the purpose of producing an income or livelihood:
- (1) Crop or forage production.
  - (2) Keeping livestock.
  - (3) Beekeeping.
  - (4) Nursery, sod, or Christmas tree production.
  - (5) Floriculture.
  - (6) Aquaculture.
  - (7) Fur farming.
  - (8) Forest management.
  - (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (c) “Agriculture-related uses” means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
- (1) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services (e.g., seed, fertilizer, and farm chemical sales) directly to farms, including farms in the A-1 zoning district.
  - (2) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the A-1 zoning district. Examples include feed mills and grain elevators.
  - (3) Slaughtering livestock, including livestock from farms in the A-1 zoning district.
  - (4) Marketing livestock to or from farms, including farms in the A-1 zoning district.
  - (5) Processing agricultural by-products or waste received directly from farms, including farms in the A-1 zoning district.
- (d) “Common ownership” means ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. Common ownership includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

- (e) “Farm” means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
  - (1) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
  - (2) A majority of the land area is in agricultural use.
- (f) “Farm residence” means a one family dwelling that is located on a farm and occupied by any of the following:
  - (1) An owner or operator of the farm.
  - (2) A parent or child of an owner or operator of the farm.
  - (3) An individual who earns more than 50 percent of his or her gross income from the farm.
- (g) “Gross farm revenue” means gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. “Gross farm revenue” includes receipts accruing to a renter, but does not include rent paid to the land owner.
- (h) “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids (e.g., llamas, alpacas), ratites (e.g., ostrich, emu), and farm-raised fish.
- (i) “Open space parcel” means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
- (j) “Person” means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (k) “Prime farmland” means all of the following:
  - (1) An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
  - (2) Land, other than land described in section 10.0404 A.(k)(1), which is identified as prime farmland in the county’s certified farmland preservation plan.
- (l) “Prior nonconforming use” means a land use that does not comply with this zoning ordinance, but which lawfully existed

prior to the application of this ordinance.

- (m) “Protected farmland” means land that is any of the following:
  - (1) Located in the A-1 zoning district certified under ch. 91, Wis. Stats.
  - (2) Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
  - (3) Covered by an agricultural conservation easement under Wis. Stat. § 93.73.
  - (4) Otherwise legally protected from nonagricultural development.

1. Permitted Uses. The following uses are allowed in the A-1 district.

- (a) Agricultural uses (see Section 10.0404 A.(b)).
- (b) Agricultural accessory uses (see Section 10.0404 A.(a)).
- (c) Livestock facility, less than 500 animal units.
- (d) Essential services consistent with Wis. Stat. § 91.44.
- (e) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- (f) Undeveloped natural resource and open space areas.

2. Conditional Uses. A conditional use in the A-1 district is to permit the following uses only after public meeting and approval of the Plan Commission. The town may require a site plan approved by the Plan Commission as requirement of the conditional use. One purpose of the site plan would be to minimize the amount of agricultural land taken out of production by the conditional use.

- (a) Agriculture-related uses (see Section 10.0404 A.(c)). A conditional use permit may be issued for an Agriculture-related use if all of the following apply:
  - (1) The use supports agricultural uses in the A-1 zoning district in direct and significant ways, and is more suited to the A-1 zoning district than to the B-1 or I-1 zoning districts.
  - (2) The use and its location in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
  - (3) The use and its location in the A-1 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or

federal law.

- (4) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
  - (5) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
  - (6) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (b) Airfields, airports, and heliports, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, however are not open to the public.
  - (c) Animal Feedlot/Livestock Facility, 500 or more animal units (See *Chapter 11: Livestock Facility Siting and Licensing* of the Town of Casco Code of Ordinances).
  - (d) Bed and breakfast, consistent with Section 10.0404 A.2(m).
  - (e) Compatible infrastructure consistent with Wis. Stat. § 91.46(4), to include transportation uses, including roads, rail facilities; communication uses, including transmission lines, cell towers, antennae, and broadcast towers (except commercial radio and commercial television towers); oil, gas, and other pipelines; electrical transmission lines; wind turbines (See *Chapter 9: Wind Energy Facilities and Windmills* of the Town of Casco Code of Ordinances); solar energy facilities; and drainage facilities.
  - (f) Farm residence.
  - (g) Farm residence, one additional.
  - (h) Institutional, governmental uses, and religious uses consistent with Wis. Stat. § 91.46(5) such as: colleges, universities, schools (elementary, junior high and senior high), hospitals, churches and other religious institutions, cemeteries, public parks, public recreation sites, and public golf courses.
  - (i) Public and private utilities consistent with Wis. Stat. § 91.46(4).
  - (j) Signs.
  - (k) Quarries, sand, and gravel pits and non-metallic mining consistent with Wis. Stat. § 91.46(6).
  - (l) Riding and Boarding Stables, consistent with Wis. Stat. § 91.01(1).
  - (m) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:

- (1) It is conducted on a farm by an owner or operator of that farm.
- (2) It requires no buildings, structures, or improvements other than those described in 10.0404 A.(a)(1) or 10.0404 A.(f).
- (3) It employs no more than 4 full-time employees annually.
- (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

3. Area, Height, and Yard Requirements in the A-1 district.

- (a) Lot
 

AREA	Minimum: 35 acres.
WIDTH	Minimum: 200 feet
- (b) Building Height      Maximum:
  - (1) 35 ft. for residential structures.
  - (2) 35 ft. for residential accessory.
  - (3) 130 ft. for farm structures
- (c) Yards
  - (1) 20 ft. property line setback for principal structures.
  - (2) 20 ft. property line setback for accessory structures.
  - (3) 100 ft. property line setback for accessory for housing animals.

Street:	See Section 10.0307(H)
Town Road	
County Road	
State and Federal Highway	

4. Rezoning Land Out of the A-1 Prime Agricultural Land District.

- (a) Town of Casco may not rezone land out of the A-1 zoning district unless the town does all of the following prior to the rezoning:
  - (1) Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
    - The rezoned land is better suited for a use not allowed in the A-1 zoning district.
    - The rezoning is consistent with any comprehensive plan, adopted by the local community which is in effect at the time of the rezoning.

- The rezoning is substantially consistent with the Kewaunee County farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
  - The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (b) By March 1 of each year, the Zoning Administrator shall provide a report to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) identifying the number of acres that the Town has rezoned out of the A-1 zoning district during the previous calendar year and a parcel map that clearly shows the location of those acres.
- (c) By March 1 of each year, the Zoning Administrator shall submit a copy of the information that it reports to DATCP under 10.0404 A.4(b) to Kewaunee County.

**B. A-2 Agricultural - Rural Residential District**

The purpose of the Agricultural-Rural Residential (A-2) is to provide for the continuation of small-scale, general agriculture and related uses in those areas generally suitable for farming, but that do not necessarily meet the standards and objectives of the A-1 zoning district. The intent is to conserve areas with soils, drainage and topography generally suitable for farming, and to regulate residential, commercial and industrial development in those areas.

1. Permitted Uses. The following uses are allowed in the A-2 district.
- (a) Single family dwellings
  - (b) Agricultural operations, including but not limited to, animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, greenhouses, vegetable raising, plant nurseries, orchards and crop harvesting, truck farming, horticulture or viticulture, and accessory uses
  - (c) Animal feedlots under 500 animal units
  - (d) Bed and breakfast
  - (e) Forestation (tree or shrub planting)
  - (f) Essential Services
  - (g) 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. No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal structure to which it



is accessory, except by conditional use permit.

- (h) One roadside stand per farm.
- 2. Conditional Uses. The following uses may be allowed in the A-2 district.
  - (a) Home Business
  - (b) Hunting cabins
  - (c) Quarries, sand, and gravel pits incidental to farm operation and non-metallic mining subject to a reclamation plan approved under the Kewaunee County Non-Metallic Mining Ordinance.
  - (d) Signs
  - (e) Utilities, that do not require authorization under Wis. Stats. 196.491(3)
  - (f) Wind turbine (See *Chapter 9: Wind Energy Facilities and Windmills* of the Town of Casco Code of Ordinances)
  - (g) Wireless communication tower (including commercial radio and commercial television towers)
  - (h) Animal Feedlot / Livestock Facility, 500 or more animal units.
  - (i) Riding and Boarding Stables
- 3. Area, Height, and Yard Requirements in the A-2 district.
  - (a) Lot
    - AREA Minimum: 1-1/2 Acres
    - WIDTH Minimum: 200 feet
  - (b) Building Height Maximum: 35 feet
  - (c) Yards
    - Rear Minimum 25 feet
    - Side Minimum 25 feet
    - Street: See Section 10.0307(H)
      - Town Road
      - County Road
      - State and Federal Highway

4. Miscellaneous Provisions

To encourage an agricultural environment that is compatible with the character of the Town, Conditional Use Permits for uses in the A-2 zone shall not be issued without review and approval of the Town of Casco Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, etc.

**C. R-1 Single Family Residential District**

The primary purpose of this district is to provide for a quiet, pleasant and relatively spacious living area for residential development protected from traffic hazards and the intrusion of noncompatible land uses. The intent is to provide for rural residential development on soils that are compatible for on-site disposal of sewage effluent, and in areas that do not infringe on agricultural uses.

1. Permitted Uses. The following uses are allowed in the R-1 district.
  - (a) Single-family dwellings.
  - (b) Bed and breakfast
  - (c) Community living arrangement with a capacity for 8 or fewer persons served by the program
2. Accessory Uses. No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal structure to which it is accessory, except by conditional use permit.
  - (a) Private Carports
  - (b) Detached Private Garages
  - (c) Home Occupations
  - (d) Day Care Home, Family
3. Conditional Uses. The following uses may be allowed in the R-1 district.
  - (a) Two Family Dwellings
  - (b) Cemeteries
  - (c) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
  - (d) Utilities
  - (e) Community living arrangement with a capacity for 9 or more persons served by the program
  - (f) Day Care Center, Group
  - (g) Manufactured Homes that meet the requirements of Section 10.0504

4. Area, Height, and Yard Requirements in the R-1 district.

- (a) Lot  
AREA Minimum: 1-1/2 acre  
WIDTH Minimum: 200 feet
- (b) Building Height Maximum: 35 feet
- (c) Yards  
Rear Minimum 25 feet  
Side Minimum 25 feet  
Street: See Section 10.0307(H)  
Town Road  
County Road  
State and Federal Highway

D. **R-2 Multi-Family Residential District**

The primary purpose of this district is to permit the utilization of small quantities of land in predominantly agricultural areas for higher density rural residential use. As a matter of policy it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soils, topography, or severance from larger agricultural parcels.

- 1. Permitted Uses. The following uses are allowed in the R-2 district.
  - (a) Multi-family dwellings
  - (b) Single Family dwellings
  - (c) Two Family dwellings
  - (d) Community living arrangements
  - (e) Day Care Center, Group
  - (f) Day Care Home, Family
- 2. Accessory Uses. No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal structure to which it is accessory, except by conditional use permit.
  - (a) Private carports
  - (b) Private garages
  - (c) Home occupations
- 3. Conditional Uses. The following uses may be allowed in the R-2 district..
  - (a) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums.

- (b) Signs
  - (c) School and churches
  - (d) Mobile home parks
  - (e) Manufactured Homes that meet the requirements of Section 10.0504
4. Area, Height, and Yard Requirements in the R-2 district.
- (a) Lot
 

AREA	Minimum: 1-1/2 acres
WIDTH	Minimum: 200 feet
DENSITY	6 units per acre
  - (b) Building HeightMaximum: 35 feet
  - (c) Yards
 

Rear	Minimum: 25 feet
Side	Minimum: 25 feet
Street:	See Section 10.0307(H)
Town Road	
County Road	
State and Federal Highway	

**E. B-1 Business District**

The primary purpose of the Business District is to serve the retail and service needs of nearby residential areas with a wide range of products and services for both daily and occasional shopping. The following regulations shall apply in the B-1 District:

1. Permitted Uses. The following uses are allowed in the B-1 district
  - (a) Antique shops
  - (b) Art and school supply stores
  - (c) Art shops or galleries, but not including auction rooms
  - (d) Automobile accessory stores
  - (e) Bakeries - room or rooms, containing the baking process shall not exceed a total of five thousand (5,000) square feet in area.
  - (f) Banks and financial institutions
  - (g) Barber shops
  - (h) Beauty parlors
  - (i) Bicycle sales, rental, and repair stores
  - (j) Blueprinting and photostating
  - (k) Boat showrooms and sales

- (l) Book and stationary stores
- (m) Business machine sales and service
- (n) Camera and photographic supply stores
- (o) Campgrounds
- (p) Candy and ice cream stores
- (q) Carpet and rug stores, retail sales only
- (r) Catering establishments
- (s) Child day care centers
- (t) China and glassware stores
- (u) Clothing and costume rental stores
- (v) Clubs and lodges, nonprofit and fraternal
- (w) Coin and stamp stores
- (x) Computer and data processing services
- (y) Custom dressmaking
- (z) Day Care Centers, Group
- (aa) Day Care Home, Family
- (bb) Department stores
- (cc) Drug stores
- (dd) Dry cleaning establishments, not engaged in wholesale processing
- (ee) Dry goods stores
- (ff) Eating and drinking places, excluding drive-ins and establishments primarily engaged in carryout service
- (gg) Electrical and household appliance stores, including radio and television sales
- (hh) Electrical showrooms and shops
- (ii) Employment agencies
- (jj) Farm implement dealers
- (kk) Florist shops
- (ll) Food stores, grocery stores, meat markets, bakeries and delicatessens
- (mm) Frozen food stores, including locker rental in conjunction therewith
- (nn) Furniture stores, including upholstering when conducted as part

of the retail operations and secondary to the principal use

- (oo) Furrier shops, including the incidental storage and conditioning of furs
- (pp) Garden supply, tool, and seed stores
- (qq) Gift shops
- (rr) Hardware stores
- (ss) Hobby shops, for retail of items to be assembled or used away from the premises
- (tt) Household appliances, office equipment and other small machine sales and service
- (uu) Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use
- (vv) Insurance agencies
- (ww) Jewelry stores, including watch and clock repair
- (xx) Laboratories, medical and dental
- (yy) Laboratories, medical and dental, research and testing
- (zz) Launderettes, automatic, self-service only, or hand laundries employing not more than two (2) persons in addition to one (1) owner or manager
- (aaa) Leather goods and luggage stores
- (bbb) Libraries
- (ccc) Liquor stores, packaged goods
- (ddd) Locksmith shops
- (eee) Medical and dental clinics
- (fff) Meeting halls
- (ggg) Millinery shops
- (hhh) Miscellaneous personal services
- (iii) Miscellaneous repair shops
- (jjj) Miscellaneous shopping goods stores
- (kkk) Motor vehicle and automotive parts and supplies
- (lll) Musical instrument sales and repair

- (mmm) Newspaper distribution agencies for home delivery and retail trade
- (nnn) Nurseries, lawn and garden supply stores
- (ooo) Nursing and personal care facilities
- (ppp) Office machine sales and servicing
- (qqq) Offices, business, professional, and governmental
- (rrr) Office supply stores
- (sss) Optician sales, retail
- (ttt) Orthopedic and medical appliance stores
- (uuu) Paint and wallpaper stores
- (vvv) Pet shops
- (www) Phonograph record and sheet music stores
- (xxx) Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises
- (yyy) Picture framing, when conducted for retail trade on the premises only
- (zzz) Plumbing showrooms and shops
- (aaaa) Post offices
- (bbbb) Publishing and printing
- (cccc) Radio and television sales, servicing and repair shops
- (dddd) Radio and television stations and studios
- (eeee) Real estate offices
- (ffff) Recording studios
- (gggg) Residential care group homes
- (hhhh) Restaurants - including the serving of alcoholic beverages
- (iii) Schools - dance, music, and business
- (jjjj) Security brokers
- (kkkk) Sewing machine sales and service - household appliances only
- (lll) Shoe, clothing, and hat repair stores
- (mmmm) Shoe stores
- (nnnn) Sporting goods stores
- (oooo) Tailor shops

- (pppp) Taverns
- (qqqq) Taxidermists
- (rrrr) Telegraph offices
- (ssss) Telephone booths and coin telephones
- (tttt) Ticket agencies, amusement
- (uuuu) Tobacco shops
- (vvvv) Toy shops
- (www) Travel bureaus and transportation ticket offices
- (xxxx) Undertaking establishments and funeral parlors
- (yyyy) Used merchandise stores
- (zzzz) Variety stores
- (aaaaa) Wearing apparel shops and accessories
- (bbbbbb) Accessory uses, incidental to, and on the same zoning lot as the principal use

2. Conditional Uses. The following uses may be allowed in the B-1 district..

- (a) Amusement establishments - archery ranges, bowling alleys, shooting galleries, game room, swimming pools, skating rinks, and other similar amusement facilities
- (b) Animal hospitals, veterinary services, and kennels
- (c) Auction rooms
- (d) Automotive repair shops
- (e) Automotive rental and leasing
- (f) Automotive services
- (g) Building material products sales
- (h) Car wash
- (i) Dry cleaning establishments employing more than four (4) persons
- (j) Attached dwelling units for the owner or operator of the principal use
- (k) Eating and drinking establishments primarily engaged in drive-in and carryout service
- (l) Greenhouses, commercial
- (m) Hotels, motels



- (n) Mail order houses
- (o) Manufactured home sales
- (p) Mini-warehouses
- (q) Motor vehicle sales
- (r) Off-premise signs greater than three hundred (300) square feet in size and less than five hundred one (501) square feet in size
- (s) Parking garages or structures, other than accessory, for the storage of private passenger automobiles only
- (t) Parking lots, open and other than accessory
- (u) Recreational and utility trailer dealers
- (v) Schools, commercial and trade
- (w) Wind turbine (See *Chapter 9: Wind Energy Facilities and Windmills* of the Town of Casco Code of Ordinances)
- (x) Wood cabinetmaking
- (y) Adult entertainment business (see Section 10.0805)

3. Area, Height, and Yard Requirements in the B-1 district.

- (a) Lot
 

AREA	Minimum: 40,000 square feet
WIDTH	Minimum: 100 feet
- (b) Building Height      Maximum: 35 feet
- (c) Yards
 

Rear	Minimum: 15 feet
Side	Minimum: 10 feet
Street	See Section 10.0307(H)
Town Road	
County Road	
State and Federal Highway	

F. **I-1 General Industrial District**

The I-1 General Industrial District is designed to accommodate those industrial activities which, by their character, should be relatively remote from residential and business development and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission and transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare or heat.

1. Permitted Uses. The following uses are allowed in the I-1 district
  - (a) Accessory uses, incidental to, and on the same lot as the principal use
  - (b) Bakeries
  - (c) Bedding manufacturing
  - (d) Boot and shoe manufacturing
  - (e) Bottling companies
  - (f) Brick and structural clay products manufacture
  - (g) Building materials sales and storage
  - (h) Carpet manufacturing
  - (i) Cartage facilities
  - (j) Cloth products manufacturing
  - (k) Contractors, architects, and engineering offices, shops, and yards
  - (l) Cosmetic production
  - (m) Dairy products
  - (n) Electronic and scientific precision instrument manufacturing
  - (o) Electroplating
  - (p) Feed mills
  - (q) Feed and seed sales
  - (r) Food manufacture, packaging, and processing
  - (s) Freight terminals
  - (t) Glass products production and sales
  - (u) Graphite products manufacture
  - (v) Greenhouses, wholesale
  - (w) Laboratories, research and testing
  - (x) Laundries
  - (y) Light machinery products - appliances, business machines, etc.
  - (z) Lithographing
  - (aa) Lodges and offices of labor organizations
  - (bb) Machine shop
  - (cc) Mail order house

- (dd) Metal stamping
  - (ee) Musical instruments manufacture
  - (ff) Orthopedic, and medical appliance manufacture
  - (gg) Paper products manufacture
  - (hh) Parking lots, other than accessory, and subject to the provision of the Off-Street Parking Ordinance
  - (ii) Printing and publishing establishments
  - (jj) Public utility and service uses
  - (kk) Radio and television stations and towers
  - (ll) Rope, cord, and twine manufacture
  - (mm) Rubber processing and manufacture
  - (nn) Sign manufacture
  - (oo) Sporting goods manufacture
  - (pp) Trade schools
  - (qq) Warehouses
  - (rr) Wastewater treatment plants, municipal
  - (ss) Wearing apparel manufacture
  - (tt) Welding shop
  - (uu) Woodworking and wood products
2. Conditional Uses. The following uses may be allowed in the I-1 district.
- (a) Abrasive manufacture
  - (b) Airports and commercial heliports, including aircraft landing fields, runways, flightstrips, and flying schools, together with hangars, terminal buildings, and other auxiliary facilities
  - (c) Auto wrecking yard, junk yards, salvage yards
  - (d) Grain storage and processing
  - (e) Heavy machinery production
  - (f) Off-premise signs greater than three hundred (300) square feet in size and less than five hundred one (501) square feet in size
  - (g) Paint products manufacture
  - (h) Petroleum products storage or processing
  - (i) Plastics manufacture
  - (j) Sanitary landfills

- (k) Sand, gravel, and stone extraction, see Section 10.0803
  - (l) Solid waste recycling facility, solid waste transfer facility, and solid waste storage facility
  - (m) Steel manufacture
  - (n) Wind turbine (See *Chapter 9: Wind Energy Facilities and Windmills* of the Town of Casco Code of Ordinances)
3. Area, Height, and Yard Requirements in the I-1 district.
- (a) Lot
 

AREA	Minimum: 40,000 square feet
WIDTH	Minimum: 100 feet
  - (b) Building Height Maximum: 60 feet
  - (c) Yards
 

Rear	Minimum: 20 feet
Side	Minimum: 10 feet
Street:	See Section 10.0307(H)
Town Road	
County Road	
State and Federal Highway	
4. Other Requirements
- No use shall be established, maintained, or conducted in any I-1 District that causes any of the following:
- (a) Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
  - (b) Hazard of fire or explosion or other physical hazard to any person, building or vegetation.
  - (c) A harmful discharge of waste material.

**G. C-1 Conservancy Overlay District**

Provisions for this district shall be identical to those of the Kewaunee County Shoreland Zoning Ordinance adopted January 14, 1969, as amended from time to time by the Board of Supervisors of Kewaunee County.

## **10.0500 MANUFACTURED HOMES & MANUFACTURED HOME PARKS**

### **10.0501 PURPOSE**

The purpose of these regulations is to provide for the orderly and well planned development of manufactured home parks and to allow for the location of manufactured homes in certain districts.

### **10.0502 DEFINITIONS**

Manufactured Home - Manufactured home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426.

Manufactured Home Park - Any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

Mobile Home - Mobile home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

Occupied Area - That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.

Pad - A concrete slab or its equivalent, as determined by the Town Zoning Administrator, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.

Park Management - The person who owns or has charge, care or control of the manufactured home park.

Person - Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.

Space - A plot of ground in a manufactured home park designed for the location of only one (1) manufactured home.

Unit - One (1) manufactured home.

**10.0503 GENERAL REQUIREMENTS**

- A. It shall be unlawful, except as provided in this Ordinance for any person to park any manufactured home on any street, alley or highway or other public place of on any tract of land owned by any person, within the Town of Casco.
- B. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- C. No person shall park or occupy any manufactured home on any premises which is situated outside an approved manufactured home park, except as permitted under Section 10.0504. Parking of only one (1) unoccupied manufactured home, mobile home, or travel trailer is permitted, provided no living quarters shall be maintained or business practiced in said trailer, while such trailer is so parked or stored. Said unit can be parked or stored:
  - 1. Within an accessory private garage building or in a rear yard during the entire year.
  - 2. Within the side yard setback area during the period between the dates of May 1 and the second Tuesday in September. A unit so parked may have the drawbar protrude into the front yard setback area.
  - 3. Within the front yard setback area for a maximum period of two (2) weeks during the period indicated in (2) above to permit preparation and cleaning of the unit.
- D. Except as permitted under Section 10.0503(C), mobile homes are permitted only in manufactured home parks.
- E. Replacement of any legally existing manufactured home is allowed in each zoning district.
- F. All manufactured homes manufactured for or used for human habitation must meet the construction standards contained in Wisconsin Administration Code Chapter Comm 27.

**10.0504 PERMIT REQUIRED FOR MANUFACTURED HOMES NOT LOCATED IN A MANUFACTURED HOME PARK**

- A. Manufactured Homes are a conditional use in the R-1 Single Family Residential District and the R-2 Multi Family Residential District provided that the manufactured home meets the requirements of Section 10.0309 Physical Requirements Applying to Single and Two Family Residential Dwellings.

- B. Manufactured Homes are a permitted use on individual lots in the A-1 Prime Agricultural Land District and the A-2 Agricultural-Rural Residential District provided that:
1. A proposed site plan shall be submitted with the building permit application to the Zoning Administration for review and approval by the Plan Commission and shall include the size of the manufactured home along with the location on the building plot showing all yard measurements and locations of water supply and septic tank filter bed.
  2. To help ensure that the manufactured home is compatible with site-built housing, the manufactured home shall comply with the following design standards:
    - (a) The manufactured home is set on an enclosed foundation in accordance with Sec. 70.043(1), Wisconsin Stats., and subchapters III-Excavations, IV-Footings, and V-Foundations of ch. IHR 21, Wis. Admin. Code. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
    - (b) The manufactured home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2800 lb. and the anchors embedded in concrete to withstand the tie-down strain. The amount of tie-downs shall be guided by the manufactured home manufacturer's recommendations provided there are no less than 4 tie-downs.
    - (c) The manufactured home is installed in accordance with the manufacturer's instructions and is properly connected to utilities.
    - (d) The hitch and wheels must be removed.
    - (e) The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run, and covered with material that is residential in appearance, including but not limited to, approved wood, asphalt, composition or fiberglass shingles, corrugated aluminum, corrugated fiberglass, or metal roof. The roof shall have a minimum 8-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.
    - (f) The dwelling shall have exterior siding material that is residential in appearance and consist of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles shakes, or similar material, smooth, ribbed, or corrugated metal or plastic

panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

3. All other district regulations shall apply.
4. No manufactured home shall be located in the Town of Casco after six (6) months unless it meets the requirements of a permanent dwelling and is taxed accordingly, or located in a manufactured home park licensed and approved by the Town Board.

**10.0505 LICENSE FOR MANUFACTURED HOME PARK: APPLICATION AND ISSUANCE**

- A. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a manufactured home park within the limits of the Town of Casco without first securing a license for each park from the Town Board, pursuant to this section. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this section for additional periods of one (1) year.
- B. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee of One Hundred (\$100.00) Dollars and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of one thousand (\$1,000.00) dollars for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.
- C. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by



five (5) copies of the park plan at a minimum scale of 1" = 50 feet showing the following, either existing or as proposed:

1. The extent and area for park purposes.
2. Roadway and driveways.
3. Location of manufactured home spaces.
4. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
5. Complete layout of storm, sanitary and water systems for service building and spaces.
6. Method and plan of garbage removal.
7. Plan for electrical or gas lighting of spaces.
8. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

**10.0506 REVOCATION AND SUSPENSION**

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.058 (2) (d), Wisconsin Statutes.

**10.0507 LOCATION OF MANUFACTURED HOME PARKS**

Manufactured home parks as a conditional use are permitted in any A-2 Agricultural-Rural Residential District and any Multi-family district subject to the regulations of this ordinance.

**10.0508 MANUFACTURED HOME PARK PLAN**

The manufactured home park shall conform to the following requirements:

- A. Manufactured home spaces shall be clearly defined and shall consist of a minimum of four thousand two hundred (4200) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Engineer. The roadways shall be well lighted and shall not be obstructed.

- B. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
- C. All manufactured homes within a manufactured home park shall be parked within the designated spaces.
- D. For the protection of abutting property owners as well as mobile homeowners, a twenty-five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty-five (25) foot buffer strip.
- E. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:
  - 1. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
  - 2. The hitch used for pulling the manufactured home may protrude into the front yard setback.
- F. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section 10.0508(E).
- G. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Zoning Administrator to be used for the accommodation of necessary water and sanitary connections.
- H. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in 10.0508(D) and 10.0508(E) above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
- I. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space.
- J. All manufactured homes in manufactured home parks shall be skirted. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- K. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space

without a permit from the Town Zoning Administrator. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition or awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback, side yard and rear yard requirements for manufactured home units.

- L. The manufactured home park shall comply with the Wisconsin Administration Code Chapter H55177 except when this Ordinance is more restrictive.

#### **10.0509 SANITARIAN REGULATIONS**

All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Kewaunee County.

#### **10.0510 OPERATION OF MANUFACTURED HOME PARKS: RESPONSIBILITY OF PARK MANAGEMENT**

- A. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.
- B. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
  - 1. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
    - (a) Names and addresses of all owners and occupants of each manufactured home.
    - (b) Number of children of school age.
    - (c) State of legal residence.
    - (d) Dates of entrance and departure of each manufactured home.
    - (e) Make, model, year, and serial number of license number of each manufactured home and towing or other motor vehicles and state, territory or country issuing such licenses.
    - (f) Place of employment of each occupant, if any.
  - 2. Notify park occupants of the provision of this ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.
  - 3. Notify the health officer immediately of any suspected communicable

or contagious disease within the park.

4. Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tiedowns.
5. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

#### **10.0511 VARIANCES**

The requirements of Section 10.0508 (A), (D), (E), (F), (G), and (H) shall not apply to manufactured home parks existing prior to the adoption of this Ordinance; however, they shall apply to new manufactured home parks and to additions to existing manufactured home parks.

#### **10.0512 MONTHLY PARKING FEE**

- A. There is hereby imposed on each owner of a nonexempt, occupied mobile home in the town of Casco a monthly parking fee determined in accordance with Section 66.058 (3) of the Wisconsin State Statutes which is hereby adopted by reference and made part of this ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each manufactured and mobile home owner. Said licensee shall be liable to the town for any default in payment of the monthly parking permit fee by the manufactured home or mobile home owner.
- B. Licensees of manufactured home parks and owners of land on which are parked any occupied, nonexempt mobile or manufactured homes shall furnish information to the Town Clerk on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.058 (3) (c) and (e) of the Wisconsin Statutes.

## **10.0600 REGULATIONS OF SIGNS**

### **10.0601 PURPOSE OF SIGN REGULATIONS**

The purpose of this Ordinance is to promote and protect the public safety, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Casco.

### **10.0602 DEFINITIONS**

Animated Signs - A sign with action or motion, flashing, color changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements, such as flags, banners, or specialty items. This definition does not include public service signs, such as time and temperature, revolving or changeable message signs.

Architectural Projection - Shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

Area of Copy - The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message, announcement, or decoration of a wall sign.

Area of Sign - The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled. Any irregular shaped sign area shall be computed using the actual sign-face surface.

Background Area of Sign - The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted.

Billboard - See "Off-Premise Signs"

Building Facade - That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building Facade Facing - A resurfacing of an existing facade with approved material illuminated or non-illuminated.

Business Identification Sign - Any sign which promotes the name and type of business only on the premises where it is located.

Canopy Sign - Any sign attached to or constructed in, on, or under a canopy or marquee. For the purpose of this Ordinance, canopy signs shall be controlled by the rules governing projecting signs.

Changeable Message Sign - A sign, such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

Directional Sign - On-premise incidental signs designed to guide or direct pedestrians or vehicular traffic.

Double Faced Sign - A sign with copy on two (2) parallel faces that are back to back, facing in opposite directions.

Free Standing Signs - A sign which is supported by one or more columns, uprights or braces, in or upon the ground.

Grade - The elevation or level of the street closest to the sign to which reference is made, measured at the street's center line.

Ground Sign - A sign erected on one or more freestanding supports or uprights and not attached to any building.

Gross Area - The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for Area or Copy apply.

Height of Sign - The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

Illuminated Signs - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

Legal Nonconforming Sign - A nonconforming sign that did meet code regulations when it was originally installed.

Marquee - Marquee is a permanent roofed structure attached to and supported by the building and projection over public property.

Marquee Sign - Any sign attached to or constructed in a marquee.

Multiple Copy Sign - A sign which advertises other than the name of the business and the principal product or service.

Nonconforming Sign - A sign that does not meet code regulations.

Off-Premise Sign - A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.

On-Premise Sign - Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.

Projecting Sign - A sign, normally double faced, which is attached to and projects from a structure or building facia.

Revolving Sign - A sign which revolves three hundred sixty (360) degrees but does not exceed eight (8) r.p.m.

Roof Sign - A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

Sign - Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

Sign Structure - Any structure which supports or is capable of supporting any sign, as defined in this code. A sign structure may be a single pole or may or may not be an integral part of the building.

Temporary Sign - A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

Swinging Sign - A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Under Marquee Sign - A lighted or unlighted display attached to the underside of a marquee protruding over public or private sidewalks or right-of-way.

Wall Sign - A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall and which does not exceed more than six (6) feet above the parapet, eaves, or building facade of the building on which it is located or a sign which is painted on any exterior wall.

Window Sign - A sign installed on a window for purposes of viewing from outside the premises.

Zoning of Land Use - Shall mean the land use district as established by the Town Board.

## **10.0603 GENERAL REQUIREMENTS**

### **A. Scope**

This ordinance pertains to and regulates all billboards and signs in the Town of Casco.

### **B. Animated Signs and Residential Requirements**

No animated signs shall be erected or maintained in any residential district. No animated signs shall be erected or maintained closer than two hundred (200) feet from any residential dwelling.

### **C. Marquee Signs**

Marquee signs may be placed on, attached to, or constructed in a marquee.

Marquee signs shall be limited to the size of the marquee.

D. Building Facade Signs

Copy area of a building facade facing shall not exceed forty (40) percent of the background facing to which it is applied.

E. Wall Sign

Background area of wall signs shall not exceed thirty (30) percent of the building facade or four (4) square feet per lineal foot of the elevation upon which they are placed, whichever is greater.

F. Portable Signs

Transportable signs of durable construction on wheels, skids, legs, stake(s) or framing, including trailers, used for advertising or promotional purposes are prohibited.

G. Multiple Copy Signs

1. Copy area of multiple copy signs not to exceed thirty (30) percent of background to which applied.

2. Principle identification sign is a sign which identifies only the name of the business and the principal product or service. These signs are not subject to any limitation of copy area to background.

H. Free Standing Sign

Free standing signs shall be located within the property lines and shall have a minimum clearance of ten (10) feet.

I. Ground Signs or Billboards

1. Such signs shall be located back of the street line a distance equal to, and not less than, the height of the sign.

2. A ground sign, any part of which is located in the building setback of the right-of-way shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three (3) feet in height. Only one (1) ground sign shall be allowed in the front building setback per zoning parcel.

3. Any ground sign or projecting sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall be not more than three (3) feet in height.

J. Maximum Area of Signs

The maximum area of signs shall be the accumulation of the area of all signs located on a parcel of record. The maximum area of signs may differ according to the zoning classification of a lot.



K. Roof Signs

Roof signs are only allowed in the Business and Industrial Districts and must meet the following requirements:

1. The highest point of the sign shall not exceed the highest point of the building on which the sign is situated.

L. Stability

Signs shall be constructed so that they will withstand a wind pressure of a least thirty (30) pounds per square foot surface, and will otherwise structurally be safe, and shall be securely anchored or otherwise fastened, suspended or supported that they will not be a menace to persons or property. No sign shall be suspended by chains or other devices that will allow the sign to swing, due to wind action.

M. Illumination

All electrical signs shall conform to State electrical requirements. Illumination shall be directed entirely on the sign.

N. Maintenance of Signs

All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.

O. Removal of Obsolete, Non-maintained, or Abandoned Signs

All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned, shall be removed by the business or property owner within ninety (90) days after the receipt of removal notice, or, upon failure of such removal, the town shall remove such signs at the expense of the property owner.

P. Location

All free standing and ground signs shall be located within the property lines.

Q. No sign facing a Residential District shall be closer than twenty-five (25) feet to that district line.

R. Safety Standards

All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be a traffic hazard by the Zoning Administrator, shall be relocated or rearranged in accordance with safety standards. A sign in direct line of vision of any traffic signal, from any point in the traffic lane, shall not have red, green or amber illumination, nor be illustrated in such a way so as to interfere with vision of said signal, nor be illustrated in such a way as to be distracting.

S. No sign built within one hundred (100) feet of an intersection shall have less than ten (10) feet of underclearance, unless erected on or against an

existing building. Off-premise business signs shall not be located within the front yard setbacks, where such setbacks are established.

**10.0604 PERMITS REQUIRED**

- A. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Town of Casco without first obtaining a sign permit for each such sign from the Zoning Administrator, as required by this ordinance. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.
- B. Application for a Permit  
Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator. The applicant shall provide all information required on the application for the permit.
- C. Permit Fees  
Application for permit shall be filed with the Zoning Administrator, together with a permit fee for each sign as established by the Town Board.

**10.0605 SIGNS NOT REQUIRING A PERMIT**

- A. Construction Signs  
Two (2) construction signs per construction site, not exceeding one hundred (100) square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.
- B. Directional and Instructional Non-Electric Signs  
Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking area, entrances and exits.
- C. Government Signs  
Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.
- D. House Numbers and Name Plates  
House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.
- E. Interior Signs  
Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications of this

ordinance.

F. Memorial Signs and Plaques

Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.

G. No Trespassing or No Dumping Signs

No trespassing, no hunting and no dumping signs not to exceed one and one-half (1-1/2) square feet in area per sign.

H. Public Notices

Official notices posted by public officers or employers in the performance of their duties.

I. Public Signs

Signs required as specifically authorized for a public purpose by any law, statute, or ordinance.

J. Political and Campaign Signs

Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

1. Election Campaign Signs provided that permission shall be obtained from the property owner, renter, or lessee; and provided that such sign shall not be erected prior to the first day of the "election campaign period" as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within 4 days following the election. Election campaign signs may not be placed within the public right-of-way.
2. Each sign, except billboards, shall not exceed sixteen (16) square feet in non-residential zoning districts and eight (8) square feet in residential zoning districts.
3. No sign shall be located within fifteen (15) feet of the public right-of-way at a street intersection, nor over the right-of-way.
4. No political and campaign sign in a residential zoning district may not be illuminated

K. Real Estate Signs

One (1) real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.

1. In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale,

rental, or lease has been accomplished.

2. In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.

L. Temporary Window Signs

In business, commercial and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed fifty (50) percent of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.

M. On-Premise Symbols or Insignia

Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

N. On-Premise Temporary Signs

Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within fifteen (15) days after the event.

O. Seasonal Signs

Temporary signs not exceeding 16 square feet in area pertaining to the sale of seasonal products (e.g., campfire wood, Christmas trees), provided such signs are posted not more than 90 days.

P. Vehicular Signs

Truck, bus, trailer, or other vehicle, while operating in the normal course of business, which is not primarily the display of signs. Any sign mounted, attached, or painted on a truck, bus, trailer, or other vehicle when parked, stored, or displayed conspicuously are considered portable signs within the meaning of these regulations and are prohibited.

Q. Neighborhood Identification Signs

In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.

R. Awnings

Awnings with signs consisting of one (1) line of copy upon the border of the awnings.

S. Home Occupation Signs

A sign, not exceeding two (2) square feet in size, which is located on the property to which the sign pertains.

T. Agriculture Test Plot Signs

Agriculture test plot signs mark test plot areas on a farm and includes a sign identifying the manufacturer of the seed being tested. Signs shall be permitted only during the growing season and shall be removed within 7 days after harvest of the test plot crop is completed and in any event shall be removed prior to November 1 of each year.

**10.0606 SPECIFIC ZONING DISTRICT REQUIREMENTS**

A. All Residential Districts and Agriculture Districts

In the Residential Districts and Agriculture Districts, the following non-flashing, non-illuminated signs are allowed under the conditions specified.

1. Real Estate Signs. Real estate signs, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No sign shall exceed eight (8) square feet in area. Corner lots shall be permitted two (2) such signs, one facing each street.
2. Nameplate Signs. Nameplate signs, not to exceed two (2) square feet, located on the premises. Corner lots shall be permitted two (2) such signs, one (1) facing each street.
3. Agricultural signs pertaining to the products of the agricultural premises not to exceed thirty-two (32) square feet in area for one (1) farm. Height of this respective sign shall not exceed eight (8) feet.
4. Bulletin Boards. Bulletin boards or similar devices for churches and religious institutions shall not exceed thirty-two (32) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet and may not be located within the building setback lines.
5. Memorial Signs. 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 building.
6. Official Signs. Official signs, such as traffic control, parking restrictions, information and notices.
7. Home Occupation Signs. A home occupation sign shall not exceed two (2) square feet in size and shall be located on the property to which the sign pertains.

B. All Business District and Industrial Districts

1. Projection

In these Districts, where limitations are imposed by this ordinance on the projection of signs, from the face of the wall of any building or structure, such limitations shall not apply to identification canopy or marquee signs indicating only the name of the building or the name

of the principal occupant of the building or the principal product available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the vertical face thereof.

2. Mounting

All signs shall be mounted in one of the following manners:

- (a) Flat against a building or wall.
- (b) Back to back in pairs, so that back of sign will be screened from public view.
- (c) In clusters in an arrangement which will screen the back of the signs from public view.
- (d) Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment

C. B-1 District

In the B-1 District, business signs and advertising devices are permitted, subjected to the following conditions:

1. Area. The gross area in square feet of all signs on a zoning lot shall not exceed three hundred (300) square feet.
2. Height. No sign shall exceed a height of thirty (30) feet.
3. Number of Ground Signs. One (1) ground sign shall be allowed per zoning lot.
4. Setbacks. Signs shall meet all yard requirements of the zoning district, excepting those instances as set forth in Section 10.0603 (I) 1, 2, and 3 of this ordinance.

D. I-1 District

In the I-1 District business signs are permitted, subject to the following conditions:

1. Area  
The gross area in square feet of all signs on a zoning lot shall not exceed four hundred (400) square feet.
2. Height  
No sign shall exceed a height of thirty (30) feet.
3. Number of Ground Signs  
One (1) ground sign shall be allowed per zoning parcel.
4. Setbacks  
Signs shall meet all yard requirements of the zoning district, excepting those instances as set forth in Section 10.0603 (I) 1, 2, and

3 of this ordinance.

**10.0607 OFF-PREMISE POSTER PANEL AND PAINTED ADVERTISING SIGNS**

- A. All off-premise poster panel and painted bulletin signs are prohibited in the Town of Casco regardless of the nature, size and location, except as provided herein.
- B. Off-premise poster panel and painted bulletin signs shall not be erected in the Town of Casco in any location, unless a permit is first obtained therefor from the Town of Casco Zoning Administrator. Said permit shall not be issued unless a complete application, as requested by the Town of Casco Zoning Administrator, is filed at the time of the application for the permit.
- C. In issuing permits for off-premise poster panel and painted bulletin signs in the Town of Casco, the Town Zoning Administrator shall see that the following restrictions are complied with:
  - 1. All off-premise signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, or those of red, green, or amber color at intersections, are prohibited. Lights from any illumination shall be shaded, shielded, or directed so that the light intensity or brightness will be minimized to the surrounding areas. Such illumination shall be direct and the source of light shall not be exposed, when facing a residential zone. There shall be no direct illumination upon a roadway, or no glare or source of light shall be visible.
  - 2. There shall be no off-premise signs of any nature in the town located within seventy-five (75) feet of a residential district.
  - 3. There shall be no off-premise signs in the town which are more than thirty (30) feet in height above the adjacent street level.
  - 4. On all off-premise signs in the town, there shall be a spacing of five hundred (500) feet between any signs three hundred (300) square feet or less, and least one thousand (1,000) feet between any signs of three hundred one (301) square feet or more.
  - 5. No off-premise signs shall be greater than three hundred (300) square feet in size and shall be permitted in industrial districts and business districts only. Off-premise signs greater than three hundred (300) feet, but less than five hundred one (501) square feet may be allowed as a Conditional Use in the Business and Industrial zones.
  - 6. No off-premise sign permitted by this ordinance, or any other ordinance of the town, shall in any manner project over the right-of-way of any highway or roadway in the town.
  - 7. No more than two off-premise signs per zoning lot, subject to spacing requirements, or one painted bulletin is permitted on the

same zoning lot.

8. No off-premise business sign may be located within the front yard or corner side yard setback of any zoning district.
9. Any off-premise sign for advertising purposes in the town shall have at least ten (10) feet of underclearance, unless erected upon or against an existing building.
10. No off-premise advertising signs shall be allowed to be placed on the roof of an existing building.

#### **10.0608 ALTERATION - RELOCATION**

No sign or billboard in the Town of Casco shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this Ordinance. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity herewith shall not be deemed to be alterations within the meaning of this ordinance.

#### **10.0609 NOTIFICATION OF NON-CONFORMANCE**

- A. After enactment of this Ordinance the Zoning Administrator shall survey the Town of Casco to inventory all signs. Upon determination that a sign is non-conforming, the Zoning Administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
  1. The sign's non-conformity.
  2. Whether the sign is eligible for characterization as a legal non-conforming or is unlawful.
- B. Signs Eligible for Characterization as Legal Non-Conforming  
Any sign located within the Town of Casco on the date of adoption of this Ordinance, which does not conform with the provisions of this Ordinance is eligible for characterization as a legal non-conforming sign and is permitted, providing it also meets the following requirements:
  1. The sign was covered by a proper sign permit prior to the date of adoption of this Ordinance.
  2. If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of adoption of this Ordinance.
- C. Loss of Legal Non-conforming Status  
A sign loses its non-conforming status if one or more of the following occurs:
  1. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in



compliance with requirements of this Ordinance that it was before alteration.

2. The sign is relocated.
3. The sign fails to conform to the Ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs.
4. On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Ordinance with a new permit secured, therefore, or shall be removed.

D. Legal Non-Conforming Sign Maintenance and Repair

Nothing in this Ordinance shall relieve the owner or user of a legal non-conforming sign or the owner of the property in which the sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs.

**10.0610 REMOVAL AND DISPOSITION OF SIGNS**

A. Maintenance and Repair

1. Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.
2. The Zoning Administrator shall require compliance with all standards of this Ordinance. If the sign is not modified to comply with safety standards outlined in this Ordinance, the Zoning Administrator shall require its removal in accordance with this section.

B. Abandoned Signs

All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertises is no longer conducted or, for an off-premise sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice, the Town of Casco may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

C. Deteriorated or Dilapidated Signs

The Zoning Administrator shall cause to be removed any deteriorated or dilapidated signs under the provisions of Wisconsin Statutes 66.05.

**10.0611 PENALTY**

The remedies in this section for violations, or for failure to comply with the provisions of this Ordinance, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.

A. Remedies

Violation or failure to comply with the provisions of this section is unlawful.

1. Any sign erected without a permit shall be removed at the owner's expense, or brought into compliance within thirty (30) days of written notification of the Zoning Administrator. In the event that the owner does not remove, or bring into compliance, the Zoning Administrator may order removal or compliance within this section.
2. Any person who violates any provision of this section shall, upon conviction, forfeit not less than ten (10) dollars, nor more than two hundred (200) dollars, together with the costs of prosecution, including all attorney fees and any and all other charges associated with the proceedings. Each violation and each day a violation continues or occurs shall constitute a separate offense.
3. This section shall not preclude the town from maintaining any appropriate action to prevent or remove a violation of this section.

## **10.0700 PARKING, AND TRAFFIC VISIBILITY, ACCESS**

### **10.0701 PARKING**

- A. Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
- B. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
- C. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- D. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.
- E. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- F. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- G. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
- H. None of the off-street facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. Required Number of Parking Stalls

Use	Minimum Parking Required
Single-family dwellings and manufactured homes	Two (2) spaces for each dwelling unit
Multiple-family dwellings	One and a half (1.5) spaces for each dwelling unit
Motels, hotels	One (1) space for each guest room plus one (1) space for each three (3) employees
Hospitals, clubs, lodges,	One (1) space for each two (2) beds plus dormitories, and lodging one (1) space for each three (3) and boarding houses employees
Sanitariums, institutions,	One (1) space for each five (5) beds rest and nursing homes plus one (1) space for each three (3) employees
Medical and dental clinics	Five (5) spaces for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	One (1) space for each five (5) seats
Colleges, secondary and elementary schools	One (1) space for each two (2) employees plus one (1) space for each 10 students of 16 years of age or more
Restaurants, bars, places of entertainment, repair shops, and retail and service stores	One (1) space for each 150 square feet of floor area and one (1) space for each two (2) employees
Manufacturing and processing plants, laboratories, and warehouses	One (1) space for each two (2) employees
Financial institutions, and government, and offices	One (1) space for each 300 square feet business, of floor area and one (1) space for each professional two (2) employees
Funeral Homes	One (1) space for each four (4) seats
Bowling alleys	Five (5) spaces for each alley
Lodges and clubs	One (1) space for each five (5) members
Automobile repair garages	One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area used for repair work
Gasoline filling stations	Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant

Uses Not Listed: In the case of structures or uses not mentioned in 10.0701(I), the provision for a use which is similar shall apply.

- J. Driveway approaches shall be so constructed so as not to restrict the natural flow of water. Property owners shall be financially responsible for providing the proper size culvert necessary for driveways if needed as determined by the Zoning Administrator.

**10.0702 TRAFFIC VISIBILITY**

No obstructions such as structures, parking, or vegetation or farm crops shall be permitted in any district between the heights of two and one-half (2-1/2) feet and 10 feet above the plane through the mean centerline within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 100 feet from their intersection. In the Case of Arterial Streets intersection with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 125 feet.

**10.0703 LOADING REQUIREMENTS**

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

**10.0704 DRIVEWAYS**

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

- A. Islands between driveway openings shall be provided, with a minimum of 12 feet between all driveways and six (6) feet at all lot lines.
- B. Openings for vehicular ingress and egress shall not be less than 24 feet at the street line nor more than 35 feet.
- C. Vehicular entrances and exits to drive-in theaters; banks; and restaurants; motels, funeral homes; vehicular sales, service, washing, and repair stations; garages; or public parking lots and shall be not less than 200 feet from any pedestrian entrance or exit to a school college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

**10.0800 SUPPLEMENTARY USE REGULATIONS**

**10.0801 FENCES AND HEDGES**

- A. Definition

For the purposes of this Ordinance a fence is herein defined as an enclosing barrier consisting of vegetation, wood, stone, metal, brick, cement or other material. The term "fence" shall be construed to include planting, such as hedges.

B. Location

Fences may be located on lot lines if the adjoining property owner(s) approves in writing. Such written approval must be filed with the Zoning Administrator prior to construction erection, or planting of the fence. No fence or other structure consisting in whole or in part of barbed wire, rods or bands or other material dangerous to life and limb, shall be erected along or within four (4) feet of any public streets, sidewalks, or alleys in the village.

C. Construction and Maintenance

Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose. Every fence shall be maintained on both sides in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the Town health or welfare, is a public nuisance, and the Town may commence property proceedings for the abatement thereof. Electric fences shall not be permitted except for agricultural purposes. Barbed wire fences shall only be permitted for agricultural uses and by conditional use for industrial or commercial security uses. No fence shall have sharp or pointed pickets dangerous to life or limb. Hedges and other plantings shall be continuously trimmed and all parts thereof confined to the property on which planted.

D. Residential Fences

No fence or hedges exceeding two and one-half (2-1/2) feet in height shall be allowed within the building setback limits adjacent to a street right-of-way, except in rear yard setback where there is no access to a street right-of-way, the maximum height may be six (6) feet. The maximum height of fences or any other boundary line shall not be more than six (6) feet in height, except the hedges may be permitted to grow to their natural height. Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited. The most attractive side of a fence shall face adjoining property.

E. Commercial, Agricultural, Industrial Fences

Fences used for industrial, commercial, agricultural, purposes shall have a maximum height of eight (8) feet, except within the required front or corner setback areas wherein such height shall be limited to two and one-half (2-1/2) feet. Arms or extensions which project from the fence must project into the lot proper.

F. Fences Required for Certain Swimming Pools

All permanent inground or above ground private swimming pools shall be completely enclosed by a fence of not less than four (4) feet in height. Said fence shall have intermediate rails or an ornamental pattern such that an object larger than nine (9) inches in diameter cannot pass through.

**10.0802 JUNK YARDS, SALVAGE YARDS, RECYCLING, STORAGE OR TRANSFER FACILITY**

A. Conditional Use

Junk or salvage yard, recycling, storage or transfer facility, shall be a conditional use and shall only be permitted in A-2, and I-1 Districts. However, except for residential uses, the storage, transfer, or processing of garbage is prohibited in all districts.

B. Procedure

Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Section 10.1200 of this Ordinance.

C. Fees

Each application shall be accompanied by a fee as established by the Town Board, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Town.

D. Operational Plan

The application shall be accompanied by a detailed description of the proposed method of operation; the manner in which materials will be stored; the equipment proposed to be used; the method of disposition of end products; the manner in which adjoining property owners will be protected; the hours of operation; the town highways proposed to be used; the gross weight of equipment to be used in hauling in and hauling out of any of the product; and other similar information as the Plan Commission may require.

E. Restoration Plan

The application for the operation of a conditional use under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.

F. State Licenses

Any permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.

G. Bond

No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Town Board.

H. Term of Permit

The permit shall be in effect for one year, subject to termination by the Town Board after notice and hearing for violations of the Plan of Operations or Restoration Plan, and may be renewed by the Town Board if the operations are in reasonable compliance with the terms of the existing permit.

I. Inspection

The Zoning Administrator shall inspect the operations at least semi-annually to insure compliance, and the reasonable fees of such inspection, as fixed by the Town board at the time of granting the permit, shall be paid by the applicant.

J. Fencing

1. Junk or salvage materials shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be a minimum of eight (8) feet in height and shall be kept in good repair.
2. Junk or salvage materials shall not be piled higher than the height of the fence.
3. For fire protection, an unobstructed fire break shall be maintained, one rod in width and completely surrounding the salvage or junk yard.

**10.0803 QUARRIES AND MINES**

A. Applicability

The following regulations shall apply to mining operations on activities for the extraction from the earth of mineral aggregates such as stone, sand and gravel; nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; and other natural material; and to related operations or activities such as excavation, grading or dredging; and related processes such as crushing, screening, scalping, dewatering and blending. Such quarries and mines are permitted as a conditional uses in the A-1, A-2, and I-1 Zoning Districts.

B. Exempt Activities

These regulations do not apply to the following activities:

1. Excavations or grading by a person solely for domestic use at his or her residence.
2. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
3. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
4. Excavations for building construction purposes.



C. Permit

The application for a conditional use permit shall be submitted to the Town Zoning Administrator on forms provided by the Town of Casco. The application shall be signed and dated by the applicant and shall be accompanied by information which shall include but not be limited to the following:

1. General Information  
The name and address of the operator.
2. Lease(s)  
A signed copy of the lease(s) or a letter(s) signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this Ordinance. The expiration date of the lease of agreement shall clearly be indicated thereon.
3. Legal Description  
A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.
4. General Map  
Two copies of a general map which shall be drawn at a scale of no less than one inch equals 200 feet and shall include the following:
  - (a) Property boundaries of the operator's owned or leased land and the location of other owners' property boundaries at the point where they abut the boundary of the project site.
  - (b) Topography of affected lands at intervals no larger than ten feet.
  - (c) Location and names of all streams and roads, on or within 300 feet of the project site.
  - (d) Location of all structures on or adjacent to the site and the purpose for which each structure and the adjoining land is used.
  - (e) Boundaries of previous excavations on the site.
  - (f) Location and description of mining site boundary stakes and permanent reference point. Boundary stakes may not be required for projects which are to be completed in six months or less.
5. Operation Plan  
All horizontal and vertical measurements shall be referenced to a permanent reference point. The operation plan shall include two copies of maps, information about the site, a description of the proposed mining operation, methods and procedures to be used in mining the site and a proposed timetable for completion of various stages of the operation as follows:

- (a) Observed or estimated depth to groundwater.
- (b) Type of mining and processing.
- (c) Estimated total volume of materials to be extracted.
- (d) A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation shall be identified.
- (e) Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.
- (f) Plan view drawing and a description of the sequential stages of mining. The drawing shall show the location of the stage boundary stakes, the location and extent of the mining site to include but not be limited to mining refuse dumps, sediment and/or wash ponds, and sediment basins.
- (g) Two copies of a plan showing temporary erosion control measures to be used during excavation.
  - (1) Temporary stabilization measures shall describe how such things as haul roads and stockpiles will be dealt with to minimize erosion and contamination of surface and groundwater.
  - (2) Temporary stabilization measures may be ordered by field directive by the Zoning Administrator or his designee to correct situations which arise out of the operation of a project site.
  - (3) Temporary stabilization may include but need not be limited to the following: Silt fencing, bale check dams, sod strips, rock riprap, hard surfacing through the use of concrete or blacktop, slope or highwall reduction, temporary seeding, erosion mat placement, mulching and sediment basin construction.
- (h) Proposed truck and machinery access to the site.
- (i) Types and location of temporary or permanent buildings and structures to be erected on the site.
- (j) Approximate number of trucks and other types of machinery to be used at the site.
- (k) Proposed hours of operation

6. Reclamation Plan

All horizontal and vertical measurements shall be referenced to a permanent reference point. The reclamation plan including maps, information about the site, a description of the proposed reclamation including methods and procedures to be used and a proposed timetable for completion of various stages of reclamation of the mining site shall be provided as follows:

- (a) Two copies of a plan and description of the proposed reclamation including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures.
- (b) Description of topsoil stripping, stabilization and conservation methods that will be used during replacement.
- (c) Two copies of a plan and description of anticipated final topography, water impoundments, artificial lakes, and anticipated future land use of the site.
- (d) Description of plans for disposition of surface structures, roads, and related facilities after cessation of mining.
- (e) The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.
- (f) A seeding plan which shall include methods of seedbed preparation, seeding rates, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization.
- (g) A timetable of the commencement, duration, and cessation of reclamation activities.

7. Other Information

The Plan Commission and the Town Board may require the submittal of such other information as may be necessary to determine the nature of the mining operation and proposed reclamation.

D. Conditions

These conditions shall apply to the Permit in addition to those established under Section 10.1200. (note: conditions may include hours of operation see Section 10.1207)

- 1. No fixed machinery shall be erected or maintained within 200 feet of any property or street right-of-way.
- 2. No excavation shall take place within 100 feet of any property line or 100 feet of an existing or platted street right-of-way.

3. Screening, sitting, washing, crushing or other forms of processing shall be conducted upon the premises shall be at least 500 feet from any residential zone.
4. The following conditions shall apply to reclamation work:
  - (a) Slopes  
No site shall exceed a three (3) feet horizontal to one foot vertical incline. This angle of repose shall extend vertically six (6) feet below the lowest seasonal groundwater level. This angle of repose may be modified to a flatter but not a steeper angle if it is shown that the material to be excavated or to be used in reclamation of the site will be unstable at three-to-one (3:1) ratio.
  - (b) Topsoil Storage and Reapplication  
All topsoil on a mining site shall be saved for future application unless it can be proven that it is not all needed for reclamation. Topsoil shall be reapplied to the slopes as uniformly as possible. Sites which lack adequate topsoil shall have the topsoil applied preferentially to the sloped areas.
  - (c) Seeding/Revegetation/Stabilization  
Seeding shall be done in accordance with a Soil Conservation Service Critical Area Plan or Wisconsin Department of Transportation, Road and Bridge Standards, 1981 Edition, Section 630, entitled, "Seeding", except that seeding rates listed in subsection 630.3.3.4.2 shall be doubled.
5. Standards Applied to all Permits:
  - (a) Right of Access  
The filing of an application shall grant the Town the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this Ordinance.
  - (b) Boundary Staking  
All excavation and phase boundaries shall be staked or otherwise marked and other operator shall notify the department that the site is staked at least two work days prior to commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the Town. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.

(c) Permit Period

Permits shall be granted for a specified period of time not to exceed two (2) years based on the nature of the operation.

(d) Limits of Operation

Projects shall be limited to approved dimensions and depths.

(e) Conflicts with other Regulations

It is the responsibility of the operator to obtain any local, state and federal permits or approvals.

(f) Compliance with Reclamation

The operator shall comply with progressive and final reclamation plans for the site.

(g) Notification of Commencement and Cessation

The operator shall notify the department, in writing, at least fifteen (15) work days prior to initial mining operations and at least thirty (30) work days prior to final completion of project reclamation. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the Town for approval of the reclamation before entering the next stage.

(h) Other Standards

The Town may apply such other requirements as are necessary to ensure progressive and final reclamation in a manner consistent with this ordinance and to limit environmental pollution.

6. Renewal of Permit

(a) Requests for permit renewal must be submitted in writing to the Town Zoning Administrator prior to the 60 days expiration date of the existing permit.

(b) Permit renewals may be granted by the Town Board for not more than the duration of the original permit.

(c) No permit renewal shall be granted unless the project is in reasonable compliance with the terms of the existing permit.

(d) Permit renewals may be conditioned upon correction of any unanticipated environmental pollution occurring during the original permit.

7. Project Site Modification or Enlargement and Transfer of Permit

(a) Site Modification

An operator may apply, in writing, to the Town Zoning Administrator, for a modification or cancellation of a permit or for a change in the reclamation plan for a project site. This application shall identify the area to be removed as affected by a change on the operation and reclamation plans.

(b) Transfer of Permit

When one operator succeeds to the interest of another in an uncompleted site, the Town Board shall release the first operator of the responsibilities imposed by the permit only if:

- (1) Both operators are in compliance with the requirements and standards of this ordinance.
- (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document.

(c) Site Enlargement

Any proposed enlargement may be approved by the Town Board subject to the Town Board's evaluation of the revised reclamation plan.

8. Fees

- (a) The application for a permit shall be accompanied by a permit fee established by the Town Board.
- (b) The Applicant shall furnish the necessary sureties which will enable the town to perform the planned restoration of the site in event of default by the applicant. The form and type of such sureties shall be approved by the Town Attorney.

**10.0804 TELECOMMUNICATIONS ANTENNAS AND TOWERS**

A. Definitions

As used in this article, the following terms shall have the meanings indicated.

Alternative tower structure shall mean man-made structures such as elevated tanks, electric utility transmission line towers, non-residential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Free standing signs are not considered to be alternative tower structures,

Antenna shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA shall mean the Federal Aviation Administration.

FCC shall mean the Federal Communications Commission,

Governing authority shall mean the governing authority of the Town of Casco.

Pre-existing towers and antennas shall have the meaning set forth in Section 10.0804 (B) (4) of this article.

Height shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopoly towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structures, and the like.

Electric generating facilities and transmission lines Height shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

B. Applicability

1. District Height Limitations

The requirements set forth in this article shall govern the location of towers that exceed, and antennas that are installed at, a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas; however, in no case shall any tower exceed the following height limitations, except as may be permitted by a conditional use permit;

- (a) for a single user, up to ninety (90) feet in height,
- (b) for two users, up to one hundred twenty (120) feet in height; and
- (c) for three or more users, up to one hundred fifty (150) feet in height.

2. Public, Property

Antennas located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authority such antenna or tower has been approved by-the governing authority,

3. Amateur Radio: Receive-Only Antennas

This article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receive only antenna,

4. Pre-Existing Towers and Antennas

Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of Sections 10.0804 (C) (5) and 10.0804 (C) (6). Any such towers or antennas shall be referred to in this article as “pre-existing towers” or “pre-existing antennas.”

C. General Guidelines and Requirements

1. Purpose: Goals:

The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goals of this article are to: (i) encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community, (ii) strongly encourage the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently,

2. Principal or Accessory Use

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

3. Inventory of Existing Sites

Each applicant for an antenna and or tower shall provide to the Plan Commission an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within one mile of the



border thereof, including specific information about the location, height and design of each tower. The Plan Commission may share such information with other applicants applying for administrative approvals or Conditional Use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Plan Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics and Lighting

The guidelines set forth in this Section 10.0804. shall govern the location of all towers, and -the installation of all antennas, governed by this article, provided, however, that the governing authority may waive these requirements if it determines that the goals of this article are better served thereby,

- (a) Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting, alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (e) Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 ft. above the ground on a placard no larger than 1-1/2 sq. ft.

5. Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations

within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

6. Building Codes. Safety Standards

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

D. Permitted Uses

1. General

The uses listed in this Section 10.0804 (D) are deemed to be permitted uses and shall not require a Conditional Use permit. Nevertheless, all such uses shall comply with Section 10.0804 (C), of this article and all other applicable articles.

2. Specific Permitted Uses

The following uses are specifically permitted:

- (a) Installing an antenna on an existing alternative tower structure, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and
- (b) Installing an antenna on an existing tower of any height including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

E. Conditional Use Permits

1. General

The following provisions shall govern Conditional Use permits:

- (a) If the tower or antenna is not a permitted use under Section 10.0804 (D) of this article, then a Conditional Use permit shall be required prior to construction of any tower, or the placement of any antenna.
- (b) Towers and antennas may only be located in the Prime Agricultural Land District (A-1), Agricultural-Rural Residential District (A-2), General Industrial District (I-1), and Business District (B-1).
- (c) If a Conditional Use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

2. Information Required

Each applicant requesting a Conditional Use permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.

3. Factors Considered in Granting Conditional Use Permits

The governing authority shall consider the following factors in determining whether to issue a Conditional Use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

- (a) Height of the proposed tower;
- (b) Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
- (c) Proximity of the tower to residential structures and residential district boundaries;
- (d) Nature of uses on adjacent and nearby properties;

- (e) Surrounding topography;
- (f) Surrounding tree coverage and foliage;
- (g) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (h) Proposed ingress and egress;
- (i) Availability of suitable existing towers and other structures as discussed in Section 10.0804 (C) (4) of this article.

4. Availability of Suitable Existing Towers or Other Structures

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area required to meet applicants engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicants engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicants proposed antenna and related equipment.
- (d) The applicants proposed antenna would cause electromagnetic interference with the antenna on the existing tower or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna,
- (e) The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

5. Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby.

- (a) Towers must be set back a distance equal to the height of the tower from any off-site residential structure, or any parcel of land zoned residential.
- (b) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

6. Landscaping

The following requirements shall govern the landscaping surrounding towers for which a Conditional Use permit is required; provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby.

- (a) Towers facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
- (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- (c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

F. Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

G. Electric Generating Facilities and Transmission Lines and Gas Utilities

Any electric generating facility, transmission line or gas utility use not requiring a certificate from the Wisconsin Public Service Commission under Wisconsin Stats. 196.49(5) or 196.491(13) is a conditional use and requires a conditional use permit. Such things as electrical wind generating facilities and large scale solar electrical generating facilities are

allowed only in the A-1 Prime Agricultural Land District, A-2 Agricultural Rural Residential District, B-1 Business District, and the I-1 General Industrial District. Small scale solar electrical generating facilities intended for a residential principal use are deemed to be an accessory use. In the granting of the conditional use, the Town Board may consider, as deemed appropriate by the Board, those provisions of this article that apply to Telecommunications Antennas and Towers.

**10.0805 ADULT ENTERTAINMENT BUSINESS**

Adult entertainment businesses that are sexually orientated businesses are permitted only as conditional use in the B-1 Business District and are subject to the following.

- A. It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and to impose restriction upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Town’s interest in the present and future character of its community development.
- B. The following uses shall only be permitted as herein provided:
  - 1. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.
  - 2. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.
- C. Definitions
  - 1. As used herein, “nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaqued covering, or the showing of the female breast with less than a fully opaqued covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

2. As used herein, “sexual conduct” means acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.
- D. The above conditional uses shall be subject to the following provisions:
1. No permit shall be granted where the proposed establishment is within 500 feet of any hospital, church, school, funeral parlor, restaurant, library, museum, or playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.
  2. No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential in the same or a contiguous town or municipality.
  3. The applicant shall furnish the Town detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment under subparagraph (B)(1) or (B)(2) of this subsection, the applicant shall furnish representative samples of the materials to be dealt in.
  4. The applicant for the permit shall provide the names and addresses of the owners and occupants of all property within 500 feet of the proposed establishment.
  5. Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semipublic areas.
  6. All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semipublic area.
  7. In case of a protest signed by 20 percent or more of the persons of the area within 500 feet of the proposed establishment, the grant of such permit shall require a two-thirds vote of the Town Board.
  8. The Town Board in determining whether to grant a permit hereunder shall, in addition to considerations otherwise taken into account when acting on Conditional Use permits, consider the protection of property values in the affected area; the preservation of neighborhoods, the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in

noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; and any other factor created by the type of use being considered, along with the health, safety and general welfare of the community.

**10.0806 SITE PLAN REVIEW AND APPROVAL AND ARCHITECTURAL CONTROL**

**A. Purpose and Intent**

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a permit in the B-1 and I-1 Districts for new construction or additions without first obtaining the approval of the Plan Commission of a site plan in as set forth in this section.

The Town Plan Commission shall insure that such construction is in accord with the official map, subdivision ordinance and comprehensive plan of the town of Casco and other applicable codes and ordinances of the town of Casco.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

**B. Exceptions**

Residential development having four or fewer dwelling units on a lot of record are exempt from the site plan review.

**C. Fee**

All site plans submitted to the Town of Casco for review and approval shall be accompanied by a review fee as established from time to time by the Town Board.

**D. Principles**

To implement and define criteria for the purposes set forth in Section 10.0806 (A), the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

1. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. No building shall be permitted the design or exterior appearance of



which is so identical with those adjoining as to create excessive monotony or drabness.

3. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
4. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
5. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the town.
6. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.

E. Site Plan Materials

Four copies of the site plan shall be submitted to the Zoning Administrator who shall transit all applications and their accompanying plan to the Plan Commission for their review. Plan data to be submitted with all review applications shall include the following The Zoning Administrator may waive certain plan data if it is unreasonable given the scale of development:

1. Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.
2. Name of project noted.
3. Owner's and/or developer's name and address noted.
4. Architect and/or engineer's name and address noted.
5. Date of plan submittal.
6. Scale of drawing noted on plan.
7. North arrow shown.
8. Existing and proposed topography shown at a contour interval not less than two (2) feet.
9. The characteristics of soils related to contemplated specific uses.
10. Total number of parking spaces noted including location and dimension.

11. Dimensions of lot.
12. The type, size, and location of all structures with all building dimensions shown including setbacks.
13. Indicate height of building(s).
14. Existing and proposed street names indicated.
15. Indicate existing and proposed rights-of-way and widths.
16. Locate existing and general location of proposed sanitary disposal systems.
17. Locate any proposed storm water management facilities, including detention/retention areas.
18. Locate existing trees and wetlands.
19. Note location, extent, and type of proposed plantings.
20. Note location of pedestrian sidewalks and walkways.
21. A graphic outline of any development staging which is planned is required to be shown on the site plan.
22. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
23. A certified survey may be required by the Plan Commission.

F. Review and Findings

The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

G. Sureties

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to Section 10.1000 of this ordinance.

**10.0807 WIND ENERGY FACILITIES AND WINDMILLS**

For regulations on wind energy systems in the Town of Casco, refer to *Chapter 9: Wind Energy Facilities and Windmills* of the Town of Casco Code of Ordinances.

## **10.0900 NONCONFORMING USES AND STRUCTURES**

### **10.0901 PURPOSE AND INTENT**

The purpose and intent of this section is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land and uses shall be permitted to continue. Any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this Ordinance is subject to the regulation which follows.

### **10.0902 BUILDINGS UNDER CONSTRUCTION**

Buildings or structures on which construction was started or for which a construction contract was entered into before the effective date of this Ordinance, October 10, 2012, may be constructed notwithstanding this Ordinance, provided that the construction was legal and had received any necessary permits under the ordinances in effect on the date the construction project commenced.

### **10.0903 EXISTING STRUCTURES: DIMENSIONAL NONCONFORMANCE**

Buildings which were constructed prior to the effective date of this Ordinance, which are conforming to the Ordinance as to use, but do not conform as to dimensional rules (setbacks, height, yard spaces, separations, etc.) are subject to the following requirements:

- A. Repairs and improvements of a maintenance nature are allowed.
- B. Alterations, additions and expansions which change the exterior dimensions of the structure or building and which conform to the dimensional rules of this Ordinance are allowed.
- C. Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which do not conform to this Ordinance, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced are allowed provided that they do not exceed 50 percent of current full market value of the structure or building.
- D. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.
- E. No building or structure shall be moved in whole or in part to any other location on the same lot, or any other lot in the zone district, unless every portion of such building or structure which is moved shall conform to the zone district requirements.

**10.0904 EXISTING USES AND STRUCTURES: USE NONCONFORMANCE**

Land uses or uses of structures which were established prior to the effective date of this Ordinance, October 10,2012, which are nonconforming as to use may be continued provided that:

- A. If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of that use or structure shall conform to this Ordinance.
- B. A nonconforming use may be changed to another nonconforming use only as a conditional use provided no structural alterations are to be made. A nonconforming use which is changed to a conforming use shall not revert back to a nonconforming use or structure.
- C. A nonconforming use that expands or enlarges shall lose its status and rights as a nonconforming use.

**10.0905 EXISTING STRUCTURES AND USES: OTHER STANDARDS AND REQUIREMENTS**

In accordance with Section 60.61 (5m) of the Wisconsin State Statutes, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored to the size\*, location, and use that it had immediately before the damage or destruction occurred, or it must comply with the requirements of this Ordinance.

\*The size of such nonconforming structure may be enlarged if such enlargement is made necessary for the structure to comply with applicable state and federal requirements.

**10.0906 SUBSTANDARD LOTS**

In any residential or agricultural district except for the A-1 District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date October 10, 2012 or amendments of this Ordinance provided that:

- A. All the district requirements shall be complied with insofar as practical but shall not be less than the following:  

<u>Lot</u>	
Width	Minimum: 65 ft.
Area	Minimum: 10,000 sq. ft.
- B. Compliance with the standards of the Kewaunee County Sanitary Code shall be a condition for the granting of a building permit.
- C. Substandard lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance is issued by the Board of Appeals.



## **10.1000 ADMINISTRATION AND ENFORCEMENT**

### **10.1001 PURPOSE**

This section of the Ordinance shall set forth the requirements to adequately provide for the proper administration and enforcement of this Ordinance.

### **10.1002 ADMINISTRATIVE STRUCTURE**

This Ordinance hereby establishes a Town Building/Zoning Administrator, and Town Plan Commission.

### **10.1003 BUILDING/ZONING ADMINISTRATOR**

- A. The Town Board of Casco shall appoint a Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce the provisions of this Ordinance. The Town of Casco Zoning Administrator shall have the following responsibilities and duties:
1. Issue all land use and building permits and make and maintain records thereof.
  2. Issue all rezoning certificates and make and maintain records thereof.
  3. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.
  4. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
  5. Forward to the Town of Casco Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Zoning Administrator.
  6. Forward to the Board of Appeals applications of appeals, variances, or other matters on which the Board of Appeals is required to pass under this Ordinance.
  7. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
  8. Initiate, direct and review from time to time, a study of the provisions of this Ordinance and to make reports of its recommendations to the Town Plan Commission.
  9. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing, the person responsible for such violation and ordering the action necessary to correct it.

## **10.1004 TOWN PLAN COMMISSION**

- A. The Town Plan Commission shall perform the duties of the Town Plan Commission as set forth in Wis. Stats. 62.23. (Also see Section 2.1200 in *Chapter 2: Town Administration and Personnel* of the Town of Casco Code of Ordinances).

## **10.1100 BUILDING PERMITS/CERTIFICATE OF COMPLIANCE**

### **10.1101 BUILDING PERMIT REQUIRED**

No structure (including decks) shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit from the Zoning Administrator, unless otherwise exempted pursuant to Section 10.1102 of this Ordinance. Applications for building permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

- A. Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- B. Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Plat of Survey prepared by a registered land surveyor at a minimum scale of 1 inch to 100 feet showing the location, boundaries, dimensions, elevations, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed front, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
- D. Proposed Sewage Disposal if municipal sewerage service is not available. This plan shall include a copy of the permit issued by Kewaunee County for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
- E. Proposed Water Supply Plan if municipal water service is not available. This plan shall be in accordance with Chapter NR 112 of the Wisconsin Administrative Code.
- F. Additional Information as may be required by the Town Plan Commission, and Zoning Administration.



- G. A Building Permit shall be granted or denied in writing by the Zoning Administrator within 30 days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

**10.1102 USES NOT REQUIRING A BUILDING PERMIT**

No building permit shall be required for any of the following uses.

- A. For building an accessory building less than 100 square feet in area.
- B. For any improvement or alteration to an existing building less than 100 square feet in area which does not effect a change in use or extend a nonconformity.
- C. For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.

**10.1103 OCCUPANCY PERMIT REQUIRED**

- A. No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create change in use; and no non-conforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been issued by the Zoning Administrator. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance. Such permit shall be applied for at the time of occupancy of any land and/or building.
- B. No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new occupancy permit by the Zoning Administrator. Such occupancy permit for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for an occupancy permit shall be made in the same manner as for a building permit pursuant to Section 10.1101 of this Ordinance.

**10.1104 PERMIT FEE REQUIRED**

Applications for building permits and occupancy permits shall be accompanied by a fee as established by the Town Board.

## **10.1200      CONDITIONAL USE PERMITS**

### **10.1201      PURPOSE**

The purpose of conditional uses is to place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

### **10.1202      INITIATION**

Any person having a freehold interest in land, or a possessory interest entitles to exclusive possession or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.

### **10.1203      APPLICATION**

The application for a conditional use shall be filed with the Town of Casco Plan Commission on a form so prescribed by the Town of Casco. The application shall be accompanied by such plans and/or data prescribed by the Town Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board. In order to secure evidence upon which to base its recommendation, the Plan Commission 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 the Ordinance.

### **10.1204      HEARING ON APPLICATION**

Upon receipt in proper form of the written recommendation referred to in Subsection 10.1203, the Town Plan Commission shall hold at least one (1) public hearing on the proposed conditional use. Notice of such public hearing specifying the time, place and matters to come before the Commission shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin Statutes. Due notice of the hearing shall be given to parties of interest as well as owners of property within 200 feet of the proposed conditional use.

### **10.1205      AUTHORIZATION**

For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

**10.1206 STANDARDS APPLICABLE TO ALL CONDITIONAL USES**

In passing upon a Conditional Use Permit application, the Plan Commission and Town Board shall consider the following factors:

- A. The location, nature, and size of the proposed use.
- B. The size of the site in relation to it.
- 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, soil types, and vegetative cover.
- G. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

**10.1207 CONDITIONS ATTACHED TO CONDITIONAL USE PERMIT**

- A. Upon consideration of the factors listed above, and upon recommendation of the Plan Commission, the Town Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include landscaping, architectural design, type of construction, construction commencement and completion date, lighting fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Plan Commission and may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
- B. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**10.1208 PERMIT FEE**

Applications shall be accompanied by a fee as established by the Town Board.

## **10.1300 ZONING BOARD OF APPEALS**

### **10.1301 ESTABLISHMENT**

There is hereby established a Board of Appeals for the Town for the purpose of hearing appeals and applications, and granting variances to the provisions of this Zoning Ordinance.

### **10.1302 MEMBERSHIP**

- A. The board of appeals shall consist of 5 members appointed by the Town Chairperson subject to confirmation of the Town Board.
  - 1. Members of the Board of Appeals shall be appointed for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years.
  - 2. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the Chairperson for cause upon written charges and after public hearing.
- B. The members serve at the pleasure of the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after a public hearing.
- C. The Chairperson shall designate one of the members as chairperson. A Secretary shall be elected by the Zoning Board of Appeals.
- D. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- E. The Chairperson shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for.
  - 1. Annually, the Chairperson shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent.
  - 2. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
- F. The Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.
- G. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.

### **10.1303 ORGANIZATION**

- A. The Board of Appeals shall adopt rules for its government and procedure.

Meetings of the Board of Appeals shall be held at the call of the Chairperson of the Board of Appeals and at such other times as the Board of Appeals may determine. The Chairperson, or in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

- B. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record. Statements of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as provided in the ordinance shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes.

## **POWERS**

The Board of Appeals shall have the following powers:

- A. Errors  
To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Plan Commission or Zoning Administrator in the enforcement of codes, regulations or ordinances under their jurisdiction.
- B. Variances  
To hear and grant appeals for variances as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances and self-imposed hardships variances shall not be granted.
- C. Permits  
The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issuance of a permit.
- D. Assistance  
The Board may request assistance from other town and county officials, departments, commissions and boards.
- E. Oaths  
The Chairman shall administer oaths and may compel the attendance of witnesses.

### **10.1305 APPEALS AND APPLICATIONS**

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any

officer, department, committee, board or bureau of the Town. Such appeals shall be filed with the secretary within sixty (60) days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within two hundred (200) feet.
- B. Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 10.1100 for a Building Permit.
- C. Additional Information required by the Town Plan Commission, Board of Appeals or Zoning Administrator.
- D. Fee Receipt from the Town Clerk in the amount established by the Town Board.

**10.1306 HEARINGS**

The Board of Appeals shall hold a public hearing within 30 days of receiving written application for the hearing; give public notice of the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes; and shall give due notice to the parties of interest, the Zoning Administrator and the Town Plan Commission, as well as owners of property located within 100 feet of the property in appeal. At the hearing, the appellant or applicant shall appear in person, by agent, or by attorney.

**10.1307 FINDINGS**

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates such in the minutes of its proceedings:

- A. Preservation of Intent  
No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- B. Exceptional Circumstances  
There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- C. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance  
No variance shall be granted solely on the basis of economic gain or loss.

Self-imposed hardships shall not be considered as grounds for the granting of a variance.

D. Preservation of Property Rights

The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

E. Absence of Detriment

No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

**10.1308 DECISION**

A. The Board of appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building/ Zoning Administrator and Town Plan Commission.

1. Conditions may be placed upon any Building Permit ordered or authorized by the Board.

2. Variances granted or building permits directed by the board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

B. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

C. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Ordinance.

**10.1309 REVIEW BY COURT OF RECORD**

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Town Clerk.

**10.1400 AMENDMENTS**

**10.1401 AUTHORITY**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board of Casco may, by Ordinance, change the

district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto.

**10.1402 INITIATION**

A change or amendment may be initiated by the Town Board, Town Plan Commission or by a petition of one or more of the owners or lessees or property within the area affected by the change.

**10.1403 PETITION**

Petition for any change to the district boundaries or amendments to the regulation 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:

- A. Petitioners name, address, phone number, and interest in property (owner, broker, etc.).
- B. Existing and proposed zoning district.
- C. Proposed use (a statement of the type, extent, area, etc., of any development project).
- D. Owners' names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
- E. Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
- F. Legal description of property to be rezoned.
- G. Plot plan or survey plat drawn to scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimension, the location and classification of adjacent zoning districts, and the location and existing uses and buildings of all properties within two hundred (200) feet of the area proposed to be rezoned.
- H. Additional information as may be requested by the Casco Plan Commission.
- I. Fee receipt in the amount established by the Town Board.



#### **10.1404 RECOMMENDATION**

The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend to the Town Board in writing that the petition be granted as requested, modified, or denied. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- A. Existing uses or property within the general area of the property in question.
- B. Zoning classification of property within the general area of the property in question.
- C. Suitability of the property in question to the uses permitted under the existing zoning classification.
- D. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- E. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
- F. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
- G. That the proposed date of the requested zoning map amendment is reasonable given the timing of the proposed use.
- H. In addition to the above in the case of map amendment request for rezoning of lands in the A-1 Prime Agricultural Land District, the Plan Commission and Town Board shall follow the provisions of Section 10.0404A.(5) Rezoning of Prime Agricultural Lands District of this ordinance.

#### **10.1405 HEARINGS**

The Town Board shall, after publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, hold a public hearing upon each proposed amendment. The notice shall list the time, place, and the changes or amendments proposed. The Town Clerk shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and to all property owners within one hundred (100) feet of the areas of land included within the proposed amendment.

**10.1406 TOWN BOARD ACTION**

Following such hearing and after careful consideration of the Town Plan Commission's written report and recommendations, the Town Board shall vote on the passage of the proposed changes or amendments. The Town Plan Commission's recommendations may be only overruled by a unanimous vote of the full Town Board membership.

**10.1407 PROTEST**

In the event of a protest against such change or amendment, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.

**10.1408 EFFECTIVE DATE**

The amending ordinance shall become effective immediately after adoption by the Town Board, and publication or posting as provided by law.

## **10.1500 VIOLATIONS, PENALTIES, AND PERMIT FEES**

### **10.1501 VIOLATION**

It shall be unlawful to construct, erect, reconstruct, alter, convert, or maintain any building or structure, or to develop or use, any land, water or air in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Zoning Administrator, the Town Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

### **10.1502 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

### **10.1503 PENALTIES FOR VIOLATION**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of the Town of Casco. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$10 and not more than \$500 or in lieu of payment thereof be imprisoned for not more than 30 days, and in addition shall pay all attorney fees and any and all other costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Town of Casco from taking such other lawful action as is necessary to prevent or remedy any violation.

### **10.1504 ABATEMENT OF VIOLATION**

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Ordinance. Such removal may be performed by a Town agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

#### **10.1505 PERMIT FEES**

All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Town Clerk to help defray the cost of administration, investigation, advertising, and processing of permits, licenses and variances. The permits for which a fee is required are the Building Permit, Occupancy Permit, Conditional Use Permit, Sign Permit, Quarry and Mine, Junk Yard and Salvage Yard Permit. A fee is required for a manufactured home park. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate, except where specifically listed in this Ordinance.

**CODE OF ORDINANCES OF THE TOWN OF CASCO**  
**TOWN OF CASCO**  
**KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 11:**  
**LIVESTOCK FACILITY LICENSING ORDINANCE**

Adopted July 23, 2007

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## **CHAPTER 11: LIVESTOCK FACILITY LICENSING ORDINANCE**

### **11.0100 AUTHORITY**

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 92.15 and 93.90. Further this ordinance is adopted pursuant to the powers granted to the town board under the grant of village powers pursuant to Sec. 60.22 of Wis. Statutes for the protection of public health and safety.

### **11.0200 PURPOSE AND FINDINGS**

Purpose: The purpose of this ordinance is to comply with requirements of Sec. 93.90 of Wis. Statutes and ch. ATCP 51, Wis. Adm. Code (ATCP 51), and to establish standards and authority to protect the public health and safety of the people of the Town of Casco. This ordinance sets forth the procedures for obtaining a license for the siting of new and expanded livestock facilities in the Town Casco.

### **11.0300 LICENSE REQUIRED**

#### **11.0301 GENERAL**

A license issued by the Town of Casco is required for *new or expanded* livestock facilities that will have 500 or more animal units.

#### **11.0302 LICENSES FOR EXISTING LIVESTOCK FACILITIES**

A license 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:

- A. The applicable size threshold for a license.
- B. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on the effective date of the license requirement, whichever date is later.
- C. A license is not required for livestock facility that existed before May 1, 2006 or before the effective date of the license requirement in this ordinance, except as provided in sub. 1.
- D. A license is not required for livestock facility that was previously issued a conditional use permit, license or other local approval, except as provided in sub. 1.
- E. 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.

### **11.0303 LICENSING ADMINISTRATION**

The Town (meaning the Town Board, the Zoning Administrator, Town Constable, Plan Commission or any other Town of Casco official(s) that are authorized by the Town Board to act on behalf of the Town of Casco) shall administer this ordinance and related matters thereto with review oversight and approval provided by the Town Plan Commission.

### **11.0304 LICENSING STANDARDS**

The standards for issuing a license are as follows:

- A. The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code, inclusive of all appendixes and worksheets and any future amendments to this chapter, except as may be noted in this section of the ordinance, are incorporated by reference in this ordinance, without reproducing them in full.
- B. The following setbacks shall apply to livestock structures:
  1. Property lines
    - (a) 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 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units.
    - (b) 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 the setback requirement, except that a structure may not be expanded closer to the property line.
    - (c) Public road right-of-way
      - (1) Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.
      - (2) 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 the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(d) Waste Storage Structure

(1) 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.

(2) 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 ft. from the existing structure.

d. No closer to the road or property line than the existing structure.

(3) This setback requirement *does not apply* to existing waste storage structures, except that an existing structure within 300 feet of a property line or road may not expand *toward* that property line or road. License Application

C. A livestock operator must complete the application form and worksheets prescribed by ATCP 51, including any authorized local modifications. The application form and worksheets demonstrate compliance with standards in ATCP 51 and this ordinance.

**11.0305 COPIES OF APPLICATION**

A. The 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.

B. One copy must be filed after a final decision on the application with DATCP. If approved, one duplicate copy marked approved must be given back to the applicant. The applicant may wish to record the approved application with the register of deeds.

**11.0306 LICENSE APPLICATION FEE**

A non-refundable application fee of \$1,000 payable to the Town of Casco shall accompany an application for the purpose of offsetting the town costs to review and process the application.

### **11.0307 APPLICATION PROCEDURE**

- A. Pursuant to ATCP 51.30 (5), within 45 days after the Town 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 Town shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
- B. Pursuant to ATCP 51.30 (6), within 14 days after the Town notifies the applicant that the application is complete, the Town shall notify adjacent landowners of the application. The Town of Casco shall use the approved notice form in ATCP 51, and mail by first class mail a written notice to each adjacent landowner.
- C. Upon determination of completeness the town clerk shall give notice of a public hearing to receive information from the applicant and receive public input on the application. Public notice shall be a class 2 notice the last of which is at least a week before the date of the public hearing. The public hearing may be continued, but final decision shall be made within the time limits described in the next paragraph.
- D. Pursuant to ATCP 51.32, the Town of Casco shall grant or deny an application within 90 days after the Town gives notice that the application is complete under paragraph 2 above. The Town of Casco may extend this time limit for good cause, including any of the following:
  - 1. The Town needs additional information to act on the application.
  - 2. The applicant materially modifies the application or agrees to an extension.
  - 3. The Town shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town will act on the application.

### **11.0308 CRITERIA FOR ISSUANCE OF A LICENSE**

- A. A license shall be issued if the application for the proposed livestock facility:
  - 1. Complies with this ordinance, and
  - 2. Is complete, and
  - 3. 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 ordinance, specifically Section 11.0500.

{Note: If the application and worksheets prescribed by ATCP 51 are properly completed, there is a rebuttable presumption that the applicant has meet the application requirements.}

- B. A license shall be denied if any of the following apply:
  - 1. The application, on its face, fails to meet the standard for approval in the previous paragraph,
  - 2. The Town finds, based on other clear and convincing information in the record that the proposed livestock facility does not comply with applicable standards in this ordinance.
  - 3. Other grounds authorized by s. 93.90, Stats., that warrant disapproving the proposed livestock facility.

### **11.0309 RECORD OF DECISION**

The Town will issue its decision in writing. The decision will be based on written findings of fact supported by evidence in the record. Findings may be based in part on the presumptions created by ATCP 51.

If the Town approves the application, it will give the applicant a duplicate copy of the approved application, marked “approved.” The duplicate copy will include worksheets, maps and other documents (other than engineering specifications) included in the application.

The town clerk as required by ATCP 51.36 within 30 days of the town decision on the application shall do all of the following:

- A. Give the Department of Agriculture, Trade and Consumer Protection (DATCP) written notice of the town’s decision.
- B. File with DATCP the final application granted or denied, if the town has granted or denied an application under this ordinance. (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 town has withdrawn a local approval under this ordinance, file with DATCP a copy of the town’s final notice or order withdrawing the local approval.

### **11.0310 TRANSFERABILITY OF LICENSE**

- A. A license and the privileges granted by this license run with the land approved under the license 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 record with the register of deeds, at the applicant’s expense, the duplicate copy of the approved application.
- B. The Town requests that 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.

### **11.0311 EXPIRATION OF LICENSE**

- A. A license remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under license, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Town may treat a license as lapsed and withdraw the license if the license holder fails to do all of the following within 2 years after issuance of license:
1. Begin populating the new or expanded livestock facility.
  2. Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.

### **11.0312 CONTINUED EFFECT OF LICENSE**

Once issued, the license remains in effect for all subsequent expansions of the farm operation provided that the farm operation continues to operate from the originally licensed site and continues to meet all applicable requirements and established standards of Sec. 93.90 of Wis. Statutes and ch. ATCP 51, Wis. Adm. Code (ATCP 51).

### **11.0313 LICENSE TERMS AND MODIFICATIONS**

A license and the privileges granted by a license issued under this ordinance is conditioned on the livestock operator's compliance with the standards in this ordinance, and with commitments made in the application for a license. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the Town shall not withhold authorization for those changes. A violation of the license or a failure to comply with the commitments made in the application may result in suspension and/or termination of the license as provided in this ordinance

### **11.0314 COMPLIANCE MONITORING**

The Town shall monitor compliance with the ordinance as follows:

- A. Upon notice to the livestock facility owner the Town may personally view the licensed premises at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
- B. If the livestock facility owner refuses the Town the right to view the licensed premises, the Town may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the licensed premises for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.

- C. If a licensed premises is found not to be in compliance with the commitments made in the approved application, the Town shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application and license be complied with in a reasonable amount of time stated in this written notice.
- D. If non-compliance of the license conditions as described in the written notice given by the Town continue past the stated reasonable time to comply, the Town may take further action as provided in this ordinance, 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 license 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 town board shall schedule a hearing within five days to determine if the conditions of the license have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

#### **11.0315 PENALTIES**

Any person who violates any of the provisions of this ordinance, or who fails, neglects or refuses to comply with the provisions of this ordinance, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties:

- A. Upon conviction by a court of law, pay a forfeiture of not less than \$250.00 nor more than \$500.00, plus the applicable surcharges, assessments and costs for each violation.
- B. Each day a violation exists or continues shall be considered a separate offense under this ordinance.
- C. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.
- D. In addition, the town board may suspend or revoke the local approval of a license under this ordinance after due notice to the livestock facility owner and a public hearing to determine whether the license should be suspended or revoked.
- E. A Town shall exercise sound judgment in deciding whether to suspend or revoke a license. The Town shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.

- F. In addition to any other penalty imposed by this ordinance, the cost of abatement of any public nuisance on the licensed premises by the town may be collected under this ordinance or Sec. 823.06 of Wis. Statutes against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Sec. 66.0627 of Wis. Statutes unless paid earlier.

### **11.0316 APPEALS**

In addition to other appeal rights provided by law, Sec. 93.90 (5), Stats, provides that any “aggrieved person” may request review by the Livestock Facility Siting Review Board of any decision by the Town in connection with a permit application. An “aggrieved person” may challenge the decision on the grounds that the (Town) incorrectly applied the standards under this ordinance or violated sec. 93.30, Stats.

- A. An “aggrieved person” under this section as defined in Sec. 93.90 (5) of Wis. Statutes means a person who applied to the Town for approval of a livestock siting or expansion, a person who lives within 2 miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.
- B. An “aggrieved person” may request review of any decision of the Town or action by the town board.
- C. Any appeal brought under this section must be requested with 30 days of the Town’s approval or disapproval or within 30 days after the decision on appeal before the town board.
- D. Any appeal to the State Livestock Facility Siting Review Board shall comply with Sec. 93.90 of Wis. Statutes and administrative rules of said board.

### **11.0317 SEVERABILITY**

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

### **11.0318 EFFECTIVE DATE**

This ordinance is effective the day after publication.

### **11.0400 GENERAL DEFINITIONS**

For the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.



3. The word "lot" shall include the words "piece", "parcel", and "plats"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

4. All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the next "integral foot" below shall be taken.

Any words not herein defined shall be construed as defined in other respective state, county, and town codes.

#### **11.0401 WORDS DEFINED**

Certain words and terms in this Ordinance are to be interpreted as defined herein:

**Adjacent** means 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.

**Affected neighbor** means, for purposes of the odor score calculation under s. ATCP 51.14, a residence or high use building located within 2,500 feet of any livestock structure at a proposed livestock facility. "Affected neighbor" does not include a residence or high use building owned by any of the following:

- (a) The livestock facility operator.
- (b) A person who affirmatively agrees to have the residence or high-use building excluded from the odor score calculation under s. ATCP 51.14.

**Note:** The odor score calculation under s. ATCP 51.14 is based, in part, on the proximity and density of "affected neighbors."

**Animal lot** means a feedlot, barnyard or other outdoor facility where livestock are concentrated for feeding or other purposes. Animal lot does not include a pasture or winter grazing area. Two or more animal lots at the same livestock facility constitute a single animal lot, for purposes of this chapter, if runoff from the animal lots drains to the same treatment area under s. ATCP 51.20 (2) or if runoff from the animal lot treatment areas converges or reaches the same surface water within 200 feet of any of those treatment areas.

**Animal unit** has the meaning that was given in s. NR 243.03 (3) as of April 27, 2004.

**Note:** See s. 93.90 (1m) (a), Stats., and s. ATCP 51.04. "Animal unit" equivalents, for different species and types of livestock. The animal unit equivalents are based on s. NR 243.03 (3) as it existed on April 27, 2004 (the date on which the livestock facility siting law, 2003 Wis. Act 235, was published).

**BARNY model** means the NRCS "Evaluation System to Rate Feedlot Pollution Potential," ARM-NC-17 (April 1982 version with modifications as of August 2005).

**Note:** The BARNY model is a commonly used computer model that predicts nutrient runoff from animal lots. Copies of the BARNY model are on file with the department, the secretary of state and the revisor of statutes. An Excel computer spreadsheet version is available at [www.datcp.state.wi.us](http://www.datcp.state.wi.us).

**Bedrock** means the top of the shallowest layer of a soil profile that consists of consolidated rock material or weathered-in-place material, more than 50% of the volume of which will be retained on a 2 mm soil sieve.

**Certified agricultural engineering practitioner** means an agricultural engineering practitioner who is certified under s. ATCP 50.46 with a rating under s. ATCP 50.46 (5) that authorizes the practitioner to certify every matter that the practitioner certifies under this chapter. **(8)** “Cluster” means any group of one or more livestock structures within a livestock facility.

**Complete application for local approval** means an application that contains everything required under s. ATCP 51.30 (1) to (4).

**Department** means the Wisconsin department of agriculture, trade and consumer protection.

**Direct runoff** has the meaning given in s. NR 151.015 (7).

**Note:** Under s. NR 151.015 (7), “direct runoff” means a discharge of a significant amount of pollutants to waters of the state resulting from any of the following practices:

- (a) Runoff from a manure storage facility.
- (b) Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or man-made conveyance.
- (c) Discharge of leachate from a manure pile.
- (d) Seepage from a manure storage facility.
- (e) Construction of a manure storage facility in permeable soils, or over fractured bedrock, without a liner designed according to s. NR 154.04 (3).

**DNR** means the Wisconsin Department of Natural Resources.

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

**Note:** This chapter applies to local approvals of new or expanded livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local zoning ordinance prior to July 19, 2003). See s. ATCP 51.02. Although this chapter covers all livestock structures in an “expanded livestock facility,” existing structures are subject to less rigorous standards than new or expanded structures, and are completely exempt from certain requirements.

**Expansion** means 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. **Note:** See s. ATCP 51.04.

**Fine soil particles** means soil particles that pass through a # 200 soil sieve. **Note:** See s. NR 151.002 (32).

**High use building** means any of the following buildings:

- (a) A residential building that has at least 6 distinct dwelling units.
- (b) A restaurant, hotel, motel or tourist rooming house that holds a permit under s. 254.64, Stats.
- (c) A school classroom building.
- (d) A hospital or licensed care facility.
- (e) A nonfarm business or workplace that is normally occupied, during at least 40 hours of each week of the year, by customers or employed workers.

**Karst feature** means an area or superficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater. Karst features may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

**Livestock** means domestic animals traditionally used in this state in the production of food, fiber or other animal products. Livestock includes cattle, swine, poultry, sheep and goats. Livestock does not include equine animals, bison, farm raised deer, fish, captive game birds, ratites, camelids or mink.

**Livestock facility** means 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 this chapter, except that an operator may elect to treat a separate species facility as a separate “livestock facility.”

***Note:** See definition of “related livestock facilities” in sub. (36) and “separate species facility” in sub. (38).*

**Livestock structure** means 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.

**Local approval** means an approval, required by local ordinance, of a new or expanded livestock facility. “Local approval” includes a license, permit, special exception, conditional use permit or other form of local authorization. “Local approval” does not include any of the following:

(a) An approval required by a Town within the scope of its authority under s. 59.692, 59.693, 60.627, 61.351, 61.354, 62.231, 62.234 or 87.30, Stats.

*Note: See s. 93.90 (3) (a) 3., Stats. The statutes listed in par. (a) pertain to shoreland zoning, floodplain zoning, construction site erosion control and stormwater management.*

(b) An approval required under a local building, electrical or plumbing code, if the standards for approval are consistent with standards established under the state building, electrical or plumbing code for that type of facility.

*Note: See s. 93.90 (3) (a) 4., Stats.*

**Local ordinance** or “local code” means an ordinance enacted by a Town.

**Manure** means excreta from livestock kept at a livestock facility. “Manure” includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

**Minor alteration** of a livestock structure means a repair or improvement in the construction of an existing livestock structure that does not result in a substantially altered livestock structure.

**Navigable waters** has the meaning given in s. 30.01 (4m), Stats.

**New livestock facility** means 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.

**Note:** This chapter applies to local approvals of *new or expanded* livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003). See s. ATCP 51.02.

**NRCS** means the Natural Resource Conservation Service of the United States department of agriculture.

**Operator** means a person who applies for or holds a local approval for a livestock facility.

**Pasture** means land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over all of the grazing or feeding area.

**Person** means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

**Populate** means to add animal units for which local approval is required.

**Property line** means a line that separates parcels of land owned by different persons.

**Qualified nutrient management planner** means a person qualified under s. ATCP 50.48.

**Registered professional engineer** means a professional engineer registered under ch. 443, Stats.

**Related livestock facilities** means 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.

**Note:** A mere acquisition of a neighboring livestock facility does not constitute an “expansion” unless more animal units are added to the combined facilities. See sub. (14). 390–3 AGRICULTURE, TRADE AND CONSUMER PROTECTION

(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. **Note:** Compare definition of “animal feeding operation” under s. NR 243.03 (2). “Related livestock facilities” are treated as a single livestock facility for purposes of local approval, except that a “separate species facility” may be treated as a separate livestock facility. See subs. (19) and (38).

**Runoff** means storm water or precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

**Separate species facility** means 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 under sub. (36):

1. Cattle.
2. Swine.
3. Poultry.
4. Sheep.
5. Goats.

**Note:** For purposes of par. (a), cattle and poultry are different “types” of livestock, but dairy and beef cattle are livestock of the same “type” (“cattle”). Milking cows, heifers, calves and steers (all “cattle”) are livestock of the same “type.” Turkeys, ducks, geese and chickens are livestock of the same “type” (“poultry”).

(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 under sub.(36).

(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 under sub. (36).
2. It and the other livestock facilities to which it is related under sub. (36) have a combined total of fewer than 1,000 animal units.

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

- (a) An area within 250 feet of a private well.
  - (b) An area within 1,000 feet of a municipal well.
  - (c) An area within 300 feet upslope or 100 feet downslope of a karst feature.
  - (d) A channel with a cross-sectional area equal to or greater than 3 square feet that flows to a karst feature.
  - (e) An area where the soil depth to groundwater or bedrock is less than 2 feet.
  - (f) An area where none of the following separates the ground surface from groundwater and bedrock:
    - 1. A soil layer at least 2 feet deep that has at least 40% fine soil particles.
    - 2. A soil layer at least 3 feet deep that has at least 20% fine soil particles.
    - 3. A soil layer at least 5 feet deep that has at least 10% fine soil particles.
- Note: See s. NR 151.015 (18).*

**Substantially altered livestock structure** means a livestock structure that undergoes a material change in construction or use, including any of the following material changes:

- (a) An increase in the capacity of a waste storage facility.
- (b) The addition of a liner to a waste storage facility.
- (c) An increase of more than 20% in the area or capacity of a livestock structure used to house, feed or confine livestock, or to store livestock feed.
- (d) An increase of more than 20% in the number of animal units that will be kept in a livestock structure on at least 90 days in any 12-month period.

**Town** means the Town Board, the Zoning Administrator, Town Constable, Plan Commission or any other Town of Casco official(s) authorized by the Town Board to act on behalf of the Town of Casco

**Unconfined manure pile** means a quantity of manure at least 175 cubic feet in volume that covers the ground surface to a depth of at least 2 inches, but does not include any of the following:

- (a) Manure that is confined within a manure storage facility, livestock housing structure or barnyard runoff control facility.
- (b) Manure that is covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

**Waste** means manure, milking center waste and other organic waste generated by a livestock facility.

**Waste storage facility** means one or more waste storage structures. Waste storage facility includes 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.

**Waste storage structure** means 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 ss. ATCP 51.12 (2) and 51.14, 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.

Waters of the state has the meaning given in s. 283.01 (20), Stats.

**Winter grazing area** means cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period 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 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 s. ATCP 51.16.

**WPDES permit** means a *Wisconsin pollutant discharge elimination system permit* issued by DNR under ch. NR 243.

The remaining definitions in ATCP 51 are hereby incorporated by reference without reproducing them in full in this ordinance.





**CODE OF ORDINANCES OF THE TOWN OF CASCO**  
**TOWN OF CASCO**  
**KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 14:**  
**DRIVEWAYS, TOWN HIGHWAYS, AND PRIVATE ROADS**  
**ORDINANCE**

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## **CHAPTER 14: DRIVEWAY ORDINANCE**

### **14.0100 TITLE AND PURPOSE**

This ordinance is entitled the Town of Casco Driveway Ordinance. The purpose of this ordinance is as follows:

Provide for the safe location of driveways & private roadways;

Prevent erosion and runoff from driveways onto town roads;

Provide for adequate ingress & egress of emergency vehicles; and,

Promote the public health, safety, and general welfare of the community.

### **14.0200 STATUTORY AUTHORITY**

NOW THEREFORE, The Town Board of Supervisors of the Town of Casco, Kewaunee County, Wisconsin, does hereby enact this ordinance establishing regulations for the safe and orderly layout of driveways that enter on to town roads as an exercise of the police power and in accordance with the laws of the State of Wisconsin, including but not limited to Sections 60.10(2)(c), 60.22(3), 81.01 and Chapter 61 of the Wisconsin Statutes.

### **14.0300 PERMIT REQUIRED**

All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures shall require a permit and inspection by a representative designated by the Town Board. All new subdivisions and residential areas shall have one common access road to serve all homes on town roads. A permit application shall be completed and the site shall be flagged by applicant for inspection by the Town Board Representative. The Driveway Permit shall be obtained prior to the construction of a new driveway or new residence. A fire number will be assigned after the Driveway Permit is issued.

### **14.0400 MINIMUM REQUIREMENTS**

The following provisions apply to private driveways and private roadways exiting from any portion of any town road:

- A. The driveway shall be constructed with a minimum width of eighteen (18) feet for the distance of the town right-of-way, with a maximum side slope grade of 3:1.
- B. All driveways and private roadways shall be located a minimum of 6 feet from the nearest side lot line.
- C. Where deemed to be necessary, a minimum of an 18-inch diameter new steel/double wall plastic culvert shall be installed and maintained by the property owner to provide proper drainage under the entrance and along the town road.

- D. Fill shall be made over culverts so that the ends are free and the ends shall be riprapped or sodded to prevent fill material from spilling into the ditch and clogging the culvert. Work of placing culverts and riprap and/or sod shall proceed diligently and be completed promptly after work has begun and shall present a neat appearance when completed.
- E. The driveway or private roadway entrance shall be at a grade not to exceed 5% for the distance from the edge of pavement to the town road right-of-way, unless otherwise granted a variance from this provision by the town board.
- F. Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by construction shall be restored by the property owner.
- G. All work shall be performed without danger or interference with traffic using town roads.
- H. As a condition of a driveway construction permit, the driveway shall be constructed and maintained (free of low hanging branches and brush) by the owner or occupant to insure access by all emergency vehicles.
- I. Roads and driveways that exceed 500 feet from entrance will need a place every 500 feet for vehicles to pass. (Turnout)

**14.0500 DRIVEWAYS EXEMPTED**

- A. Driveways fronting on a private easement road are exempt from obtaining a driveway permit.
- B. Driveways accessing on to County, State or Federal Highways must obtain approval of the proper regulating authority for those roads for a driveway permit and are exempt from obtaining a driveway permit with the Town of Casco.

**14.0600 VARIANCES**

A variance in the provisions of this ordinance may be granted, but only by majority approval of the entire town board. The Town Board may vary any of the requirements where the peculiar nature of the property or the design of the road may make the rigid adherence to the above requirements impossible or impractical.

**14.0700 ENFORCEMENT & PENALTIES**

Any person who constructs or modifies any driveway without a permit as required by this ordinance shall forfeit \$100.00 plus all applicable assessments, surcharges and court costs. Any person who constructs or modifies a driveway in violation of any other provisions of this Ordinance, unless the violation is corrected within thirty (30) days of date of written notice from the Town Board or its designee, shall forfeit \$100.00 plus all applicable surcharges and court costs for each violation. Each day that any violation continues shall constitute a separate offense. An unlawful driveway constitutes a public nuisance and may be subject to abatement by any applicable procedure.

**14.0800 SEVERABILITY AND LIABILITY**

Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be effected thereby.





**CODE OF ORDINANCES OF THE TOWN OF CASCO**  
**TOWN OF CASCO**  
**KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 15:**  
**NUISANCE ORDINANCE**

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## **CHAPTER 15: NUISANCE ORDINANCE**

### **15.0100 PUBLIC NUISANCES PROHIBITED**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the boundaries of the Town of Casco, Kewaunee County, Wisconsin.

### **15.0101 PUBLIC NUISANCES DEFINED**

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- B. In any way render the public insecure in life or in the use of property; or
- C. Greatly offend the public morals or decency; or
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

### **15.0102 PUBLIC NUISANCES AFFECTING HEALTH PROHIBITED**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 15.0200.

- A. Adulterated Food: All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Paunch Manure: The undigested food in a cow's stomach at the time of slaughter, provided by slaughterhouses to farmers for use as fertilizer as long as it's turned under within 12 hours or stored in approved manure pit.
- D. Breeding Places for Vermin, Etc.: Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any materials in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.
- E. Water Pollution: The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.
- F. Street Pollution: Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

**15.0103 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY**

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of 15.0200.

- A. Animals: All non-native reptiles and animals that are housed in the town.
- B. Obstruction of Intersections: All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public roads, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian cross-walk.
- C. Low Hanging Wires and Cables: All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.
- D. Noises or Vibrations: All unnecessary, loud and discordant, noises or vibrations of any kind. This excludes noises or vibrations as a result of agricultural operations.
- E. Obstructions of Streets; Excavation: All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by ordinances of the of which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- F. Open and Unguarded Pits, Well, Etc.: All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk. Pits exclude legally existing sand and gravel pits..
- G. Abandoned Refrigerators, Freezers, Etc.: All abandoned refrigerators or freezers from which the doors and other covers have not been removed or which cannot be opened by pushing from the inside by a small child.
- H. Structure or Material Which Constitutes a Fire Hazard: Any structure, material, or condition which constitutes a fire hazard or will impair the extinguishing of any fire.
- I. Dangerous Signs, Billboards, Etc.: All signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- J. Unauthorized Traffic Signs: All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be, or may be mistaken as', official traffic control devices, railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign, or signal.

- K. Abandoned Autos, Trailers, Etc.: Automobiles, trailers, semi-trailers, motor homes, or mobile homes which are abandoned, as defined in Section 15.0105 of this code.
- L. Storage of Junk, Etc., Regulated: No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood.
- M. Any Nuisance: Any nuisance so defined by the Wisconsin Statutes.

**15.0104 APPLICATION TO FARMING OPERATIONS**

- A. This section is not intended to unduly or unreasonably interfere with normal and customary farm operations including the accumulation and spreading of manure produced on the farm upon which it is accumulated and spread.
- B. This section is not intended to interfere with the operation of farm machinery and equipment at night for normal and customary farm operations.

**15.0105 ABANDONED VEHICLES AND STORAGE OF JUNK**

- A. No person shall leave an unsheltered accumulation or storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition, any other vehicles, machinery, implements, equipment, any parts thereof, and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured is declared to be a nuisance and dangerous to the public health, safety, and well-being.
- B. The owner, tenant, lessee and occupants of any lot upon which such accumulation or storage is made and the owner and lessee of the items involved in such storage, all referred to collectively as "owners", shall jointly and severally abate the nuisance by promptly moving such items into completely enclosed buildings within the Town, or by moving the items to a location outside the Town.
- C. Whenever the owners fail to abate the nuisance, the Town shall move such items to a location of its selection, and the expense therefore shall be billed to the owners, jointly and severally, which bill shall be recoverable through the tax roll. When such items have been removed and placed in storage by the Town, they shall be sold by the Town after the lapse of such time as provided. If the proceeds of such sale are insufficient to pay the costs of abatement, the owners shall be jointly and severally liable to the Town for the balance of the costs to be recoverable in a suit of law. If the proceeds are in excess of costs, the balance shall be paid to the owners or deposited with the Town for their use.

### **15.0106 PUBLIC NUISANCES OFFENDING THE MORALS AND DECENCY**

The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency within the definition of Section 15.0102.

- A. **Unlicensed Sale of Liquor and Beer:** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the State of Wisconsin, Kewaunee County and any ordinances of the Town.
- B. **Continuous Violations of Town Ordinances:** Any place or premises within the Town where Town ordinances or State Law relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly, and intentionally violated.

### **15.0200 ABATEMENT OF PUBLIC NUISANCES**

- A. **Enforcement:** The Building Inspector, or other Town Officer as designated by statute or appointment by the Town Board, shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this subsection to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
- B. **Summary Abatement:** If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Board may direct that a notice be served on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.
- C. **Abatement After Notice:** If the inspecting officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance(s) to be removed.
- D. **Other Methods Not Excluded:** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with State Law.



- E. Court Order: No officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

**15.0202 COST OF ABATEMENT**

In addition to any other penalties imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town, including attorney fees, shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

**15.0203 PENALTY**

Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as follows in 15.0110, Penalty Provisions.

**15.0204 PENALTY PROVISIONS**

- A. General Penalty: Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
  - 1. **First Offense - Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than fifty (\$50.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, including Town's attorney fees, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
  - 2. **Second Offense - Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one (1) year shall upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense, together with the costs of prosecution, including Town's attorney fees, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- B. Continued Violations: Each violation and each day a violation occurs shall constitute a separate offense. Nothing in this Code preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

- C. Execution Against Defendant's Property: Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the Court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**15.0205 REPEALER**

Any previous ordinance or resolution of the Town Board contrary or in conflict with the regulations contained in this Ordinance is hereby amended or rescinded as may be necessary to fully and completely effectuate the regulations contained herein.

**15.0206 EFFECTIVE DATE**

This ordinance shall take effect the day after passage and publication as provided by Law.