CHAPTER 11
BUILDING AND CONSTRUCTION CODES

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SECTION 11.01 EROSION CONTROL AND STORMWATER RUNOFF MANAGEMENT REGULATIONS

(a) **Findings.**

The Town Board finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition onto lands and into the waters of the Town and have significant adverse impacts upon regional water resources and the health, safety, property and general welfare of the community, and diminish the public enjoyment and use of natural resources. Specifically, soil erosion and stormwater runoff can:

(1) Carry sediment, nutrients, pathogens, organic matter, heavy metals, toxins and other pollutants to regional lakes, streams and wetlands;
(2) Diminish the capacity of water resources to support recreational and water supply uses and a natural diversity of plant and animal life;
(3) Clog existing drainage systems, increasing maintenance problems and costs;
(4) Cause bank and channel erosion;
(5) Increase downstream flooding;
(6) Reduce groundwater recharge, which may diminish stream base flows and lower water levels in regional lakes, ponds and wetlands;
(7) Contaminate drinking water supplies;
(8) Increase risk of property damage and personal injury; and
(9) Cause damage to agricultural fields and crops.

(b) **Purpose and Intent.**

The purpose of this Ordinance is to promote the public health, safety, prosperity, and general welfare of the citizens of the Town, and to conserve the soil, water and related resources and control erosion and sedimentation and stormwater runoff. Therefore, it is declared to be the purpose and intent of this Section to:

(1) Control and prevent soil erosion and minimize sedimentation;
(2) Minimize storm water runoff increases and ensure there is no increase in the rate of surface water drainage from sites during or after construction;
(3) Maximize surface and ground water quality, by minimizing water pollution from nutrients, heavy metals, chemical and petroleum products and other contaminants, flooding and thermal impacts to the water resources of the Town;
(4) Preserve the natural resources;
(5) Control floods and prevent impairment of runoff and flood control structures;
(6) Promote regional stormwater management by watershed;
(7) Promote infiltration and groundwater recharge;
(8) Ensure there is no increase in temperature of post-construction stormwater, in order to protect cold water communities;

(9) Protect public and private property from damage resulting from runoff or erosion; and

(10) Protect the quality of public waters, protect wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the Town.

(c) **Definitions.**

(1) Agricultural Lands**.** Lands used for agricultural practice per Wis. Stats. § 281.16(1)(a).

(2) Agricultural Practice**.** Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 §§ U.S.C. 3831 to 3836; and vegetable raising.

(3) Best Management Practices (BMP's)**.** Practices, techniques and measures that are effective, practical means of preventing or reducing soil erosion, runoff, and water pollution both during and after land development activities. These can include structural, vegetative or operation practices. They shall include but are not limited to the Stormwater Construction and Post-Construction Technical Standards, as updated on the DNR website.

(4) Control Plan**.** See Erosion Control Stormwater Management Plan (ECSMP).

(5) Cubic Yards**.** The amount of material in excavation and/or fill measured by the method of "average end areas."

(6) Erosion (Soil Erosion)**.** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

(7) Erosion Control Stormwater Management Plan (ECSMP)**.** Written descriptions accompanied by an engineering report and drawings approved by the Town Engineer. Plans shall identify and analyze existing conditions in a variety of storm scenarios and compare various storm water runoff quality and quantity parameters and proposed best management practices to minimize erosion and storm water runoff and maximize surface water quality in accordance with this Ordinance and the requirements of the Town Engineer.

(8) Excavation**.** Any act by which organic matter, earth, sand, gravel, rock, or any other similar material, is cut into, dug, quarried, uncovered, removed,

displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

(9) Existing Grade**.** The vertical location of the existing ground surface prior to excavation or filling.

(10) Fill**.** Any act by which earth, sand, gravel, rock or other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by human forces to a new location, and shall include conditions resulting therefrom. Also the material placed in the act of filling.

(11) Grading**.** Altering the elevation of the land surface by stripping, excavating, filling, or stockpiling of soil materials or any combination thereof, and shall include the land from which the material was taken or upon which it was placed.

(12) Governing Body**.** The Town of Dekorra Town Board.

(13) Impervious surface**.** Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purposes of this chapter, all road, driveway or parking surfaces including gravel surfaces, shall be considered impervious, unless specifically designed to encourage infiltration and approved by the Town Engineer.

(14) Infiltration**.** The process by which rainfall or runoff seeps into the soil.

(15) Land Disturbing Activities**.** Any land alterations or disturbances which may result in soil erosion, sedimentation and/or the increase in runoff, including but not limited to, tilling, removal of ground cover, grading, excavating and filling of land, except that the term shall not include minor land disturbing activities such as home gardens and repair and maintenance of private roads. This term also does not include agricultural practice or land uses related to growing of crops.

(16) Land Treatment Measures**.** Structural or vegetative practices, or combinations of both, used to control erosion and sediment production, including areas to be protected by fencing.

(17) Land Occupier or Occupier of Land**.** Any person, partnership, firm or corporation that has a fee simple interest in the land either as sole owner, as a tenant in common or as a joint tenant or holds as a trustee, assignee, or as a land contract vendee.

(18) Land Users**.** Those who use land, individually or collectively, as owners, operators, lessors, renters, or occupiers who are providing a service that requires access or alterations of the land in order to perform the service, or

by other arrangement which gives them the responsibility of private or public land use.

(19) Parcel**.** All contiguous lands under the ownership or control of a land occupier or land user.

(20) Peak Flow**.** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.

(21) Permit**.** The signed, written statement issued under this Ordinance authorizing the applicant to engage in general land disturbing uses specified and for a specified period of time.

(22) Permittee**.** Any person to whom a permit is issued under this Ordinance. The permit application shall be signed by the land occupier or shall include a notarized statement signed by the land occupier authorizing the applicant to act as the land occupier's agent and shall bind the land occupier to the terms of this ordinance.

(23) Person**.** Any individual, partnership, corporation, limited liability company, joint venture, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government, or any combination thereof.

(24) Public Lands**.** All lands which are subject to regulations by the Town, including but not limited to:

(A) All lands owned or controlled by the Town; and

(B) All land within the political boundaries of the Town which are owned by another unit of government if that unit of government is acting in a proprietary rather than governmental function.

(25) Removal**.** Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

(26) Review Agency**.** Any agency designated by the Town for purposes of seeking technical advice as to the adequacy of erosion and runoff control plans to conform to the standards and criteria of Subsection (i) of this Ordinance. This agency is generally the Town Engineer.

(27) Sediment**.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, gravity or ice and has come to rest on the earth's surface at a different site.

(28) Sedimentation**.** The transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid particles, derived from soils by erosion or discharged into surface waters from other sources; or the deposition of water-borne sediments in stream channels, lakes, reservoirs, or on floodplains, usually because of a decrease in the velocity of the water.

(29) Soil Loss**.** Soil movement from a given site because of land disturbing activities or by the forces of erosion and redeposited at another site on land or in a body of water.

(30) Steep Slopes. Steep slopes are those with 12% (12 foot rise in 100 feet of run) slopes or greater.

(31) Stop-Work Order**.** A means of giving notice to the permittee that the Town Engineer believes that the permittee has violated one or more provisions of this Ordinance. Notice is given both by posting upon the lands where the land disturbing activity occurs one or more copies of a poster stating the violation and by mailing a copy of this poster by certified mail to the permittee at the address shown on the permit.

(32) Storm Frequency**.** The average period of time in which a storm of a given duration and intensity can be expected to be equaled or exceeded.

(33) Storm Sewer**.** A closed conduit for conducting collected stormwater.

(34) Stormwater Drainage Facility**.** Any element in a stormwater drainage system which is made or improved by human activity.

(35) Stormwater Drainage System**.** All facilities used for conducting stormwater to, through or from a drainage area to the point of final outlet, including, but not limited to, any of the following: conduits and appurtenant features, canals, rivers, lakes, channels, ditches, streams, culverts, streets, and pumping stations.

(36) Stormwater Management Plan. (See Erosion Control Stormwater Management Plan).

(37) Stormwater Runoff**.** The waters derived from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses or conduits.

(38) Structural Measures**.** Works or improvement for land stabilization to prevent erosion, sediment or runoff which includes, but are not limited to: gully control structures, grass waterways, riprap, detention basins, sediment basins, flood retention dams, diversions, lining channels with rock, concrete or other materials. Contour strip cropping is not a structural measure.

(39) Town Engineer**.** The professional engineer designated by the Town Board to assist in review and administration of this Ordinance, and includes any other persons who are supervised by the Engineer.

(40) Undisturbed State. The state land was in before being disturbed by grading, excavating, filling or removal of vegetation. Farmland is considered disturbed land.

(d) **Land Disturbing Activities Subject to Erosion and Sediment Control.**

(1) General Requirement**.** Any landowner, land occupier or land user who undertakes, begins, commences or performs land disturbing activities, or who permits another person to do the same, on land subject to this section, shall be subject to the provisions of this Ordinance.

(2) Land disturbing activities on public or private lands shall be subject to the erosion and sediment control provisions of this Ordinance if:

(A) An area of 4,000 square feet or greater will be disturbed by excavation, grading, filling, or other land disturbing activities such as removal of trees, vegetation or other protective round cover; or

(B) Excavation, fill, or any combination thereof, will exceed 400 cubic yards; or

(C) Any public (federal, state or local) street, road or highway is to be constructed, enlarged, relocated or substantially reconstructed; or

(D) Any water course is to be changed, enlarged, impacted by sediment deposit or material is removed from stream or lake beds; or

(E) Any proposed land use by a unit of government or by public or private utilities in which underground conduits, cables, piping, wiring, waterlines, sanitary sewers or storm sewers will be laid, repaired, replaced or enlarged, if such use involves more than 100 linear feet of trenching or earth disturbance; or

(F) Any subdivision of land requires plat approval or certified survey; or

(G) Any land disturbing activity will occur on slopes of 12% or more; or

(H) Any land disturbing activity on unstable soils as determined by the Town Engineer; or

(I) Land disturbing activity that disturbs less than 4,000 square feet of land, including the installation of driveways, that the Town Engineer determines to have a high risk of soil erosion or water

pollution, or that may significantly impact a lake, stream, or wetland area.

(e) **Land Disturbing Activities Subject to Onsite Detention and/or Stormwater Runoff Control.**

(1) General Requirement**.** Any landowner, land occupier or land user who undertakes, begins, commences or performs land disturbing activities, or who permits another person to do the same, on land subject to this section, shall be subject to the provisions of this Ordinance.

(2) Land disturbing activities on public or private lands shall be subject to the onsite detention and runoff control provisions of this Ordinance if:

(A) The land disturbing activity will be a residential development having a gross aggregate area of one acre or more; or

(B) The land disturbing activity will be a residential development on less than one acre having thirty percent or more of the area as impervious surfaces including roads, buildings, parking facilities and other improvements; or

(C) All industrial developments with gross aggregate area of 0.2 acres or more; or

(D) All commercial developments with gross aggregate area of 1.0 acres or more; or

(E) The land disturbing activity will be a development, other than residential, recreational, commercial or industrial, having a gross aggregate area of one acre or more; or

(F) Any development(s) that result(s) in the cumulative addition of 20,000 square feet of impervious surface to the site; or

(G) Other land development activities, including but not limited to redevelopment or alteration of existing buildings and other structures, that the local approval authority determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact a lake, stream, or wetland area; or,

(H) Any land disturbing activity on slopes of 12% or steeper; or,

(I) Any lands which in the opinion of the Town Engineer, the runoff from the land disturbing activity will create a hazard by exceeding the safe capacity of the water body in the area, or will cause undue

channel erosion or an undue increase in water pollution by increased scour and transport or particles, or will otherwise endanger the downstream property owners or their property. Safe capacity is defined as: the rate of flow that can be handled without flooding.

(f) **Erosion, Sedimentation and Runoff Control Regulations For Lands Not Otherwise Subject To This Ordinance.**
Any landowner, land occupier or land user who permits excessive erosion or storm water runoff to adjacent land, public streets or bodies of water from land not otherwise subject to this Ordinance shall be deemed in violation of this Ordinance and subject to the penalties provided in Town Ordinances. Erosion and runoff is excessive if, in the opinion of the Town Engineer, an unsafe condition results in the streets or roads, if undue sedimentation of lakes and streams occurs, if damaging conditions to adjacent properties occur or if the public health, safety or general welfare of the citizens of the Town of Dekorra is harmed.

(g) **Compliance With This Section.**
The owner, land developer or land user shall comply with this section by following the procedure of Subsection (j) and receiving from the Town Engineer written approval of the ECSMP and a permit before commencement of any land disturbing activities on lands subject to control under this section.

(h) **Steep Slopes Additional Requirements**.
All slopes 12% or steeper are subject to the requirements of Sections 10.24 and 10.91(b)(3) of the Town's Code of Ordinances. These requirements apply to both single or multiple lot/parcel holdings either existing or newly created. *See* 11.01(j)(2)(C) for storage and detention requirements for slopes of 20% or greater.

(i) **Exemptions.**
The following activities are exempt from the requirements of this ordinance:

(1) Any activity directly related to the planting, growing and harvesting of agricultural crops as defined under agricultural practice; and,

(2) Construction of agricultural buildings, provided the resulting new total impervious surface area does not exceed 20,000 square feet.

(j) **Standards And Criteria.**

(1) Limitations of Compliance**.** Compliance with the standards and criteria of this section shall not bar a nuisance action or other civil action brought by any injured public or private party for damage to property upon which the

runoff or erosion directly occurred or to property or other rights which were damaged by erosion, sedimentation or runoff.

(2) Standards for Erosion and Sediment Control and Runoff Control for Land Disturbing Activities.

(A) The Town Engineer shall not approve ECSMPs nor allow the issue of permits required by this Ordinance for land disturbing activities unless erosion and sedimentation and runoff during and after the land disturbing activity for the 2-year through 50-year storm events are shown to be controlled so they will not exceed that which would have occurred if the land had been left in its undisturbed state. The ECSMP shall show how the proposed structures and measures shall safely pass the 100-year storm event.

(B) Control plans shall be designed in accordance with Town Ordinances and, where more restrictive, by Chap. NR 151, Chap NR 216, Chap NR 243, § COMM 21.125 and § COMM 61.15 of the Wisconsin Administrative Code, as applicable. DNR Best management Practices, including as a minimum the Stormwater Construction and Post-Construction Technical Standards as updated on the DNR website, shall be used to maximum extent applicable.

(C) The regulations contained in Chap. NR 216 of the Wisconsin Administrative Code, as applicable, shall be met, including:

(i) A Stormwater Pollution, Prevention and Erosion Control Plan;
(ii) A Construction Site Erosion Control and Stormwater Discharge Permit;
(iii) A Construction Site Notice and Intent Form; and
(iv) A Post-Construction Maintenance Plan and Agreement;

all meeting DNR standards. For slopes of 20% or greater storage shall be for a 100 year / 24 hour storm, all detention shall be onsite, and the applicant's engineer shall assess impact and effect on all downhill properties and impacted natural waterways.

(D) Furthermore, land disturbing activities subject to onsite detention and runoff control regulation by this Ordinance shall provide for detention of the increased storm water runoff which would result from the proposed land disturbing activity. Storage shall be sufficient to store this increased runoff for a 50 year / 24 hour storm. Stormwater detention may be provided by the landowner/land user onsite or adjacent to the site if suitable agreement with adjacent landholders is made and recorded at the

Columbia County Registrar of Deeds or may be provided by the Town, with costs prorated among benefiting property owners.

(E) Analysis of runoff and erosion shall conform to the U.S.D.A. Natural Resources Conservation Service Technical Guide or another commonly accepted soil erosion methodology approved by the Town Engineer.

(F) The peak runoff rate shall be limited to a rate prorated on the basis of the safe capacity of the existing or proposed stormwater drainage facilities.

(G) Onsite detention and runoff control facilities shall be designed by a professional engineer or landscape architect experience in their design. Minimum design requirements for rain gardens and bioretention basins shall be in accordance with DNR PUB-WT-776-Rain Gardens, A How-to Manual for Homeowners or other similar professionally recognized and acceptable standards

(3) Standard For Tracking**.** The Town Engineer shall neither approve any plan nor allow the issue of a permit for any land disturbing activity under this Ordinance unless satisfied that adequate provisions are made to prevent tracking or dropping of dirt or other materials from the site onto any public or private street or driveway.

(4) Design Criteria, Engineering Standards and General Principals**.** The applicant for a permit may employ any structural or nonstructural measures believed to be necessary to achieve all applicable standards set out in the Ordinance. However, the Town Engineer or review agency is required to evaluate these measures to determine that they follow currently accepted design criteria and engineering standards. The following general principals shall be considered by the Town Engineer or review agency when evaluating ECSMP's and granting permits under this Ordinance:

(A) The smallest practical area of land shall be exposed at any given time during development;

(B) Such minimum area exposure shall be kept to as short a duration of time as is practicable;

(C) Temporary vegetation, mulching or other cover shall be used to protect areas exposed during development;

(D) Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and

after development according to the standards contained in this Ordinance;

(E) Permanent, final plant covering or structures shall be installed as soon as possible;

(F) The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created;

(G) Natural plant covering shall be retained and protected and shall be deemed a dominating factor in developing the site;

(H) On-site detention may be required by the Town Engineer to attenuate peak storm water discharges;

(I) BMP's including DNR Storm Water Management Technical Standards as updated on the DNR website are suitably employed;

(J) Outlets. Discharges from new construction sites must have a stable outlet capable of carrying designed flow, at a non-erosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or waterbody; and

(K) Infiltration. All downspouts, driveways and other impervious areas shall be directed to pervious surfaces, where feasible, or unless the applicant can demonstrate that the practice is likely to result in groundwater contamination.

(5) Steep Slopes and Hillsides. Steep slopes and hillsides with slopes of 12% or greater are subject to the additional requirements of Sections 10.24 and 10.91(b)(3) of these ordinances.

(6) Other Pollutant Control Requirements. The following requirements shall be met on all sites requiring control:

(A) Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by Town Engineer. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

(B) Thermal Control. The stormwater management plan shall include provisions and practices to reduce the temperature of runoff for sites located within the watershed of a river or stream identified by the Wisconsin Department of Natural Resources as: a Cold Water Community as identified through § NR 102.04(3)(a), Chap. NR 104, Wisconsin Administrative Code, and Class I, Class II, and Class III Trout Streams identified in "Wisconsin Trout Streams," DNR publication 6-3600(80) or its successor; rivers or streams proposed by the Wisconsin Department of Natural Resources as Cold Water Communities.

(k) **Application And Issuance Of Permits.**

(1) Permit Required; Procedure and Fee.

(A) Unless specifically exempted from this Ordinance, no land occupier or land user may undertake a land disturbing activity subject to this Ordinance without receiving a permit from the Town Engineer prior to commencing the proposed activity. Each land occupier or land user desiring to undertake a regulated activity subject to this Ordinance shall submit to the Town Engineer an application for a permit, together with the appropriate fee required by Town Ordinances. Exceptions to this requirement are as follows:

(i) The owner and occupier of public lands are exempt from payment of any permit fees.

(ii) For its convenience, the Town Engineer may enter into an agreement with public or private utilities and governmental units to waive the need for a permit for each individual land disturbing activity, if the utility or governmental unit agrees to adopt and follow a procedure for each land disturbing activity which meets all applicable standards contained in this Ordinance. Further, the agreement shall provide that in the event that a utility or governmental unit activity fails to meet the standard, the agreement shall terminate and the utility or governmental unit shall be subject to the penalties of this Ordinance.

(B) Applicants shall further be required to pay any Town of Dekorra professional consultant fees in accordance with Section 1.04(b). **[Created by Ord. 2013-14A, 10/8/13.]**

(2) Storm Water Management Plan (SWMP) Required**.** Unless specifically exempted by this Ordinance, every applicant for a permit under this Ordinance shall develop and shall submit a plan to control erosion, sedimentation and runoff which would result from the proposed activity.

(3) Simplified Plan Checklist**.** Applicants may submit ECSMP proposals using a simplified checklist of standard ECSMP practices, on a standard

form approved by the Town, wherever all of the following conditions exist:

(A) The site does not exceed 20,000 square feet in area;

(B) The slope of the land does not exceed six percent (6%) anywhere on the site;

(C) The land disturbance is not adjacent to and does not drain directly into any sensitive areas nearby, such as streams, lakes, or wetlands; and

(D) Simplified ECSMP checklists shall be reviewed by the Town Engineer for completeness and accuracy and approved, if meeting the standards herein.

(4) Contents of the Erosion Control Stormwater Management Plan ECSMP)**.** The Plan shall contain such information which the Town Engineer or review agency may reasonably need to determine soil erosion, sedimentation and runoff control. The Town Engineer and, or review agency may require the following, as well as any other information which, in the judgment of the Town Engineer and/or review agency, is needed to evaluate the plan:

(A) A map of the existing site location at a scale of not smaller than one inch equals 100 feet showing:

(i) Location of predominant soil and the existing vegetative cover;

(ii) Enough of the contiguous properties to show existing stormwater drainage systems, drainage patterns and water courses that may affect or be affected by the proposed development of the site;

(iii) Site boundaries;

(iv) Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site; and

(v) Locations and dimensions of utilities, structures, roads, highways, and paving.

(B) A topographical map of the existing site, at a scale of not smaller than one inch equals 100 feet.

(C) A plan of the site showing proposed work at a scale of not smaller than one inch equals 100 feet showing:

(i) Name, address and telephone number of the land occupier or land user, along with name and telephone number of the party responsible for maintaining erosion and runoff control structures and measures;

(ii) Limits of natural floodplain(s) fringes and flood ways, based on a 100 year flood, if any;

(iii) Proposed topography of the site location with a maximum of two foot contour intervals;

(iv) Location of proposed land disturbing activity, proposed disturbance of protective cover, any proposed additional structure on the site, areas to be seeded or mulched, areas to be vegetatively stabilized and areas to be left undisturbed;

(v) Elevations, dimensions and locations of all proposed land disturbing activities where topsoil will be stockpiled, so that topsoil will not contribute to erosion and sedimentation;

(vi) The finished grade stated in feet horizontal to feet vertical, of cut and fill slopes;

(vii) Kinds of utilities and proposed areas of installation;

(viii) Proposed paved and covered areas in square feet or to scale on the plan map;

(ix) Make up of proposed surface soil (upper six inches) on areas not covered by buildings, structures or pavement. Description shall be in such terms as original surface soil, subsoil, sandy, heavy clay or stony;

(x) Proposed kind of cover on areas not covered by buildings, structures or pavement. Description shall be in such terms as lawn, turfgrass, shrubbery, trees, forest cover, riprap or mulch;

(xi) Locations and dimensions of all construction site management control measures necessary to meet the requirements of this ordinance, including retention basins;

(xii) Provisions for maintenance of the construction site control measures during construction; and

(xiii) Control measures for steep slopes such as geofabric, riprap, or detention areas.

(D) A schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each land area of land disturbing activity prior to the completion of effective measures for erosion and sediment control.

(E) Plans and hydraulic computations of all temporary or permanent structural or nonstructural measures or other protective devices to be constructed in connection with, or as part of, the proposed work showing:

(i) Estimated surface runoff of the area based upon 2 through 100 year frequency storm events. Peak flows based on synthetic storm frequency events calculated using Urban Hydrology for Small Watersheds - TR55 and/or TR-20;

(ii) Estimated rate of discharge in cubic feet per second at the point or points of discharge from the site location based upon 2 through 100 year storm events for pre- and post-development scenarios;

(iii) The storm event frequency or recurrence interval and discharge rate in cubic feet per second for every location of discharge that is affected by the proposed improvements on which the design of plans for the site location is based;

(iv) Proposed provisions to carry runoff to the nearest adequate outlet, such as a curbed street, storm drain or natural drainage way;

(v) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow shall be given for all surface water conveyance measures and pipe outfalls;

(vi) Surface runoff computations shall be submitted to the Town Engineer in accordance with current administrative guidelines as approved by the Town Board;

(vii) Estimate of cost of erosion and sediment control and water management structures and features;

(viii) Provisions for maintenance of control facilities including easements to insure short as well as long-term erosion and sediment pollution control and stormwater management;

(ix) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for temporary and permanent vegetative control measures; and

(x) Methods to prevent tracking of soil off the site of the land disturbing activity.

(F) Document effectiveness of proposed best management practices to limit peak discharges and enhance water quality.

(i) Limit water quantity (peak discharges) to predevelopment levels in 2- through 50-year storms, unless waived by the Town Engineer; and

(ii) Reduce pollutant runoff by at least 80% for low flow storms up to and including the 2-year storm, unless waived by the Town Engineer.

(5) Review of Application and Issuance of Permits for Erosion Control Storm water Management Plan (ECSMP)**.**

(A) The applicant shall submit a permit application and any required fee to the Town Clerk, as well as a Permit application copy and ECSMP to the Town Engineer.

(B) If the Town has a designated review agency in addition to the Town Engineer , the Town Engineer shall forward the application and ECSMP to the review agency which shall determine the adequacy of the Plan's contents to control erosion, sedimentation and runoff during and after the land disturbing activities pursuant to the requirements of this Ordinance. The review agency shall inform the Town Engineer of its recommended disposition of the Plan within four weeks of its receipt of the Plan. If the review agency recommends disapproval, such recommendation shall be in writing. If the Town lacks a review agency, these duties shall be performed by the Town Engineer.

(C) The Town Engineer shall inform the applicant in writing whether or not the ECSMP is approved within 60 days from the date of receipt of the completed application, ECSMP and required fee.

(i) If the application is approved, the Town Engineer shall issue the permit.

(ii) If additional information is required in order to evaluate the application, the Town Engineer shall so notify the applicant, who shall promptly submit the required information. Further review and approval or disapproval shall occur as specified in Section (k)(5)(C) of this Ordinance, with applicable time limits determined from the date of receipt of the additional information.

(iii) If the application is disapproved, the Town Engineer shall specify in writing the reasons for disapproval. The applicant may resubmit a new or modified control plan or may appeal the Town Engineer's decision pursuant to Subsection (o)(2).

(iv) Failure by the Town Engineer to render a written decision within 60 days of receipt of the completed application, ECSMP and any required fee shall be deemed to be approval of the Plan as submitted, and the applicant may proceed as if the permit has been issued, unless notified of an additional information requirement.

(6) Permit Conditions**.** All permits issued under this Ordinance shall be issued subject to the following conditions and requirements and any permittee who begins to perform any land disturbing activity authorized by permit shall be deemed to have accepted all of these conditions:

(A) All land disturbances, construction and development will be done pursuant to the ECSMP as approved by the Town Engineer. The Plan shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project;

(B) The permittee shall give at least five working days notice to the Town Engineer in advance of the start of any land disturbing activity;

(C) The permittee shall file a notice of completion of all land disturbing activities and/or the completion of all onsite detention facilities within 10 days after completion. Approval in writing must be

obtained from the Town Engineer prior to any modifications to the approved ECSMP;

(D) The permittee will be responsible for maintaining all roads, road rights-of-way, streets, runoff and drainage facilities and drainage ways as specified in the approved ECSMP until they are accepted and dedicated to a governmental entity;

(E) The permittee will be responsible for repairing any damage at his or her expense to all adjoining surfaces and drainageways caused by runoff and/or sedimentation resulting from activities which are not in compliance with the approved plan;

(F) The permittee must provide and install at his or her expense all drainage, runoff control and erosion control improvements required by this Ordinance and the approved ECSMP, and also must bear his or her proportionate share of the total cost of offsite improvements to drainageways based upon the existing developed drainage area, as determined by the Town Engineer;

(G) No work will be done on the site during any period of time that the average hourly wind velocity at the location of the land disturbing activity exceeds 20 miles per hour, unless provision has been made to eliminate dust and blowing dirt;

(H) No portion of the land which undergoes the land disturbing activity will be allowed to remain uncovered for greater than two weeks after notice is given to the Town Engineer that the land disturbing activity is completed;

(I) Control Stormwater Mgt. Plan (ECSMP). The permittee shall permit the Town Engineer to enter onto the land regulated under this Ordinance for the purpose of inspecting for compliance with the approved control plan and permit;

(J) The permittee authorizes the Town Engineer to perform any work or operations necessary to bring the condition of the lands into conformity with the approved ECSMP as modified by the Town Engineer and further consents to the Town placing the total of the costs and expenses of such work and operations upon the tax roll as a special charge against the property pursuant to Wis. Stats. § 66.0627; and

(K) Private Maintenance: Where installed ECSMP practicesor structures will be privately-owned, storm water maintenance covenant which describes the property by legal description,

notifying future prospective purchasers of the existence of a ECSMP permit issued under this ordinance and applicable plan, timetables and maintenance responsibilities, shall be recorded with the Columbia County Register of Deeds prior to issuance of a ECSMP permit. The storm water maintenance covenant shall be referenced on every plat and certified survey map that include the property. The storm water maintenance covenant shall include the following:

(i) Responsibility. The covenant shall place upon the owner of the property or other responsible party, including, but not limited to a homeowner's association, the duty to maintain the practices and structures in the manner specified in this ordinance and the covenant. The owner and, if applicable, any responsible party shall sign the covenant.

(ii) Maintenance. The covenant shall describe the maintenance plan including procedures and standards to be implemented.

(iii) Inspection. The covenant shall require the owner or responsible party to inspect all infiltration basins, bioretention basins and rain gardens after rain events of ½ inch or greater on at least two occasions between May and September. It shall further require the owner or responsible party to inspect all dry and wet detention basins semiannually, once during the spring and again during the fall. Upon inspection the inspection checklist as shown in Figure 1 of the Appendix to this ordinance shall be completed and submitted, along with photos of the practices and structures taken at the time of inspection, to the Town Clerk for review by the Town Engineer.

(iv) Town Inspection. The covenant shall permit the Town Engineer to enter the property to perform an annual inspection. The Town Engineer shall complete the inspection checklist and provide copies of the completed checklist, report and photos to the owner, responsible party and Town Board.

(v) Remedial Action. The covenant shall provide that failure of the owner or responsible party to perform any duty required under this ordinance shall result in the issuance of a notice of violation by regular mail to the owner or responsible party requiring remedial action within a reasonable time, but no less than sixty (60) days. If the

owner or responsible party fails to take satisfactory remedial action in accordance with the notice of violation, the Town of Dekorra shall have the right to enter the property and take remedial action. All costs for such remedial action shall be the responsibility of the owner. The Town Clerk shall send an invoice for such costs to the owner or responsible party to be paid within thirty (30) days. If the invoice is not paid, the costs shall be placed on the tax roll against the property as a special charge pursuant to Wis. Stats. §66.0627.

(vi) Fees. The covenant shall provide that the Town shall charge an annual fee to cover costs relating to the annual inspection and other costs relating to the implementation of the permit. Such fee shall be in an amount as established by the Town of Dekorra Fee Schedule as amended from time to time. Notice of the fee shall be sent by regular mail to the owner of the property or responsible party to be paid within thirty (30) days. If the fee is not paid, the fee shall be placed on the tax roll against the property as a special charge pursuant to Wis. Stats. § 66.0627.

(7) Permit Duration**.** Permits issued under this Ordinance shall be valid for a period of six months from the date of issuance by the Town Engineer and all work must be complete prior to the expiration date of the permit. The Town Engineer may extend the expiration date of the permit if the Engineer finds that an extension will not cause an increase in erosion, sedimentation or runoff. The Town Engineer is further authorized to modify the plans if necessary to prevent any increase from any extension.

(8) Permit Transfers**.**

(A) When a permittee and landowner seek to transfer any interest in property subject to an approved Plan prior to completion of the proposed steps to attain soil stabilization, the permittee must secure approval from the Town Engineer and Town Board.

(B) When a permittee and landowner transfers ownership, possession or control of real estate subject to an uncompleted ECSMP, the successor in interest to any portion of the real estate shall be responsible for the control of soil erosion and runoff and shall comply with the minimum standards provided in this ordinance.

(C) When ownership, possession or control of property subject to an uncompleted ECSMP is transferred, the seller shall notify the

buyer as to the current status of compliance with notice to the authority, and provide a copy of the ECSMP, or both.

(D) Transfers of interest in real estate subject to an approved, uncompleted plan may take place consistent with this ordinance under any of the following arrangements:

(i) The transferee shall file a new, approved ECSMP with the Town Clerk and send a copy to the Town Engineer;

(ii) The transferee shall obtain an approved assignment from the Town as sub-permittee to complete that portion of the approved Plan regulating soil erosion and runoff on the transferee's property; or

(iii) The permittee shall provide the Town with a duly completed and executed continuing letter of credit, surety bond or certified check in an amount sufficient to complete the work proposed in the approved plan. At the time of transfer the permittee may seek to reduce the required security to the appropriate amount to complete remaining work. If the transferor enters into escrow agreements with transferees to complete an approved plan, these funds shall be available to the Town to attain plan compliance. When an approved ECSMP is not completed as proposed, the Town may use the surety bond to complete remaining work to achieve plan compliance.

(9) Fees For Engineering Review and Enforcement**.**

(A) Any person who submits an application for approval of an Erosion Control Stormwater Management Plan (ECSMP) and/or issuance of a permit required by this Ordinance shall pay an application fee as specified on the current Town of Dekorra Fee Schedule, plus a fee equal to the Town's actual cost for engineering work by the Town Engineer and/or review agency incurred by the Town in connection with review of the ECSMP including any inspections required to assure compliance with the Plan. The fee shall be paid prior to issuance of the permit if the engineering review fees have been billed by that time. If billed to the Town after issuance of the permit, the fee shall be paid within 30 days of its receipt by the applicant. Failure to pay such fee within 30 days shall be grounds for revocation of the permit, issuance of a stop work order, and/or charging the cost as a special charge against the property pursuant to Wis. Stats.§ 66.0627, in the discretion of the Town Board.

(B) If the Town Engineer and/or review agency is required to undertake any enforcement action under Subsections (m)(4) or (n)(2) of this Ordinance, all fees charged to the Town by the Engineer shall be collected by the Town from the person or persons violating the Ordinance, unless a Court of record expressly dismisses an action to enforce the Ordinance or finds that the Engineer's actions lacked a reasonable basis under this Ordinance. If unpaid by the responsible party within 30 days of submission, the Town shall enter the costs as a special charge against the property pursuant to Wis. Stats. § 66.0627.

(l) **Time For Compliance.**
Land disturbing activities commenced after the effective date of this Ordinance shall comply with all provisions of the Ordinance.

(m) **Administration.**

(1) Delegation of Authority**.** The Town Board shall designate the Town Engineer to administer and enforce the provisions of this Ordinance, under its direction. The Town Engineer may seek technical advice from the Columbia County Land Conservation District or the U.S.D.A. Natural Resources Conservation Service as to the adequacy of any proposed plan and permit application submitted to the Town.

(2) Administrative Duties**.** In the administration and enforcement of this Ordinance, the Town Engineer shall perform the following duties:

(A) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official actions, and make a periodic permit activity report to the Town Board;

(B) If the Town has a designated review agency, the Engineer shall forward permit applications and ECSMP's for review to the review agency. The Town Engineer may issue permits required by Subsection (k)(1)(A) of this Ordinance under the procedure set forth herein only upon the recommendation of the review agency;

(C) Investigate all complaints made to the application of this Ordinance; and

(D) Revoke any permit granted under this Ordinance if it is found that the holder of the permit had misrepresented any material fact in the permit application or ECSMP, or has failed to comply with the ECSMP as originally approved or as modified in writing subsequently by the Town Engineer, or has violated any of the other conditions of the permit as issued to the applicant.

(3) Inspection Authority**.** The Town Engineer is authorized to enter upon any public or private lands affected by this Ordinance to inspect the land prior to issuance for the purpose of determining whether to approve the ECSMP, and after permit issuance to determine compliance with this Ordinance. If permission cannot be received from the land occupier or user, entry by the Town Engineer shall be by special inspection warrant pursuant to Wis. Stats. §§ 66.0113 and 66.0119.

(4) Enforcement Authority**.** The Town Engineer is authorized to post a stop work order upon land which has had a permit revoked or to post a stop work order upon land which is currently undergoing any land disturbing activity in violation of this Ordinance. The Town Engineer shall supply a copy of each stop work order to the legal counsel for the Town. In lieu of the stop work order, the Town Engineer may issue a written cease and desist order to any land occupier or land user whose activity is in violation of this Ordinance. These orders shall specify that the activity must be ceased or brought in compliance with the Ordinance within seven days. Any revocation, stop work order or cease and desist order shall remain in effect unless retracted by the Town Board, the Town Engineer or by a court of general jurisdiction, or until the land disturbing activity is brought into compliance with the Ordinance. The Town Engineer is authorized to refer any violation of this Ordinance or of a stop work or cease and desist order issued pursuant to this Ordinance to the Town Attorney for the commencement for further legal proceedings.

(n) **Violations.**

(1) Penalties**.** Any person, either owner or occupant of the premises, who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code. Each day that a violation exists or continues shall constitute a separate offense.

(2) Enforcement by Injunction**.** Compliance with the provisions of this Ordinance may also be enforced by injunction at the suit of the Town. It is unnecessary to prosecute for forfeiture before resorting to injunction proceedings.

(3) Performance of Work by the Town Engineer**.** Where the Town Engineer determines that the holder of a permit issued pursuant to this Ordinance has failed to make any improvements or to follow practices as approved in the Erosion Control Stormwater Management Plan (ECSMP, or had failed to comply with the time schedule as included in the Plan, the Town Engineer or a party designated by the Town Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said land into conformity with the requirements of the approved ECSMP.

The Town Engineer shall keep a detailed accounting of the costs and expenses incurred in performing the work, and if not paid by the permit holder within 30 days of billing, these costs shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon pursuant to Wis. Stats. § 66.0627.

(o) **Appeals.**

(1) Authority**.** The Town Board shall:

(A) Hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Town Engineer in administering this Ordinance; and

(B) Authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(2) Who May Appeal**.** Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the Town affected by the order, requirement, decision or determination made by the Town Engineer. For the purposes of this Ordinance, aggrieved person shall include applicants and property owners who own land which is subject to the Ordinance.

(3) Pursuant to Wis. Stats. § 68.16, the Town Board elects that the procedures set forth in this section for administrative review of decisions under this Ordinance shall apply in lieu of the procedures of the Wisconsin Municipal Administrative Procedural Act, except for Wis. Stats. §§ 68.14 and 68.15.

(p) **Interpretation of the Ordinance.**

(1) Abrogation and More Restrictive Requirements**.** It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

(2) Interpretation**.** In its interpretation and application, the provisions of this Ordinance shall be minimum requirements liberally construed in favor of the Town of Dekorra, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(q) **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, such unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

History Note: Ordinance No. 8.03, adopted on September 8, 1992; amended through codification; amended June 8, 2004, Ordinance No. 6-2004; amended December 14, 2004, Ordinance No. 12-2004; amended March 14, 2006, Ordinance No. 2-2006 with additional amendments April 18, 2006; amended by Ord. 2007-10; amended by Ordinance 2008-08 on October 14, 2008; amended through 2009 codification; Section 11.01(j)(2)(G) created 3/24/09; 11.01(k)(6)(K) amended 3/24/09; 11.01(k)(1)(B) created by Ord. 2013-14A, 10/8/13.

Owner Inspection - The stormwater maintenance covenant shall require the owner or responsible party to inspect all infiltration basins, bio-retention basins and rain gardens after rain events of 1/2 inch or greater on at least two occasions between May and September. It shall further require the owner or responsible party to inspect all dry and wet detention basins semiannually, once during the spring and again during the fall. Upon inspection, this inspection checklist shall be competed and submitted, along with photos of the practice and structures taken at the time of inspection, to the Town Clerk for review by the Town Engineer.

Town Inspection - The covenant shall permit the Town Engineer to enter the property to perform an annual inspection. The Town Engineering shall complete this inspection checklist and provide copies of the completed checklist, report and photos to the owner, responsible party and Town Board.

Owner:	
Site Name:	DNR Construction Site ID No:
Address:	Owner/Contact Name:
Email:	Phone:
Date of inspection (mm/dd/yy):	Type of inspection: □ Spring □ Fall □ Precipitation Event □ Other (specify)
Time of Inspection: Start: a.m./p.m. End: a.m./p.m.	Name(s) of individual(s) performing inspection:

Modifications Required	Yes	No	N/A	**Comments/Recommendations -** overall effectiveness of the stormwater management measures. **Note:** For each item checked "Yes", complete the follow-up information on page 2.
1) Stormwater Drainage Ditches & Swales				
- Settling				
- Cracking				
- Erosion				
- Sediment accumulation				
- Sparse vegetation				
- Improper vegetation (weeds/woody growth)				
- Improper mowing practices				
- Fertilizer, herbicide, pesticide use				
- Cropping/manure spreading within 50'				
2) Stormwater Infiltration Basin & Outlet				
- Settling				
- Cracking				
- Erosion				
- Sediment accumulation				
- Debris at inlet or outlet				
- Sparse vegetation				
- Improper vegetation (weeds/woody growth)				
- Improper mowing practices				
- Fertilizer, herbicide, pesticide use				
- Cropping/manure spreading within 50'				
- Infiltration test results				

Modifications Required	**Yes**	**No**	**N/A**	**Comments/Recommendations -** overall effectiveness of the stormwater management measures. **Note:** For each item checked "Yes", complete the follow-up information on page 2.
3) Stormwater Dry Detention Basins & Outlets				
- Settling				
- Cracking				
- Erosion				
- Sediment accumulation				
- Debris at inlet or outlet				
- Sparse vegetation				
- Improper vegetation (weeds/woody growth)				
- Improper mowing practices				
- Fertilizer, herbicide, pesticide use				
- Cropping/manure spreading within 50'				
- Standing Water				
4) Basin Banks				
- Settling/Slumping				
- Cracking				
- Erosion				
- Sparse vegetation				
- Improper vegetation (weeds/woody growth)				
- Improper mowing practices				
- Rodent burrows				
5) Stormwater Conveyance Culverts				
- Line & grade problems				
- Debris at inlet or outlet				
- Standing water				
- Pipe damage (collapse, crushing)				
- Pipe blockage				
- Sediment accumulation				
- Overflow route impaired				
6) Rip Rap Associated with Stormwater System				
- Erosion				
- Debris accumulated				
- Improper vegetation (weeds/woody growth)				
- Improper mowing practices				
7) Driveway Entrance to Town Road				
- Sediment/Debris accumulation				
- Standing Water				
- Water shedding onto Town Road during snow melt or >1/2" rain event				

Owner:	
Site Name:	Address:

Use the space below for detailed follow-up action items

Exact place of stormwater management feature inspected	Type of stormwater management features and its observed condition	Description of any necessary maintenance or repair to stormwater management feature, including anticipated date of completion

SECTION 11.02 BUILDING CODE AND ENFORCEMENT.

(a) **Building Code Adopted.**

The Wisconsin Administrative Code, Chapters COMM 20 (as adopted effective April 1, 1992), 21 (as adopted and effective April 1, 1992), 22,23,24 and 25 (as adopted and effective April 1, 1992), and all subsequent amendments, additions and recodifications thereto, are hereby adopted and incorporated here in by reference, and shall apply to new one- and two-family residential buildings and structures, as well as additions or alterations to all existing one- and two-family residential buildings and structures and to accessory buildings and to commercial buildings not otherwise regulated by other applicable provisions of the Wisconsin Administrative Code.

(b) **Building Permits Required.**

(1) Permit Required. No person shall build, excavate for, erect or construct any building or structure, nor enlarge, remodel, move, convert or demolish any building or structure, or cause the same to occur, without obtaining a building permit therefore from the Town Building Inspector. This Ordinance shall not be construed to require a building permit for minor repairs (excluding electrical and plumbing) which do not change the size of rooms, size of building envelope, occupancy, structural strength, fire protection, ventilation, exits or lights of the building or structure.

(2) Application and Permit. **[Heading amended by Ord. 2013-11, 4/9/13.]**

(A) Any person desiring a building permit shall file with the Town Building Inspector an application therefore in writing on a blank form to be furnished for that purpose.

(B) Every such application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot or block or tract, tax certificate number and street number, if any, or similar general description that will readily identify and definitely locate the proposed building or work. Every application shall show the use or occupancy of all parts of the building and such other reasonable information as may be required by the Town Building Inspector.

(C) If the application is for a new one-family or two-family dwelling, the Town Building Inspector shall utilize the statutory building permit application form.

(D) Copies of the plans and specification and a plot plan showing the location of the proposed building with the distances to all property lines, as well as every existing building thereon, shall accompany

every application for a permit, and shall be filed in duplicate with the Town Building Inspector. Plans shall be drawn to scale upon substantial paper or cloth and the essential parts shall be drawn to scale of not less than one-eighth inch to one foot. Plans and specifications shall be of sufficient clarity to indicate the nature and character of the work proposed and to show that the law will be complied with. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans, shall accompany the plans and specifications when required by the Town Building Inspector.

(E) All plans shall bear the name of the architect, engineer or person responsible for their preparation.

(F) The application, plans and specifications filed by an applicant for a permit shall be check by the Town Building Inspector and, if found to be in conformity with the requirements of this Ordinance and all other laws or Ordinances applicable thereto, the Town Building Inspector shall, upon receipt of the required fee, issue a permit therefore. When the Town Building Inspector issues the permit, he or she shall endorse in writing, or stamp both sets of plans and specifications "Conditionally Approved". One such conditionally approved set of plans and specifications shall be retained by the Town Building Inspector as a public record, and one such approved set of plans and specifications shall be returned to the applicant, which shall be kept on such building or work at all times during which work authorized thereby is in progress and shall be open to inspection by public officials.

(G) Such conditionally approved plans and specifications shall not be changed, modified or altered without authorization from the Town Building Inspector, and all work shall be done in accordance with the approved plans.

(H) Under Section 11.04 of the Town Code of Ordinances, certain categories of buildings require Town site and building plan approval before the Town will issue a building permit. For such categories of buildings, the Town will issue a building permit and construction may commence only after the applicant provides to the Town Building Inspector evidence that the Town has approved site and building plans and a copy of such approved plans. Adherence to approved site and building plans under Chapter 11.04 shall be a condition of the building permit. **[Created by Ord. 2013-11, 4/9/13.]**

(3) Posting of Permit. With every permit issued, the Town Building Inspector shall issue to the applicant an appropriate card properly filled out

evidencing issuance of the permit. It shall be the duty of such applicant to place such card in a conspicuous place on the premises where the building is to be erected, modified, enlarged, remodeled or demolished. The card shall be unobstructed from public view and available for the Building Inspector to mark.

(4) Limitation. A permit under which no work is commenced within one year after issuance shall expire. This does not preclude the renewal of a permit if conditions under which the permit was originally issued have remained unchanged and there has been no change in the law that would adversely affect the permit.

(5) Revocation. The Town Building Inspector may revoke a permit or approval issued under the provisions of this Ordinance in case there have been any false statements or misrepresentations as to material fact in the application or plans on which the permit or approval was based.

(c) **Inspections.**

Inspections required under provision of this Ordinance shall be made by the Town Building Inspector. The Town Building Inspector, upon notification from the permit holder or agent, shall cause to be made the following inspections of buildings and either approve that portion of the construction which has been completed or shall notify the permit holder or agent wherein the construction fails to comply with the law, regulations or orders, and its shall be the duty of the permit holder or his agent to notify the Town Building Inspector when ready for such inspections. The Town Building Inspector then shall make such inspections a soon as possible and within two (2) business days after notification, unless delayed by weather or other circumstance beyond the control of the Town Building Inspector. Inspections shall be made of all new one- and two-family dwellings, additions and alterations and of other buildings covered by this Ordinance. Normally, inspections will be made as follows:

(1) Footing Inspection. Footing Inspection is to be made when necessary forms have been erected and all reinforcing steel, when necessary, is in place and the materials for the footing have been delivered on the job.

(2) Foundation Inspection. Foundation Inspection is to be made after the foundation is in place, foundation drain tile is in place, but before the backfill is placed or the superstructure is placed thereon.

(3) Frame and Mechanical Rough-In Inspection. Framing and Rough-In Inspection is to be made after the roof, all framing, fire blocking, and bracing is in place and all pipes, chimneys and vents are complete. No lath or plaster base of any kind or any insulation between studs shall be applied to any building until the frame inspection, electrical inspection, plumbing inspection, heating and ventilating inspections have been made

and the work approved. Where wall board is used in place of sheeting, no siding shall be placed until the application of such substitution for wood sheeting is approved.

(4) Final Inspection. Final Inspection is to be made after the building is complete and is ready for occupancy. The permit holder or agent shall make written application to the Town Building Inspector for Final Inspection.

(5) The Town Building Inspector may require further inspections when, due to topography or the materials used in construction, special circumstances exist which make such further inspections necessary.

(d) **Permit Fees.**

(1) Payment and Issuance. No permit shall be issued by the Building Inspector until fees hereinafter prescribed have been paid. Each permit shall show the owner's name, the location of the premises, the operations involved, and a receipt for the total amount paid. The fees to be paid for permits shall be as follows:

(2) Building Permits. The fee for a building permit for new buildings, alterations or additions for residential and commercial construction shall be set forth on the current Town of Dekorra Fee Schedule on file with the Town Clerk's office.

(3) Reissuance of Permit of Extra Inspections. The fee for reissuance of a permit or for additional inspections required because of failure of the applicant to meet the permit conditions shall be set forth in a Permit Fee Schedule on file with the Town Clerk's office after approval by the Town Board by resolution.

(4) Doubled Fees. The above permit fees shall be doubled when construction is commenced before a permit is issued.

(5) Fee Determination. In determining fee costs, all construction shall be included, with the exception of heating, air conditioning, electrical or plumbing work.

(e) **Enforcement.**

(1) Whenever the Town Building Inspector determines that any construction of a building or structure is occurring without the prior issuance of a building permit or contrary to the terms of a building permit previously issued, the Town Building Inspector shall order the work stopped by written notice served on any person engaged in doing such work or

causing such work to be done. Such person shall immediately stop work until authorized by the Town Building Inspector to proceed with the work. The issuance or granting of a permit or approval of plans or specification shall not be deemed or construed to be a permit for, or an approval of, any violation of any provision of the Ordinance. No permit presuming to give authority to violate, or to fail to comply with provisions of this Ordinance shall be valid except insofar as the work or use which it authorizes is lawful. If , subsequent to the issuance of a permit, errors shall be discovered in the application, plans, specifications or execution of the work, the Building Inspector may require the correction of said errors in said application, plans, specifications or construction, and may rescind the building permit and prevent further building operations in violation of this Ordinance or any other laws or Ordinances applicable thereto.

(2) Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to the penalties set forth in Sections 1.03 of this Code. Each day that such violation continues to exist shall constitute a separate and distinct offense.

(3) The options set forth in (e)(1) and (e)(2) above are alternative procedures. The Town of Dekorra may elect to proceed on any particular violation under (e)(1), (e)(2) or both.

(f) **Severability.**
The various provisions of this Ordinance are deemed severable, and it is expressly declared that the Dekorra Town Board would have passed other provisions hereof irrespective of whether or not one or more provisions may be declared invalid. If any provision or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and application of such provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect.

History Note: The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Dekorra on the 13th day of March, 2001; amended June 8, 2004, Ordinance No. 6-2004; amended by Ord. 2013-11, April 9, 2013.

SECTION 11.03 FENCES

(a) **Authority.**
This Ordinance is adopted under the authority granted to the Town Board by the Town Meeting under Wis. Stats. § 60.10(2)(c), permitting the Town Board to exercise the powers of a Village Board.

(b) **Findings and Declaration of Policy.**
The Town Board finds that in its non agricultural residential areas, that written regulations for fences must be created to insure the safety, general welfare, aesthetics and to maintain property values for the persons living in these densely developed residential areas. Rural/Agricultural fences are regulated by State Statutes.

(c) **Fences Defined.**
For the purpose of this Ordinance, a "fence" is defined as a barrier intended to limit visibility or to prevent ingress or egress, made out of materials such as wood, metal, stone or wire. Vegetation such as trees, shrubs or hedges are excluded from the definition.

(d) **Height, Construction and Maintenance of Fences Regulated.**

(1) Solid fences and walls more than six (6) feet in height shall be considered as buildings, and the appropriate requirements of this Ordinance shall be applied accordingly.

(2) Fences must be kept in good repair. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance and be of a design consistent with the surrounding properties. Decorative sides must face toward adjacent properties. Except in areas where Agricultural land and Residential districts abut, fences may not have barbed wire, razor wire, electric wire, hazardous wire edges or similar materials. The Building Inspector may order the removal of any fence not so maintained or constructed per this Ordinance.

(3) Fences shall be place two (2) feet from the property line to ensure owner access for maintenance of the fence and ground without encroachment on adjoining property. Fences can be placed on the lot line if there is a “Joint Fence and Maintenance Agreement” between the adjoining property owners and such agreement shall transfer with sale of the property.

(e) **Security Fences.**
Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(f) **Fences Enclosing Swimming Pools.**

(1) Swimming Pool Defined. For purposes of this section, the term "swimming pool" shall mean any receptacle or artificial pool of water, regardless of temperature, which has at any point a depth of more than two feet, whether above or below the ground, and is used or intended to be used by the owner thereof or invitees for bathing, muscle relaxation or swimming, and includes all structures, appurtenances, equipment, appliances and other facilities appurtenant thereto and intended for the operation and maintenance of the pool. This definition shall include all receptacles commonly referred to as "hot tubs," "whirlpools," and "Jacuzzis" unless such pools are covered, secured and locked at all times when not in use by an adult.

(2) Fences Required. All swimming pools shall be fully enclosed by a fence not less than forty-eight (48) inches in height of such construction as will make access difficult except that an entrance may be provided through a bath house or gate. The gate or bath house door shall be self-closing and latching and shall be equipped with a locking device. Said gate or bath house shall be kept locked at all times when the swimming pool is not in use.

(3) Exception. Fences shall not be required where the swimming pool can be easily drained, dismantled and removed and does not remain in place or hold water for more than forty-eight (48) consecutive hours. Any pool ladders shall be removable and be removed when the pool is not in use.

(g) **Temporary Fences.**

Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Ordinance. The issuance of a permit shall not be necessary for temporary fences as described herein, but said "fences shall not be erected for more than forty-five (45) days. Temporary snow fences, installed solely for purposes to control wind movement of snow, shall not be required to comply with the provisions of this Ordinance, providing such snow fences are only in place during winter months when snowfall is likely.

(h) **Prohibited Fences.**

No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from public area.

(i) **Obstructing View.**

No person shall, after the effective date of this Ordinance in any district, construct or maintain a wall, fence, shrubbery or trees on any lot which unreasonably obstructs or interferes with traffic visibility on any curve, hill or intersection. All state and federal highways are hereby designated Class A highways. All County Trunk Highways not designated Class A are hereby designated Class B. All other roads in the Town not designated Class A or B are hereby designated Class C. In each quadrant of every street intersection there shall be designated a visual clearance triangle bounded by the street centerlines and a line connecting them three hundred (300) feet from a Class A highway intersection, two hundred (200) feet from a Class B highway intersection and one hundred fifty (150) feet from a Class C highway intersection. If two (2) highways of different class intersect, the greater distance shall apply to both centerlines. Within this triangle, no object over two and one-half (2-1/2) feet in height above these streets shall be allowed if it obstructs the view across the triangle. Posts of open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten (10) feet and located a minimum of thirty (30) feet apart. Agricultural crops and natural growth shall be exempt from this provision, but shall not extend into road rights-of-way.

(j) **Non-Conforming Fences.**

Any fence existing on the effective date of this Ordinance and not in conformance with this Ordinance may be maintained, except where creating a safety hazard. Any alteration, modification or improvement of said fence shall comply with this Ordinance. Any swimming pools or Hot Tubs that are currently not in compliance will have 12 months from the effective date of this ordinance to make them compliant.

(k) **Severability.**

The various provisions of this Ordinance are deemed severable and it is expressly declared that the Town Board would have passed other provisions hereof irrespective of whether or not one or more provisions may be declared invalid. If any provision or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and application of such provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect.

(l) **Enforcement.**

The Building Inspector, Constable or any other law enforcement officer designated by the Town Board shall enforce the Fence Ordinance. Any costs associated in enforcing a non-compliant fence into conformance will be borne by the property owner. Any costs that are not paid (costs associated with the removal or reconstruction to enforce compliance), they will be placed on the tax roll as a

Special Charge pursuant to Wis. Stats. § 66.0627, including 1-1/2% interest per month against the amount that is outstanding.

History Note: The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Dekorra on the 20th day of April, 2004 in Ord. 5-2004; amended by Ord. 11-2005 on 7/12/05

SECTION 11.04 SITE PLAN REVIEW.

(a) **Purpose and Intent**.

This Section provides minimum regulations, provisions and requirements for safe, aesthetically pleasing design and quality standards for those types of land developments listed in Section 11.04(b). Its purpose is to protect and foster public health, safety and welfare. In addition, this Section is intended to encourage development in the Town of Dekorra that is consistent with the desire to preserve the rural character of the Town, while providing a diversified tax base. This Section is implemented under Town authority to promote and protect the public health, safety and welfare; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments; to assist in the full implementation of the Town's Comprehensive Plan; and fulfill its vision to preserve our productive farmland, precious wetlands, shoreland areas, sheltering woodlands, wildlife habitats, open spaces and scenic views. **[Amended by Ord. 2013-11, 4/9/13.]**

(b) **Scope of Site Plan Review Authority**.

The following developments shall be subject to site plan review:

(1) Any commercial development, including but not limited to offices, retail, and commercial service uses.

(2) Any industrial development, including but not limited to manufacturing, trucking, and warehousing.

(3) Any commercial scale agricultural business with multiple buildings, extensive site development and associated heavy vehicular travel on Town roads.

(4) Any multiple family residential development, including a building with three or more dwelling units.

(5) Any development of public utility, institutional, or governmental facilities, as may be limited by Wisconsin Statutes.

(6) Any designated parking area including five or more parking spaces associated with the above developments, or as required by Columbia County.

(7) Any upgrade or addition or change to the exterior of any of the above developments that results in an increase in the building floor area that is 50 percent or greater than the current floor area.

(8) Any new residential building and its associated driveway and accessory buildings where built in conjunction with one another and located on land designated within an Agriculture and Woodland Preservation Area (or an adjacent environmental corridor) on the planned land use map in the

Town's Comprehensive Plan at the time of application. This section shall continue to apply notwithstanding any post-application reclassification of the property absent an explicit written waiver from the Town Board. **[Amended by Ord. 2013-11, 4/9/13.]**

(9) Any new or expanded residential accessory building on a lot that is 5 acres or fewer in area. A residential accessory building shall be defined as a building of any size that serves and is incidental and subordinate to a residence. Residential accessory buildings include but are not limited to detached garages and sheds of any size, whether or not attached to a permanent foundation. **[Created by Ord. 2013-11, 4/9/13.]**

(c) **Site Plan Review Procedure**.

(1) Application. Except as otherwise specified in this Section, applications for building permits for any construction, expansion or conversion of structures described under subsection 11.04(b) shall require site plan approval from the Town Board, upon recommendation of the Plan Commission or Architectural Review Committee where appointed by the Town Board, in accordance with the requirements of this Section. The Architectural Review Committee shall have the authority to recommend site plan approval for projects located in Town of Dekorra Utility District 1 and the Plan Commission shall have the authority to recommend site plan approval for all other projects, except as otherwise specified in this Section. The Plan Commission or Architectural Review Committee shall hereinafter be referred to as "Recommending Body." The applicant shall submit 13 sets of site plans (3 sets for accessory buildings) and a digital PDF copy, including specifications of proposed structures, machinery and use to enable the Town Board, Recommending Body, and their expert consultants to determine whether the proposed application meets all requirements applicable to this Section. **[Amended by Ord. 2013-11, 4/9/13.]**

(A) Site Plan Application Submittal Requirements. Except for proposed structures described under Sections 11.04(b)(8) and (9), all of the following materials shall be submitted with each site plan application. For each proposed building described under Section 11.04(b)(8), the applicant shall first contact the Chairman of the Town Plan Commission to schedule an initial consultation with the Commission and, following such initial consultation, shall submit materials listed under subsections i, ii, iii, iv, ix, x, xi, xii, xxii, xxiii, and xxiv below, as applicable. For each proposed accessory building described under Section 11.04(b)(9), the applicant shall submit materials listed under subsections i, ii, iii, iv, ix, x, xi, xii, xxii, xxiii, and xxiv below, as applicable. **[Amended by Ord. 2013-11, 4/9/13.]**

(i) Site plans shall be prepared in recognized architectural scale, showing all existing and proposed buildings and other improvements and features on the site. Scale of plan, site size, building area, lot coverage, dimensions, and north arrow shall be shown.

(ii) Document title, date prepared, applicable Owner's and Developer's names and addresses noted. Where applicable, names and addresses of all professionals involved in any preparation of the design plans shall be provided.

(iii) Show existing and proposed topography at a contour interval of not less than two feet, indicating proposed grade on a preliminary grading plan and the location of proposed improvements, including any retaining walls.

(iv) Indicate building and yard setback lines.

(v) Locate all outdoor lighting proposed to illuminate the site. Provide lighting type, orientation, and product information.

(vi) Indicate and locate all electrical and other easements.

(vii) Locate existing and general location of proposed municipal services and proposed connection locations, if applicable.

(viii) Locate any proposed stormwater management facilities, including retention/ detention areas.

(ix) Identify existing and proposed road names.

(x) Locate existing and proposed public road rights-of-way.

(xi) Show all drives, curb cuts, and ingress/egress locations.

(xii) Identify the locations of all driveways on adjoining property within 500 feet of the subject property (may require inset map), and directly across all public streets from the subject property.

(xiii) Identify loading and parking areas and show number of parking spaces and driveways.

(xiv) Show location and type of proposed and existing landscaping plantings and buffer areas for adjoining properties (including existing mature trees), and indicate the percentage of the site that will remain in landscaped green space following development.

(xv) Show pedestrian sidewalks and walkway locations.

(xvi) Sketch an outline of any development phasing plan.

(xvii) Provide a written project summary including proposed land use, operational information, construction schedule and estimate of project value (including all site improvement costs).

(xviii) Provide building elevations, drawn to scale, showing building materials and colors to be used on all exterior walls and the roof.

(xix) List external building materials, noting building facade design standards identified in this Section.

(xx) Provide locations, dimensions, colors, and proposed lighting of all exterior signage for the project, meeting the Town's sign ordinance.

(xxi) Provide locations of all trash dumpsters, mechanical units, above-ground utilities, meters, transformers, and outdoor storage areas, including screening proposed.

(xxii) Where applicable, indicate 100-year recurrence interval floodplain and floodway.

(xxiii) Where applicable, show wetlands as delineated in the WDNR Wetland Inventory and through a more detailed wetland survey.

(xxiv) Where applicable, show shoreland zoning district boundaries and shoreland setback areas.

(2) Administration.

(A) Upon requesting a building permit, the Applicant shall be advised by the Town Clerk whether site plan review is required per Section 11.04(b). If required, the Clerk shall provide a copy of this Section and a site plan review application to the Applicant.

(B) Upon receipt of a site plan review application and associated site plan materials (except for proposed accessory buildings described under Section 11.04(b)(9)), the Town Clerk shall forward a copy to the Chairman of the Recommending Body, who shall determine whether the application is complete. For proposed accessory buildings described under Section 11.04(b)(9), the Town Clerk shall forward a copy to the Town Building Inspector, who shall

determine whether the application is complete. If the Chairman of the Recommending Body or Building Inspector determines that the application is incomplete relative to the requirements of this and other Town ordinances, the Town shall notify the applicant of the items that are missing or incomplete. If the Chairman of the Recommending Body instead determines that the application and submittal is complete, except for proposed structures described under Section 11.04(b)(9), copies of the application and site plan materials shall be submitted to members of the Recommending Body a minimum of one week prior to the Recommending Body's meeting. Appearance before the Recommending Body shall not be scheduled unless it has been determined that the application meets all submittal requirements. Within 45 days of the Town's receipt of a complete application, the Recommending Body shall schedule a meeting to consider a recommendation on the application. Within 45 days of the recommendation from the Recommending Body, the Town Board shall schedule a meeting to consider approval of the application as presented, approval with conditions (including required changes to site plan materials), or rejection. For proposed accessory buildings described under Section 11.04(b)(9), the Town Building Inspector shall act on the application in conjunction with the building permit application. **[Amended by Ord. 2013-11, 4/9/13.]**

(C) Upon approval of the application, compliance with all applicable conditions and other Town ordinances, and except for structures described under Section 11.04(b)(8), execution of a development agreement under Section 11.04(e)4, the Building Inspector, or designee, may issue or reject a building permit.

(3) Site Plan Review Standards. In acting on any site plan, the Town Board and Recommending Body shall consider the following:

(A) the layout of the site with regard to ingress and egress to public streets, the arrangement and improvement of interior traffic patterns, roadways/driveways; the location of areas for parking and for loading and unloading. The traffic pattern shall be designed to minimize traffic hazards;

(B) the adequacy of the proposed water supply, drainage, sanitary and waste disposal services;

(C) the landscaping and appearance of the completed site. This shall include requirements for building design and any trees, shrubs, plants or grass lawns, and screening, so as to not impair the value of adjacent properties nor impair the intent of this Section;

(D) the adequacy of erosion control and stormwater management approaches; and

(E) the relationship to the Town Comprehensive Plan, any applicable adopted Town design guidelines, and other Town ordinances.

(4) Effects of Public Service. Prior to approval of the application, the Town Board and Recommending Body may obtain advice from the Building Inspector, professional consultants, or others, including whether development of the property in the manner set forth in the site plan will place additional impacts upon existing municipal services and utilities. Should additional facilities be needed, the Town Board shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities at the Applicant's expense, per Section 11.04(e)4.

(d) **Site Plan Design Standards**.

(1) Grading. Grading shall:

(A) insure a positive drainage consistent with established water runoff patterns in the area;

(B) allow for installation and maintenance of appropriate landscape materials;

(C) allow for natural topography to be respected in the development of the site;

(D) provide screening of unpleasant views; and

(E) comply with grading standards identified in the Town of Dekorra Land Division and Subdivision Code, as set forth in Sections 10.71(a)(14) and 10.74(c) thereof, and with other stormwater management and erosion control regulations promulgated by the Town, Columbia County, and the Wisconsin Department of Natural Resources.

(2) Landscaping Standards and Objectives**.** Landscape standards recognize the functional importance of, and the public benefits associated with a well-designed landscaped area which enhances landscape features in the visual environment, promotes public safety, moderates the microclimate, and reduces nuisances such as noise and glare. All landscaping shall be in harmony with the community character as described in the Comprehensive Plan, the design of the site and building, and the character and uses of adjacent properties. The standards set forth below fulfill those objectives:

(A) Landscaping Standards. Except for proposed structures described under Sections 11.04(b)(8) and (9), the following landscape provisions shall be met with each site plan application: **[Amended by Ord. 2013-11, 4/9/13.]**

(i) Planting Plan: Applicants shall have professionally designed a Landscape Planting Plan that most effectively achieves the desired aesthetic results. The Landscape Planting Plan shall show any parking lot tree islands or perimeter plantings, all materials to be planted and list the plant type and size at time of planting and maturity;

(ii) Approved Materials. The Applicant may use decorative fences, earth berms, ground covers, and existing vegetation and shrubs of a mature height of not less than 2 feet, except for unsuitable species described below. These features shall contribute to the overall landscaping objectives;

(iii) Existing Trees. The preservation of desirable existing trees is encouraged, and techniques to preserve them during construction shall be indicated on the Landscape Planting Plan;

(iv) Unsuitable Species: Several shrubs and trees, which are not native to Wisconsin, have an established a history of spreading to nearby parks and conservancy areas. These non-native plants tend to become overly abundant and ultimately eliminate many desirable native species. The control and eradication of these unsuitable plants creates a costly management problem. The following species of plant material are unsuitable for use as landscape plants:

a. Honeysuckle (Lonicera x-bella, Lonicera morrowi, Lonicera tartarica)
b. Buckthorn (common), Rhamnus cathartica
c. Tall hedge Buckthorn, Rhamnus frangula
d. Norway Maple, Acer platanooides
e. Boxelder, Acer negundo
f. Cottonwood, Populus deltoids
g. White poplar, Populus alba
h. Purple loosestrife

(B) Tree Islands and Planted Areas. All landscaped islands within parking lots and landscaped areas with trees shall be a minimum of 4 feet in width as measured from the inside of any curb or frame.

(3) Screening Standards. Except for proposed structures described under Sections 11.04(b)(8) and (9), the following screening standards shall be met with each site plan application: **[Amended by Ord. 2013-11, 4/9/13.]**

(A) Parking Areas**:** Parking areas shall be planned and landscaped to provide a screened buffer for the purpose of obstructing light beams and reducing noise nuisances, providing adequately screened spaces for the designated parking use, and blending with the overall desired community appearance;

(i) Criteria: Landscape buffering shall be provided around:

a. Perimeters adjacent to public rights-of-way;

b. Interior areas and immediate perimeters to the parking area; and

c. Perimeters of lots adjacent to other property.

(ii) Off-Street Parking and Loading Areas:

a. All loading areas, and open off-street parking areas for five or more vehicles, will require the planting of trees. The standards are designed to enhance the visual environment, promote public safety, and reduce nuisances such as noise and glare.

b. All off-street vehicular parking areas with five or more vehicles shall be accompanied by the planting of canopy trees at a rate of 1 canopy-type tree for each 10 parking spaces. Canopy trees shall be located in protected tree islands within the parking lot or within 15 feet of the periphery of the parking area surface.

(iii) Adjacent Residence Screening. A screened parking barrier for the purpose of obstructing light beams and reducing noise nuisances shall be provided for sites having off-street parking areas for five or more vehicles within 25 feet of an adjoining lot line facing any lands zoned or used for residential purposes. The parking barrier shall have a minimum height of four feet above the surface of the parking area. Barrier may consist of wood or masonry fencing, walls, a berm, or the use of dense, all-season plant material. Plant materials used for screening shall be of suitable size and density to accomplish the screening objective within three years from the time of planting;

(iv) Industrial and Commercial Parking Lot and Loading Area Buffering. A landscaped parking lot and loading area buffer has the purpose of achieving desired aesthetic and environmental results from both within the interior and along the perimeter of parking areas. This is accomplished by planting perimeter landscaping, and/or tree islands in required parking areas. The following standards apply:

a. Buffer the parking area effectively from views from public rights-of-way and public recreation sites.

b. Comply with landscape requirements in this Section, and reference any design guidelines adopted for the particular part of the Town.

c. Designs should strive for some level of diversity in utilizing landscape elements. This may include some combination of trees and shrubs, fence and landscape berms.

d. Plans for parking areas shall indicate snow storage areas.

(B) Mechanical Equipment, Loading Docks, Storage, Service and Trash Areas. Mechanical equipment, loading docks, outdoor storage areas, service areas, and trash areas shall be screened for the purpose of providing a desirable aesthetic view and reducing loading area noise. Evergreen trees and shrubs, walls with materials related to and compatible with the building, or some combination, shall be used for screening.

(4) Building Design**.** Except for proposed structures described under Sections 11.04(b)(8) and (9), any new construction or exterior improvement to real property that is within the scope of this Section, and for which application for a building permit is required, shall comply with the following criteria: **[Amended by Ord. 2013-11, 4/9/13.]**

(A) Buildings shall be designed to complement the immediate neighborhood and rural character of the Town;

(B) Building design shall be of high quality, and shall address requirements stipulated by other Town ordinances and recommendations of adopted design guidelines;

(C) Materials shall be of high quality, with low-maintenance materials preferred;

(D) Colors shall be harmonious with other buildings in the neighborhood and/or with the rural setting;

(E) Buildings shall have an attractive and obvious front or entrance facade. All facades facing public streets shall be of similar quality;

(F) Building facades visible from public streets shall be designed to have no more than 50 feet in length that is unbroken by changes in colors, materials, wall heights, architectural details, and/or window placements. Blank facades shall be avoided;

(G) Building elevations shall be designed to blend with the surrounding natural and built environment; and

(H) Additions shall relate to the existing building in terms of scale, materials, and color, in order to be visually pleasing and to blend with the natural environment, unless the Town Board determines that certain upgrades are warranted to meet the objectives of the Comprehensive Plan or design guidelines for the area.

(5) Building Relationships**.**

(A) New developments shall consider activities on adjacent properties with relationship to access from abutting roads, parking areas, service areas, building setbacks, height of structures, and color and materials of adjacent or nearby buildings.

(B) In the development of the site, areas with high visibility to residential units should be landscaped in a manner complementary to the building forms.

(C) The relationship of any building to the public street should be completed in a manner that presents a properly located structure.

(6) Lighting.

(A) Exterior illumination shall be provided, as appropriate, to illuminate building facades, illuminate building identification signage if desired, ensure safety of the property, illuminate parking and service areas, and minimize light spill over onto adjacent properties, the public right-of-way, and the night sky.

(B) Deflective lighting styles (90 degree downcast, cutoff fixtures) are recommended to avoid light shining onto neighboring property, public rights of way, and the night sky.

(C) Exterior lights shall not have more than 0.5 footcandle intensity at the property lines.

(7) Utility Service**.** It shall be the goal of the Town to eliminate overhead wiring within the Town. New development and major additions shall make provision for underground service.

(8) Driveways. All driveways shall conform to the standards of Sections 5.02(f) and 5.03 of the Town of Dekorra Municipal Code.

(9) Conformance with Adopted Design Guidelines. The Town Board has adopted design guidelines for particular districts and land uses within the Town to achieve particular design objectives for certain areas. Such adopted guidelines include but are not limited to the Interchange Area Design Guidelines, adopted in 2005 as amended. The applicant shall conform with all such design guidelines and the Town's sign ordinance, unless the Town Board grants a variance therefrom pursuant to Section 11.04(e)(1).

(10) Design Standards For New Residential Structures.

(A) No residence shall be constructed on land that is classified by the Town as Group 1 or Group 2 soils in the Town's Comprehensive Plan (Map 3) or more detailed sources, except that where all soils on the parcel are so classified, the Town Board and Plan Commission will work with the applicant to determine the area on the property that, if developed, would have the least impact on the productive farming of the balance of the land. Driveways and accessory structures shall be directed away from Group 1 and 2 soils to the extent practical.

(B) No residence, accessory structure, or driveway shall be constructed on land that is classified by the Town as an Environmental Corridor in the Town's Comprehensive Plan (Map 6) or more detailed sources, except that where all lands on the parcel are so classified, the Town Board and Plan Commission will work with the applicant to determine the area on the property that, if developed, would have the least impact on the environmental features of the land. Residences, accessory structures, and driveways shall be directed away from Soils with Building Limitations, as classified by the Town in the Town's Comprehensive Plan (Map 6) or more detailed sources, to the extent practical.

(C) The residence, accessory structures, and driveway shall be sited in such a manner to maximize the future farming potential and woodland preservation on remaining lands. This may include locating the residence, accessory structure, and driveway at the edges of farm fields or minimizing tree clearance. In wooded hillside areas, only enough area for the house, a cleared yard area of no greater than 10,000 square feet, and a driveway shall be cut.

(D) The residence and accessory structures shall be sited to minimize visibility from public roads through proper placement with respect to existing vegetation and topographic changes, retention of existing vegetation and topography, and/or planting of new vegetation or berming.

(E) The roofline of the residence shall not be higher than prominent hill crests or ridgelines, if the residence would otherwise be seen by the unaided eye as a significant object from one or more pre-existing public roads. For the purposes of this subsection, a "prominent hill crest or ridgeline" shall be defined as one that is visible to the unaided eye from one or more pre-existing public roads, seen by the unaided eye from one or more of such public roads as a distinct and significant edge against a backdrop of land or sky, and greater than 25 feet above the grade of the nearest pre-existing public road.

(F) The residence shall be sited in such a manner as to minimize the potential for incompatibilities with pre-existing uses on adjoining parcels. These include uses such as agriculture, commercial forestry, and other business operations. The Town Board may require that the residence be set back a minimum distance from such uses, or from particular components of such uses, such as animal confinement or loading areas.

(G) For residential development involving a CSM or Final Plat, building envelopes shall be delineated over all buildable lots within residential subdivisions, and over all lots in residential CSMs that include 3 or more lots, prior to approval of the final Plat or CSM.

(H) Building envelopes for 1 or 2 lot land divisions shall be delineated and included in a document approved by the Town Engineer prior to issuing of a building permit.

(11) Design Standards for New Residential Accessory Buildings. The following requirements apply to each proposed residential accessory building, as further described under Section 11.04(b)(9): **[Created by Ord. 2013-11, 4/9/13.]**

(A) The number of residential accessory buildings on any lot shall not exceed the following:

i. For each lot on which the principal use is a single-family residence and that is designated within an Agriculture and Woodland Preservation Area (or an adjacent environmental corridor) on the planned land use map in the Town's Comprehensive Plan at the time of application: 1 detached garage plus 2 additional residential accessory buildings.

Within such areas, agricultural accessory buildings are exempt. An agricultural accessory building is a building that is located on a farm, subordinate to an agricultural use, and either integral or incidental to an agricultural use (not including a residence).

ii. For each lot on which the principal use is a single-family residence and that is designated outside an Agriculture and Woodland Preservation Area (or an adjacent environmental corridor) on the planned land use map in the Town's Comprehensive Plan at the time of application: 1 detached garage plus 1 additional residential accessory building.

iii. For lots on which the principal use is one or more two-family residence, multiple family residence, or manufactured or mobile home: 1 residential accessory building per dwelling unit.

(B) Each residential accessory building may be placed on a lot in the following yards:

i. In the rear yard, unless the Town Building Inspector determines that there is no viable rear yard location for the proposed residential accessory building, or the proposed residential accessory building cannot be reasonably modified to allow for a rear yard location. The rear yard is the yard between the side lot lines extending from the rear lot line to the nearest part of the nearest residence to the rear lot line.

ii. In an interior side yard, if the Town Building Inspector determines that there is no viable rear yard location for the proposed residential accessory building, or the proposed residential accessory building cannot be reasonably modified to allow for a rear yard location. The interior side yard(s) is the yard or yards between the front and rear yards extending from the side lot line to the nearest part of the nearest residence to that side lot line, and which is not adjacent to a public road right-of-way.

iii. In a front yard or street side yard, if the Town Building Inspector first determines that there is no viable rear yard or interior side yard location for the proposed residential accessory building, or the residential proposed accessory building cannot be reasonably modified to allow for a rear yard or interior side yard location. The front yard is the yard between the side lot lines extending from the front lot line to the nearest part of the nearest residence. In the case

of a corner lot, the yard on which the property is addressed shall be the front yard, and the other yard with public road right-of-way frontage shall be the street side yard. In the case of a double frontage lot where two street frontages are opposite one another, there shall be two front yards.

(C) Regardless of the yard in which the residential accessory building is to be located, the Town Building Inspector may require that such residential accessory building be sited, sized, designed, and/or landscaped in a manner to minimize its visibility, preserve views, and/or ensure high aesthetic quality from public roads and nearby residentially zoned property.

(D) If the applicant is aggrieved by a Town Building Inspector determination under subsections (B) and/or (C) above, the applicant may appeal the determination to the Town Plan Commission by written request to the Chairman of that Commission, who shall schedule the appeal on the next available Commission meeting. In the event the Commission fails to act on the appeal within 45 days of such written request, the appeal shall be considered to be rejected.

Minimum setbacks and other dimensional standards associated with accessory buildings shall be as specified within the Columbia County Zoning Ordinance.

(e) **Administration and Enforcement**.

(1) Variances. Variances may be recommended by the Recommending Body and approved by the Town Board where literal compliance with the specifications and standards would be ineffective or unnecessary. Topographic constraints, existing vegetation, existing buildings, traffic safety, unusually shaped lots, multiple highway frontages, compliance with fire or other public safety requirements, or other related issues may also necessitate variances. Except for variances to Town adopted design guidelines described under Section 11.04(d)9, the Applicant shall specifically address the following criteria when requesting a variance:

(A) The specific conditions that are unique to the Applicant's site that do not exist on other land;

(B) The manner in which the strict application of the standards would deprive the Applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners; and

(C) Reasons that a variance to the standard would preserve, not harm, the public safety and welfare and not alter the aesthetics of the area.

(2) Fees.

(A) Amount. The fee for review of the site plan application shall be determined from time to time by Resolution adopted by the Town Board. The fee shall be paid at the time of submission of the application.

(B) Reimbursements. The Town Clerk, Recommending Body, or Town Board may consult with any professional consultants retained by the Town for review of site plan applications and associated materials, at the Applicant's expense. The Applicant shall reimburse the Town for its actual cost of consulting fees associated with the review of the proposed project, including but not limited to review by the consulting engineer, planning consultant, and legal counsel. The Applicant shall be notified by the Town regarding the need to request professional services prior to any such expense being incurred.

(3) Penalties. Any person violating any provision of this Section shall, upon conviction, pay penalties in accordance with Section 1.03 of the Dekorra Municipal Code. Each day a violation continues shall be deemed a separate violation. Nothing herein shall preclude the Town from maintaining a separate action to prevent, abate, or remove violations.

(4) Development Agreement. To assure that the approved plans, terms, and conditions of site plan approval will be met, except for proposed structures described under Sections 11.04(b)(8) and (9), the Town Board will require the Applicant and/or property owner to enter into a development agreement with the Town that specifies responsibilities. Such agreement shall be signed and executed prior to the issuance of a building permit. **[Amended by Ord. 2013-11, 4/9/13.]**

(f) **Severability**.

The provisions of this Section shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this Section irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of the Section and the application of such provisions to other persons or circumstances shall not be affected thereby."

History Note: The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Dekorra on the 10th day of May, 2005; amended by Ord. 2008-08 adopted 10/14/08; amended by Ord. 2013-11, 4/9/13.

SECTION 11.05 SIGNS

(a) **Purpose.**

The Town of Dekorra has a tradition and reputation as a community with a rich mix of land uses that blend into a landscape of high aesthetic quality. Depending on their size, numbers, and character, signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of vehicular traffic, and define the character of the area. Thus aesthetic considerations impact the local economy, property values and public health, safety, and welfare in general. Therefore this ordinance sets standards for the following purposes:

(1) Maintain and enhance the visual quality (aesthetics) of the community;

(2) Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs;

(3) Protect and enhance economic viability by assuring that the Town of Dekorra will be a visually pleasant place to visit or live;

(4) Protect property values and private/public investments in property;

(5) Protect views of the natural landscape and sky;

(6) Avoid personal injury and property damage from structurally unsafe signs; and

(7) Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.

(b) **Applicability.**

By the authority granted under Wis. Stats. § 60.23(29) and the general police power, except as specifically exempted hereunder or by state or federal law, this ordinance regulates all signs in the Town of Dekorra that are visible from the public highway right-of-way, public facilities, trails open to the public, and navigable waterways. This ordinance is in addition to any other applicable town, county, state or federal requirements. Where another applicable regulation is more restrictive than this section, the more restrictive requirement shall apply.

(c) **Definitions**.

(1) Abandoned Sign:

(A) Any Sign that does not display a well maintained message including, but not limited to, a sign structure displaying no message, signs advertising businesses no longer in existence, and illegible signs, for a consecutive 120-day period; **[Amended by Ord. No. 2009-12, 12/8/09.]**

(B) Any Sign the owner of which can not be located at Owner's last address as reflected on the records of the Town; or

(C) Any Sign no longer fully supported, by the structure designed to support the sign, for a consecutive 120-day period

(2) Agricultural Use**:** Land and associated buildings used primarily to produce crops and livestock or to provide boarding or storage facilities for agricultural products or animals. Agriculture shall be interpreted to

include beekeeping, fish and fur farms, floriculture, forest and game management, sod farming and similar activities.

(3) Animated Sign**.** Any sign that uses movement or change of lighting or lights, either natural or artificial, to depict action or motion, or to create a special effect or scene, or uses features that flutter, undulate , swing, rotate, blink, flash, or ripple. It does not include a "changeable copy sign" or a sign, which contains a "time and temperature" portion as its only changeable part.

(4) Canopy Sign**.** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

(5) Changeable Copy Sign**.** A sign or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times a day or more than once an hour shall be considered an animated sign and not a changeable copy sign for the purpose of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

(6) Commercial Advertising Sign: A sign that directs attention to or acts as advertising for a business, commodity, product, service or form of entertainment or tends to encourage the occurrence of a commercial transaction related thereto. **[Created by Ord. 2012-02, 4/10/12, subsequent sections renumbered.]**

(7) Commercial Use**:** Any uses including, but not limited to offices, retail, grocery stores, restaurants, commercial storage and warehousing generally recognized as a commercial use but not as an agricultural, residential or industrial use.

(8) Directional Sign, On-Premise: A Sign on private property without commercial message that gives direction such as entrances, exits, or street numbers relating to the property upon which it is erected. [**Amended by Ord. No. 2011-10, 6/28/11.**

(9) Directional Sign, Off-premise: A Sign located on private property displayed for the sole purpose of assisting wayfinding through disclosure of no more than the name of the subject destination, its distance from the sign and one directional arrow. The term "Off-Premises Directional Sign" shall be distinguished from signs regulated as a "specific information sign" or "tourist oriented directional sign" pursuant to Wis. Stats.

§§ 86.195 and 86.196, respectively. [**Created by Ord. No. 2011-10, 6/28/11.]**

(10) Forestland**:** Land primarily covered with trees and not used for home sites at a density of more than one residence per 35 acres.

(11) Ground Sign**:** A freestanding sign supported by one or more uprights, pylons, or foundation elements fixed in or upon the ground and not attached to a building.

(12) Height**:** Sign height is the vertical dimension from the ground surface (uniform finished grade) to the top of the sign.

(13) Industrial Use**:** Any including, but not limited to manufacturing businesses and warehousing that is generally recognized as an industrial use as distinguished from an agricultural, residential or commercial use.

(14) Logo/SIS Signs**:** Logo or Specific Information Signs are those signs authorized and regulated under Wis. Stats. § 86.195.

(15) Lot Line**:** The exterior line of any lot or parcel, excluding public right-of-way.

(16) Menu Board Sign**.** An outdoor sign associated with restaurants with drive-thru windows, car washes or other businesses with drive-up services which gives a detailed list of food or services available.

(17) Monument Sign**.** A type of ground sign anchored to the ground, generally by a solid base or support structure with no air space between the ground and the bottom of the sign. Ground signs with no more than eighteen (18) inches of air space between the ground and bottom of the sign shall be considered a monument sign.

(18) Parcel**.** A single tax parcel or lot, the boundaries of which have been established as a unit by a legal instrument for the purposes of ownership.

(19) Person**.** Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee, and their legal successors.

(20) Pole Sign**.** A ground sign mounted upon a pole or pylon or multiple poles or pylons leaving more than eighteen inches of air space between the ground and bottom of the sign.

(21) Portable Sign. A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames; balloons used as signs; umbrellas used for

advertising; and signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicles are used for transportation in the normal day-to-day operations of the business. **[Added by Ord. No. 2009-12, 12/8/09.]**

(22) Projecting Sign**:** A type of Wall Sign affixed to any part of a building or structure which extends beyond the building or structure by twelve inches or more. Signs projecting less than 12 inches are considered wall signs.

(23) Residential Use**:** Any use recognized the Columbia County Zoning Code as primarily for residential uses.

(24) Residential Neighborhood Identification Sign**:** A Sign at the entrance of a residential neighborhood identifying the neighborhood.

(25) Roof Sign**:** A Sign erected, constructed, or maintained upon, or which projects above the roofline of a building.

(26) Sandwich Board**:** A portable sign which is generally two-sided and of "A" frame construction.

(27) Setback. Distance into the property on which the sign is located from the property line or road right of way. **[Added by Ord. No. 2009-12, 12/8/09.]**

(28) Sign**:** An object, including a structure, movable object, wall or image displaying any message visible to the public. Notices legally placed on public property and removed on a daily basis are not considered Signs. Letters individually painted on or attached to a face of a building are considered a sign.

(29) Sign Area**:** Sign area in this ordinance refers to one face. Where signs have 2 opposite faces that each have the same message, only one face need to counted towards the stated area limit.

(30) Special Event Sign**:** A Sign for events such as grand openings, vehicle shows, displays, craft shows, benefits, fund-raisers, festivals, and other limited term events

(31) Tourist-Oriented Directional ("TOD") Signs**:** TOD signs are signs authorized and regulated by Wis. Stat. § 86.196.

(32) Uniform Finished Grade**:** Average final grade in the vicinity of the sign, not including berms. Berming or filling for the purpose of extending the height of the sign shall be included in computing the sign height. Where uniform finish grade cannot be reasonably determined it shall be taken as the higher of the nearest street crown or the grade at the principal building entrance.

(33) Wall Sign**:** A Sign attached to, painted upon, placed against, or supported by the exterior surface of any building.

(d) **Signs Authorized Without A Sign Permit**.
Subject to other applicable requirements and permits, including a minimum five (5) foot setback requirement for any permanent sign unless a greater setback is otherwise specifically required, the following Signs are authorized without a Sign Permit:

(1) Addresses. Address numerals and other sign information required to identify a location by law or governmental order, rule or regulation provided that such sign does not exceed one (1) square foot per officially assigned address, or the size required by any law, order, rule or regulation, whichever is greater.

(2) Architectural Elements. Integral decorative or architectural elements of buildings or works of art, so long as such elements or works do not constitute a commercial symbol or trademark functioning as advertisement or contain moving parts or flashing lights.

(3) Auxiliary Signs. Auxiliary signs less than one square foot in size placed in store windows regarding hours of operation, accepted charge cards, warnings or similar information.

(4) Banners: Banners used on a private residential property no more than seven days in any calendar year do not need a permit.

(5) Bulletin Boards. Bulletin boards, not exceeding twelve (12) square feet for public, eleemosynary or religious institutions located on the premises of said institutions.

(6) Business Nameplates. A single non-illuminated nameplate, not exceeding one square foot mounted on the building face denoting the name of a business legally conducted on the premises.

(7) Construction Signs. One (1) construction sign for each street abutting the property, identifying the parties involved in the design, construction, demolition, financing or project development on property where work is under construction, provided such signs are not erected prior to the beginning of work for which a valid building or demolition permit has been issued, and are removed within ten (10) days of completion of work or the expiration of the permit. Exempt construction signs shall not exceed sixteen (16) square feet for single-family residences, forty-eight (48) square feet on all other parcels of less than 100,000 square feet or ninety-six (96) square feet on parcels greater than 100,000 square feet.

(8) Crop Signs. One freestanding sign in each agricultural crop field not more than 8 square feet in size and 6 feet in height identifying the crop. **[Added by Ord. No. 2009-12, 12/8/09.]**

(9) Directional Signs. One entrance and one exit directional sign not exceeding two (2) square feet per legal driveway, except for establishments fronting a highway of four or more lanes or within 3,500 feet of an accessible interchange off a highway of four or more lanes, where a sign of four (4) square feet shall be permitted. Height shall not exceed five (5) feet and setback shall be a minimum of five (5) feet. The area of all directional signs on the property shall count against the maximum permitted area of all on-site ground sign faces on the property, pursuant to Section 11.05(f)(1)(A)(ii). [**Amended by Ord. No. 2009-12; 12/8/09; amended by Ord. 2013-07.]**

(10) Election or Political Signs: Signs promoting a candidate or position on an issue for an upcoming election where such signs are no larger than eleven (11) square feet in residential areas and thirty-two (32) square feet in commercial or agricultural areas. Signs in residential areas shall not be erected prior to the election campaign period as defined by Wis. Stats. § 12.04(1)(a) and must be removed within seven (7) days after said election date.

(11) Flags and Standards. Flags, standards, emblems and insignia of governmental, civic, philanthropic, religious or educational organizations, less than fifty (50) square feet in area, when not displayed in connection with a commercial promotion or as an advertising device. If displayed on a flagpole, the flagpole may not be greater than thirty (30) feet in height to be allowed without a permit.

(12) Garage/Yard Sale Signs. Temporary signs, not larger than four (4) square feet which advertise garage sales, yard sales or similar non-retail merchandise sales not conducted as a regular business activity during the time the sale is taking place, placed not closer than three (3) days prior to the event and removed within 24 hours after the event.

(13) Government Signs. Signs erected by or on behalf of a duly constituted governmental body, including, but not limited to legal notices, municipal building or park identification signs, traffic signs or other regulatory, directional or warning signs.

(14) Historical, Cultural and Natural Site Signs: A Sign erected by a government agency, which exclusively denotes a recognized historical, cultural or natural site, is permitted.

(15) Holiday Decorations. Temporary displays of a primarily decorative nature, in connection with bona fide civic, patriotic or religious holidays.

(16) Interior Signs. Signs which are located on the interior of a premises and which are primarily oriented to persons within that premises.

(17) Management Signs. A single sign per parcel not exceeding four (4) square feet which designates the real estate management agent for the premises on which it is located.

(18) Menu Board Signs. One (1) menu board sign per drive-through lane, but not to exceed two (2) per site for a drive-in or drive-through restaurant or other "drive-up" type business such as a car wash, exclusive of any two-way microphone/speaker devices, provided that each sign does not exceed forty (40) square feet in area and eight (8) feet in height. The area of all menu board signs on the property shall count against the maximum permitted area of all on-site ground sign faces on the property, pursuant to Section 11.05(f)(1)(A)(ii). **[Amended by Ord. 2013-07.]**

(19) Model Home Signs. A single sign per parcel not exceeding four (4) square feet identifying a non-occupied dwelling unit used as a demonstrator for selling or renting other dwelling units in the same complex. Such signs shall be exempt only when more than one (1) dwelling unit is available on the premises.

(20) Non-commercial messages. One sign per parcel carrying any lawful non-commercial message not exceeding eleven (11) square feet in area except in Agricultural areas where they may be up to fifteen (15) square feet. Larger non-commercial signs shall be allowed according to permit standards set forth in this code and will count toward the total signage area for the parcel upon which it is located.

(21) Personal Messages. A sign announcing births, anniversaries, birthdays, retirement, graduations and other similar events of personal significance not exceeding a total of twenty (20) square feet in area and displayed not longer than seven (7) consecutive days.

(22) "Open" Signs. Non-illuminated signs, not exceeding four (4) square feet, which advertise a premises as open for inspection, with no more than one (1) sign per street on which the property has frontage, and not more than two (2) signs in aggregate which are in place only when the related premises are actually open for inspection.

(23) Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure or its date of erection.

(24) Real Estate Signs. One (1) non-illuminated real estate sign per street frontage of a premises, advertising the availability of the premise for sale or lease. Such signs shall not be located in the public right-of-way and shall not exceed six (6) square feet in residential areas, twenty-four (24)

square feet in commercial or agricultural areas, or forty-eight (48) square feet in industrial areas.

(25) Residential Signs. Signs customarily associated with residential use and not of a commercial nature which do not exceed a total of four (4) square feet. Such signs include property identification names, numbers or names of occupants; signs posted on private property relating to private parking or warning the public against trespass or danger of animals, and Neighborhood Crime Watch.

(26) Required Signs. Signs required by town, county, state or federal statute or regulation which do not exceed 110% of the minimum legal size requirements.

(27) Sandwich Board: There shall only be one (1) sandwich board sign allowed per premise in a commercial use. Sandwich boards shall not exceed nine (9) square feet in area and four (4) feet in height. They may be out only during business hours and shall not be positioned in a way which obstructs the pedestrian circulation and they shall only be placed in front of the business using them. Sandwich boards shall count toward the total permitted sign area for a commercial use. This section shall not be interpreted to prohibit the use of sandwich board style signs for other permissible signage unless specifically prohibited.

(28) Site Information Signs. Signs of no more than four (4) square feet which, without including an advertising of any kind, provide direction or instruction to facilities intended to serve the public, such as rest rooms, public telephones, walkways, parking, and similar facilities.

(29) Temporary Window Signs. Signs temporarily affixed to the inside of a window, advertising goods or services sold on premises, provided that the total of all signs in the window area, including temporary and permanently mounted signs, does not exceed twenty-five (25) percent of the window area; and, further provided that each temporary window sign has the initial date of display permanently and visibly affixed on its face, and that no temporary window sign is displayed for longer than thirty (30) days. For any occupancy using no other signs than a permanent window sign the amount of permanent and temporary window sign area may be increased to thirty-five (35) percent of the window area.

(30) Warning Signs: Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives.

(e) **Prohibited Signs**.
The following Signs are prohibited from use in the Town:

(1) Off-premise commercial advertising signs except "specific information signs" or "tourist oriented directional signs" pursuant to Wis. Stats. §§ 86.195 and 86.196 respectively, off-premise directional signs or signs authorized under subsection (f)(1)(E); **[Amended by Ord. 2011-10, 6/28/11; amended by Ord. 2012-02, 4/10/12.]**

(1) Roof Signs and projecting signs;

(2) Animated Signs;

(3) Temporary signs not otherwise permitted;

(4) Permanent inflatable signs, displays, and advertising;

(5) Internally lit signs that create a traffic hazard due to glare. It shall be presumed that internally lit signs with a transparent or light background color constitute a traffic hazard;

(6) Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity. Such purpose shall be determined by examining the positioning of said vehicle and attached sign, the frequency and time of placement in a visible area and overall visibility of the vehicle signage from any public right of way. This section shall not be interpreted to prohibit signs placed on or affixed to vehicles and trailers while the vehicle is parked or used incidental to the primary use of the vehicle or trailer and are stored during periods of non-use inconsistent with functional advertising;

(7) Any Sign, for which a permit has not been issued and which requires a permit;

(8) Any Sign containing statements, words or pictures of an obscene or pornographic nature;

(9) Any Sign or advertising structure or its associated landscaping installed or maintained in such a manner as to obstruct free and clear vision of the road or interfere with the vision triangle at road intersections; **[Amended by Ord. No. 2009-12, 12/8/09.]**

(10) Any Sign designed, erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, imitate, resemble or be confused with any official traffic sign, signal or device;

(11) Any Sign, other than a government erected sign, located within or extending into a public right-of-way, and any portion of the sign, or its supporting structures, such as poles or cables, placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street, sidewalk, or waterway), or a public right-of-way depicted on an official map;

(12) Any sign erected so that any portion of the sign or mounting or supports is attached to or interferes with the free use of any fire escape, building exit, stairway, door, ventilation or window;

(13) Any handbills, posters, notices, or signs posted or affixed on traffic control boxes or supports, lamp poles, utility poles or traffic sign supports;

(14) Any unsafe or abandoned signs;

(15) Signs painted on fences, trees or rocks; **[Added by Ord. No. 2009-12, 12/8/09.]**

(16) Signs that emit odor, noise or other matter; and **[Added by Ord. No. 2009-12, 12/8/09.]**

(17) Portable signs not specifically permitted by this ordinance. **[Added by Ord. No. 2009-12, 12/8/09.]**

(f) **Signs Authorized With A Permit**.

Except as expressly provided elsewhere in this Section, a permit shall be required to construct, erect or alter any sign addressed under this subsection. Such permit shall be issued in accordance with the following regulations. Except as expressly provided elsewhere in this Section, all signage permitted under this subsection shall be allowed in addition to other signage allowed under this Section. **[Intro repealed and recreated by Ord. 2013-07, 3/12/13.]**

(1) Commercial and Industrial Uses.

(A) On-site Ground Signs: **[Repealed and recreated by Ord. No. 2009-12, 12/8/09.]**

(i) Number: Fronting 2-lane roads: one Ground Sign is permitted on each road frontage of each parcel with a message relating to the business activities/services provided on the premises. Fronting 4 or more lane highways and on lots within 3500 feet of an accessible interchange center point off of a 4 or more lane highway: the business shall be allowed an additional ground sign per parcel.

(ii) Area: Fronting 2-lane roads: any such sign shall not exceed 84 square feet and the total for all sign faces shall not

exceed 120 square feet; fronting 4 or more lane highways and on lots within 3500 feet of an accessible interchange center point off of a 4 or more lane highway: any such sign shall not exceed 120 square feet and the total for all sign faces shall not exceed 200 square feet.

(iii) Height: Fronting 2-lane roads: a Pole Type Ground Sign may not exceed a height of 15 feet above the uniform finished grade nor the height of the roof line; fronting 4 or more lane highways and on lots within 3500 feet of an accessible interchange center point off of a 4 or more lane highway: the lesser of 20 feet or the height of the building, except one sign may be up to 35 feet in height. A Monument Type Ground Sign shall not exceed 5'-6" in height for offices for all conditions.

(iv) Setbacks: Ground Signs shall be set back from property lines at least equal to the height of the Sign but not less than 10 feet from right of way and 20 feet from side and rear yard lines. No ground sign shall be permitted along the frontage of any street unless any building on the property is set back at least 30 feet from the street right-of-way. Signs within 5 feet of a lot line, when permitted shall not exceed 3 feet in height.

(B) On-site Wall and Window signs: **[Repealed and recreated by Ord. No. 2009-12, 12/8/09.]**

(i) Number: Fronting 2-lane roads: four wall signs per building face plus two window sign per window are permitted with a message relating to the business activities/services provided on the premises; Fronting 4 or more lane highways and on lots within 3500 feet of an accessible interchange center point off of a 4 or more lane highway: the business shall be allowed an additional wall sign on each building face;

(ii) Area: Fronting 2-lane roads: the total area of wall plus window signs on each face shall not exceed ten percent (10%) of the area of each face of the building on a parcel, nor 80 square feet per face, nor 160 square feet total for all faces; Fronting 4-lane roads and highways and on lots within 3500 feet of an accessible interchange center point: the total area of wall plus window signs on each face shall not exceed ten percent (10%) of the area of each face of the building on a Parcel, nor 120 square feet per face, nor 240 square feet total for all faces;

(iii) Height: Wall signs shall not project above the eave line of the structure.

(iv) Projection of Wall Signs: Wall signs, including any illuminating device or structural component, located at a height of at least 10 feet, shall not project more than 36 inches beyond the plane of the wall to which it is attached. Signs located at a height less than 10 feet, shall not project more than 12 inches beyond the plane of the wall to which it is attached. Signs projecting less than 12 inches shall be considered a wall sign.

(v) Permanent On-site Window signs: The Sign area may not exceed 25% of the area of the window. Permanent window signs shall be confined within the transparent glazed area of the window and shall not encroach upon the frame, mullions or other supporting features of the glass. All permanent window signs which have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to either side of the glass of an exterior building window or door. No application using a temporary adhesive shall be permitted.

(C) Canopy Signs:

(i) Area. The sign surface area of a canopy sign shall not exceed 15 percent of the area of the vertical section of the canopies and awnings. The area of the vertical section of the canopies and awnings is calculated as the height of the canopy or awning (difference between the highest and lowest point on the canopy or awning) multiplied by the length of the canopy or awning measured parallel to the facade upon which it is attached.

(ii) Location. Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than seven feet six inches (7'-6"), and the lowest portion of the descending skirt shall be not less than six feet eight inches (6'-8") above the level of the sidewalk or public thoroughfare. No portion of the canopy or awning sign shall extend above or beyond the canopy or awning upon which it is attached, however, signs may be hung beneath canopies parallel to the building frontage so long as they do not descend below the six foot eight inch (6'-8") minimum clearance. Awnings shall not project more than thirty-six (36) inches out from the building upon

which they are attached, nor extend out from the building beyond the extension of awnings on adjoining buildings.

(iii) Installation Requirements. To preserve the architectural integrity of a building, no canopy or awning, and no canopy or awning sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations or ornamental detailing.

(iv) Illumination of Awnings and Canopies. Awnings and Canopies may be illuminated where the following conditions are maintained:

a. Both interior type strip lighting and exterior type goose neck lighting is permitted, not exceeding a maximum light level of 18 foot candles measured 3 feet from and perpendicular to the light source;
b. The bottom of any illuminated awning or canopy shall be enclosed; and
c. The provisions of subsection (g)(10) are satisfied.

(v) Materials. Canopy and awning signs shall be made of either the material with which the canopy or awning is covered or other water proof materials affixed flush to the face of the canopy or awning, or be painted directly on the awning or canopy material with weather-resistant paint.

(D) Group On-Site Business Signs**.** A Sign displaying the collective name of a group of uses such as the title of a shopping center, office park, or industrial park and its tenants shall only be permitted within developments serving three or more non-residential tenants, and shall limit information to the name and logo of the development and its businesses and be located within the development.

(i) Number. Each business within a group development shall be permitted one wall sign and one ground sign. Where a group ground sign is used for the development, each business is not permitted a ground sign. On double-frontage lots, where the second frontage is Interstate 39, the development shall be allowed a second freestanding group sign.

(ii) Height. Ground signs along two-lane roads and highways shall not exceed ten feet, and twenty-four feet (24’) along four-lane highways.

(iii) Area. Along two-lane roads and highways, maximum size shall be 64 square feet for any one sign, as measured for all sign faces visible at one time from any one direction. Along four-lane highways, maximum size shall be 96 square feet for any one sign, as measured for all sign faces visible at one time from any one direction.

(E) Group Local Business Off-site Advertising Signs**:** The Town recognizes that some off-site advertising for local businesses may be appropriate. Rather than the clutter of numerous billboards and other individual signs, the Town will limit the number of locations and require multiple users at each location.

Business Criteria; is a local business and is not served by another type of sign such as TODS signs.
Number: 4 locations within the Town, location subject to Town Board and County Zoning approval.
Location criteria: a location that does not create a traffic hazard and that serves a minimum of 4 businesses within 3 miles of the sign located on or immediately off the same road as the sign occurs on.
Area: Total Sign area shall not exceed 120 square feet. The portion allocated to any business shall not exceed 9 square feet.
Height: Sign height shall not exceed 12 feet.
Annual User Fee: These signs are subject to an annual user fee in accordance with the Town Fee Schedule, as the Town will be maintaining the condition and use of this sign type.

(F) Off-Premise Directional Signs. Off-Premise Directional Signs may be permitted according to the following conditions and regulations: **[Created by Ord. 2011-10, 6/28/11.]**

(i) A town sign permit and any necessary county permit for signage is required for each sign pole.

(ii) An Off-Premise Directional sign to a business destination is permitted on a travel route where there is an intersection or turn which requires a change in direction of travel. Off-Premises Directional signs may not duplicate an existing sign that has been approved within the right-of-way on the same segment of road where a change in direction is not required.

(iii) An Off-Premise Directional sign shall only be located in proximity of intersections or a turn which requires a change in direction to a different road, but shall not be placed

where it interferes with official traffic control devices or existing signs that are permitted within the right-of-way.

(iv) The size of an Off-Premise Directional sign shall be 48 inches wide with a maximum height of 18 inches. Letters, numbers and the direction arrow shall be six inches in height. There shall be a direction arrow, numeric distance at the appropriate end of the sign. Up to two message lines may be provided which may have up to ten letters or numbers per line. The message and graphics shall be optically balanced about the centerline of the sign.

(v) The signs shall be reflective with the message being white and the background blue.

(vi) The holder of a permit for an Off-Premise Directional sign shall allow collocation for up to four additional signs. No more than three signs shall be placed on a single pole and no more than two sign poles shall be permitted on a parcel at a single intersection. All signs shall be the same color.

(vii) The supporting structure for up to three signs shall be a single pole constructed of 4”x6” treated wood or 4”x4” steel tube. The top of the sign or sign pole shall be no higher than seven feet for a one or two-sign pole and 8’- 6” inches for a three sign pole.

(viii) Signs shall be placed outside the road right-of-way. In no case shall any part of the sign or its structural components be located within the right-of-way.

(ix) To ensure that the sign serves only a directional purpose, it shall contain only the name of a place, the distance to it and a direction arrow to the place and may not otherwise be used to advertise.

(x) Any such sign shall be a freestanding design mounted to a single pole. A sign on each side of the pole shall be counted as one sign.

(xi) No more than two Off-Premise Signs may be permitted for a single business location.

[(G) Total Sign Area, repealed by Ord. No. 2009-12; 12/8/09.]

(G) <u>Flagpoles Higher than 30 feet</u>**.** All flags on flag-poles higher than thirty (30) feet shall have an area in accordance with the following table:

Flagpole	**Flag**	**Flagpole**	**Flag**
30'-35'	6'x10'	60'-65'	10'x15'-10'x19'
40'-45'	6'x10-8'x12'	70'-80'	10'x19'-12'x18'
50'	8x12'-10x15'	90'-100'	20'x38'-30'x50'

(H) Signs Adjacent to Residential District**.** No commercial signs shall be permitted within 75 feet of any residence district boundary line, unless completely screened from the residence district by a building, solid fence, or an evergreen planting. Evergreen plantings shall be not more than 2 feet shorter than the height of the sign at the time of planting and spaced so as to effect an opaque screen of the sign. All required screening shall be continuously maintained. In the event of a small commercial lot width or other limiting factors, the 75 foot dimension may be relaxed such that the sign shall be as far from the residential boundary as reasonably practicable.

(I) Temporary Signs /Banners**:**

(i) Number. There shall not be more than 2 temporary signs or banners displayed on a premises at any time.

(ii) Area. Temporary signs/banners shall not exceed 32 square feet in sign/banner surface area for each exposed face, nor 64 square feet total sign/banner surface area. The area of a temporary sign shall not be counted within the total signage area; however, every square foot of temporary inflatable sign shall reduce the allowable temporary inflatable sign area equally.

(iii) Location. Temporary signs/banners shall be located only upon the premises to which the special, unique, or limited activity, service product, or sale is to occur. Temporary signs/banners shall be either wall signs/banners or ground signs/banners and shall conform to the location requirements of this chapter. A specific attachment location shall be designated to ensure these signs do not obstruct traffic vision of cause other safety problems.

(iv) Time Limitations. Temporary signs/banners shall be erected and maintained for a period not to exceed thirty (30) days, and shall be removed within three (3) days of termination of the activity, service, project, or sale.

(v) Materials and Mounting Limitations. All temporary signs/banners shall be anchored and supported in a manner which reasonably prevents the possibility of the signs/banners becoming hazards to the public health and safety.

(J) Temporary Inflatable Signs**:**

(i) Location: Temporary inflatable signs shall be located such that there position is over the premises they are advertising.

(ii) Area. The area of a temporary inflatable sign shall be the maximum height multiplied by the maximum width of the inflatable sign. The area shall not exceed sixty-four (64) square feet. The area of a temporary inflatable sign shall not be counted within the total signage area; however, every square foot of temporary inflatable sign shall reduce the allowable temporary sign/banner area equally.

(iii) Time Limitation: Temporary Inflatable Signs shall not be in place longer than 15 days and shall not be used for more than six (6) events per year per business.

(iv) Mounting: Inflatable signs shall be securely mounted so as to prevent their becoming a hazard to public health and safety.

(2) Agricultural Uses**:** One Wall or Ground Sign, but not both shall be permitted per parcel with a sign area not to exceed 20 square feet. A Ground sign may not exceed a height of 5 feet above uniform finished grade. Ground Sign setbacks shall be at least equal to the height of the sign. Sign message must pertain to on-site activity.

(3) Residential Neighborhood Identification Signs**:**

(A) Residential Neighborhood (Single-Family Subdivision of 10 or more lots)(Multiple-Family Housing Development including condominiums of 8 or more dwelling units per building) is permitted to have one Residential Neighborhood Identification Sign for each entrance street. Such Signs shall not extend into any public right-of-way. The face of the Sign shall not exceed 12 square feet. The area of the structural supporting elements shall not exceed 50% of the area of the message portion of the Sign. The height of the Sign may not exceed 5 feet above the uniform finished grade.

(B) Non-Dwelling Use Signs. A Non-Dwelling Use in a residential area, such as a school, a religious facility, an institutional use, a clubhouse, etc. is permitted to have one Ground Sign and one Wall Sign, neither of which shall exceed 12 square feet in area. The

area of the structural elements supporting a Ground Sign shall not exceed 50% of the area of the message portion of the Sign. The height of a Ground Sign may not exceed 5 feet above uniform finished grade.

(g) **Sign Design and Construction.**

(1) Integration with Surroundings**.** All signs shall be architecturally integrated with their surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design of the building and are not in visual competition with other signs in the area. All signs shall complement their surroundings without competing with each other, shall convey their message clearly and legibly and shall be weather-resistant. New signs shall provide a compatible appearance with the building signage of area tenants or adjacent properties.

(2) Sign Type**.** Monument signs shall be used wherever feasible. The use of pylon or pole mounted signs shall only be used when monument signs are not feasible. Directional signs shall only be used for projects where circulation is complex or where traffic must proceed through the site along a specific path for service.

(3) Letter Type**.** Use individual letters appropriate to the design of the sign. See subsection (f)(10) for illumination requirements.

(4) General Design**.** Sign background shall be a subdued color darker than the sign lettering. Signs shall be proportionate to the dimensions of their location. Signs or individual sign letters which overwhelm their location on a parapet or other designated area on the building are not allowed. Wall mounted signs shall be framed to create a clearly defined edge, provide shadow relief and a substantial appearance. Repetitious signage information on the same building frontage shall be avoided, regardless of the sign area square footage allowed.

(5) Structural Capability; Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area; and shall be constructed to receive dead loads as required in the Building Code or local ordinances. The applicant shall supply appropriate calculations with the permit application.

(6) Materials**.** Where feasible, signs should be constructed of weather resistant, durable material. Monument sign materials shall reflect the character of the use and the building the sign identifies. Free-standing sign bases shall be made of permanent, durable materials similar to the materials used for the principal structure.

(7) Construction Details**.** Visible raceways and transformers for individual letters are not allowed. Sign installation details shall indicate where the transformer and other mechanical equipment will be located. Exposed supports or guy wires to stabilize signs are not allowed. No wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestration, or ornamental detailing on any building. All mounting brackets and other hardware used to affix a sign to a wall, and all electrical service hardware and equipment shall be concealed by architectural elements of the building or the sign itself. Signs may not obstruct a fire escape.

(8) Codes**.** All Signs shall conform to the latest edition of the applicable building and electrical codes.

(9) Fastenings**.** All Signs must remain safe and secure during the period of use. All parts of the Signs, including bolts and cables, shall remain painted, and free of corrosion.

(10) Lighting/Illumination**:** All illuminated signs shall be subject to the following requirements:

General: External lighting shall be shielded from view and shall be focused upon the Sign to avoid stray lighting. Flashing, rotating, and intermittent lighting are prohibited.

Electrical Permit. All signs in which electrical wiring and connections are to be used shall comply with all applicable provisions of the State electrical code. No permit for the erection of a sign shall be granted prior to approval and issuance of a valid electrical permit for that sign.

Voltage Displayed. The voltage of any electrical apparatus used in connection with a sign shall be conspicuously noted on that apparatus.

External Illumination. A building or structure, along with signs, awnings and canopies attached to the building or structure, may be illuminated externally, provided that the light source is designed, located, shielded, and maintained in such a manner that it is fixed and not directly visible from any adjacent public rights-of-way or surrounding premises.

Internal Illumination. Internal illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white border of up to 1 inch in width may be placed around said lettering or graphic elements.

Brightness Limitation. In no instance shall the lighting intensity of any illuminated sign exceed:

(A) 75 foot candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign, or

(B) When the sign is located in a residential zoning district, 50 foot candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign, or

(C) 1 foot candle on adjoining residential property, measured 3 feet above the surface of the ground.

Glare. All artificial illumination shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent public rights-of-way or surrounding property.
Flashing Signs. Illuminated signs shall not have any flashing, scintillating, traveling or blinking lights or rotating beacons, nor shall any beam of light be projected through a mechanism which periodically changes the color of the light reaching the sign.
Gooseneck and similar reflectors and lights. Shall be permitted on free-standing and wall signs; provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful to maintain any sign which extends over public property, and which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public right of way.

(11) Identification**.** All Signs for which a Permit is required shall identify the name and operating telephone number of the Person responsible for the Sign.

(12) Proximity to Electrical Conductors**.** Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No Sign, including cables and supports, shall, in any event, be within six (6) feet of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.

(13) Sanitation**.** Property surrounding any Ground Sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.

(14) Landscaping**.** The area beneath and around a Sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the Sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.

(15) Responsibility for Compliance**.** The owner of the parcel on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.

(h) **Sign Permit Application Requirements.**

(1) Permit**.** A Permit shall be obtained from the Town for all existing and new signs covered by this Ordinance. Owners of existing signs that require a permit under this Ordinance shall apply for a permit within ninety (90) days of the Effective Date of the Ordinance. Before receiving a permit to construct, alter or move a Sign, the Sign Owner shall pay to the Town of Dekorra a Permit Fee, the amount of which shall be per the Town of Dekorra Fee Schedule.

(2) Application**.** Applications for Sign Permits shall be made upon a form provided by the Town Clerk for this purpose. The Application shall contain the following information:

(A) Date of application;

(B) Name, address, phone, and if available, fax and e-mail, of the Person applying for the Permit;

(C) Name, address, phone, and if available, fax and e-mail, of the Person owning the Parcel upon which the Sign is proposed to be placed;

(D) Location of the building, structure, and Parcel on which the Sign is or will be attached or erected;

(E) Position of the Sign in relation to nearby buildings, structures, property lines, existing or proposed rights-of-way, ordinary high water marks of waterways, and the setback of applicable zoning ordinances;

(F) Two copies of the plans and specifications, including:

(i) A list of type, dimensions and quantities of all Signs to be located on the property;
(ii) Dimensions of any lettering or symbols that will appear on each Sign;
(iii) The materials of which each Sign will be constructed, labeled descriptively;
(iv) The colors of each Sign;
(v) Structural supports and methods of attaching each Sign to the supports or building surface, dimensioned to indicate the total height of each Sign;
(vi) A scaled elevation view of each Sign and the building as it would appear from a position perpendicular to the Sign face;
(vii) Landscaping around each Sign; and
(viii) Lighting of each Sign.

(G) Copy of stress analysis sheets and calculations, if deemed necessary by the Town, showing the structure as designed for dead load and wind pressure;

(H) The seal or certificate of a registered structural or civil engineer, when required by the Town;

(I) A photograph of any existing sign as viewed from a position perpendicular to the face of the sign and accompanied by the description of the scaled dimensions of the sign;

(J) The method of construction and/or attachment to a building or in the ground shall be explained in the plans and specifications;

(K) A statement of the method in which the sign is to be maintained to preserve the quality of its original condition;

(L) Name, address, phone, and if available, fax and e-mail of the Person who has or will be erecting the sign;

(M) Insurance policy as required by this Ordinance;

(N) Such other information as the Town may require to show compliance with this Sign Ordinance, and any other applicable laws;

(O) The zoning district (including Shoreland zoning) in which the Sign is to be placed; and

A statement that: "Any change in the information in this Application, such as change of address, shall be submitted to the Town within seven (7) days after the change."

(3) Temporary Sign Application**.** The application for a temporary sign permit shall contain the same information as required for a regular sign permit as set forth in paragraph (2) above except it shall not require the information required by subparagraphs (E), (F), (G), (H), (I), or (K) unless specifically requested by the Town Board.

(4) Insurance and Indemnification**.**

(A) Applicant Insurance Certificates**.** The Applicant for a Sign Permit shall provide a Certificate of Insurance to the Town if the sign is on public property such as road rights-of-way or is in a location where the public regularly traffics. The insurance shall provide public liability in the amount of at least $100,000 for injuries to one person and $300,000 for injuries to more than one person, and property damage insurance in the amount of at least $100,000.

The Sign Permit will be revoked if the insurance is permitted to lapse. The insurance policy shall require written notice to the Town at least 60 days before the insurance is cancelled or materially altered.

(B) Indemnification. All applicants for a sign which involves, in whole or in part, the erection, installation, relocation, maintenance of a sign or other sign work immediately adjacent to a public right-of-way or in, over, or immediately adjacent to other public property so that a portion of the public right-of-way, or public property is used or encroached upon by the sign contractor, or is in a location trafficked by the public, shall agree to hold harmless and indemnify the Town of Dekorra, its officers, agents and employees from any and all claims of negligence or damage suffered resulting from the erection, alteration, relocation, maintenance or other sign work.

(5) Permit Fees**.** Permit Fees for Signs shall be as established by the Town Fee Schedule. The Permit Fees relate to the cost of issuing the Permit, plan review and inspection and may vary based on the size, type, and height of the Sign.

(6) False Information**.** A Person providing false information under this Ordinance shall not be granted a Permit and not eligible to apply for a Permit under this ordinance for 12 months from date the Town determines false information was presented.

(7) Review Process**.**

(A) Completeness of Application. All sign permit applications shall be reviewed for completeness within 14 days of receipt by the Town Clerk. The Clerk shall within 21 days of application notify the applicant of the specific ways in which the application is deficient, with appropriate references to the applicable provisions of this section, and shall inform the applicant that no further action will be taken until such deficiencies are corrected.

(B) Review and Approval. Within 21 days of receipt of a complete application for a sign permit for an individual sign to be mounted on a building, the Town Building Inspector shall review the application for compliance with all of the substantive requirements of this code.

(i) **Sign Permit General Provisions**

(1) Assignment. A current and valid sign permit shall be freely assignable to a subsequent owner of the property or operator of a business for the same

premises, subject only to the filing of such application as the Town may require and paying any applicable fee.

(2) Temporary Signs. Permits for temporary signs shall expire 30 days from the date of issuance of such permit.

(3) Inspection. The applicant shall, upon completion of the installation, relocation or alteration of any sign, notify the Town Clerk who shall have the Town Building Inspector determine if the sign complies with this chapter and approved Sign permit application.

(4) All rights and privileges acquired under the provisions of this chapter are revocable at any time for cause by the Town Board. The Town may revoke any permit upon failure of the permit holder to comply with any provision of this chapter.

(5) Lapse of Sign Permit.

(A) Any sign permit issued under this section shall lapse and become void unless the signs permitted by the permit are constructed and erected at the approved location within 6 months from the date of issuance.

(B) A sign permit shall lapse if the business activity on the premises is discontinued for a period of 180 days or more. The Town shall give notice to the property owner advising that the sign permit will lapse if such activity is not renewed within 30 days from the date of the notice. Any sign covered by a lapsed permit shall be promptly removed at the Owner's expense.

(j) **Non-Conforming Signs**

(1) Intent**.** This ordinance is intended to encourage the eventual elimination of Signs which do not comply with the Ordinance. Signs that were lawfully erected on the effective date of this Ordinance or on the effective date of any amendment to this Ordinance but fail to conform to this Ordinance after the applicable effective date shall be considered legal nonconforming signs and may remain in place in accordance with this subsection. This subsection shall not be construed to permit the continuance of any sign in violation of this Ordinance that is portable, abandoned, deteriorated so as to be unsafe, interferes with traffic or any public right of way, is located within a public right of way or other public property, placed in such a manner as to interfere with the free use of any fire escape, building exit, stairway, door, ventilation or window or otherwise constitutes a common-law public nuisance. The elimination of non-conforming Signs is important to the purposes stated for this Ordinance. However, it is also the intent of this Ordinance to avoid

unreasonable invasion of property rights while accomplishing removal of non-conforming Signs. **[Amended by Ord. 2013-05, 3/12/13.]**

[**(2), Amortization, Repealed by Ord. No. 2009-12, 12/8/09.]**

(2) Permit**.** Within 90 days after the effective date of this Ordinance, or within 90 days of any amendment to this ordinance rendering unlawful a sign that has not previously been the subject of a permit, the Person owning a Non-Conforming Sign shall apply for a Permit to the Town. After 90 days, the owner of any business or other premises on which exists a sign that does not conform with the requirements of this section or for which there is no current and valid sign permit shall remove such sign or bring it into conformity with the requirements of this section. **[Amended by Ord. 2013-05, 3/12/13.]**

(3) Continuance**.** A non-conforming Sign may not be increased in size or height. The Sign shall not be relocated or replaced by another non-conforming Sign, except that the sign message may be changed, revised or replaced. The Sign may not be structurally altered so as to prolong the life of the Sign except that all or part of the Sign message board may be changed, revised or replaced but only to the extent necessary to facilitate the change, revision or replacement of the message. The Sign may not be reestablished after damage or destruction if the Town determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement cost. However, the Sign may be replaced with identical components and materials if damaged or destroyed by Person(s) who are unconnected to the owner(s) of the Sign, or by acts of nature. **[Amended by Ord. 2009-12, 12/8/09; amended by Ord. 2013-05, 3/12/13.]**

(4) Nuisance**.** Signs failing to conform to the provisions of this Ordinance and not recognized as legal non-conforming signs under this subsection are declared a public nuisance, which shall be abated by the Owner within 60 days of receiving notice from the Town. After sixty 60 days the Sign may be removed by the Town at the owner's expense. If payment is not forthcoming within 60 days of mailing notice of costs of removal such costs shall be assessed against the property under Wis. Stats. § 66.0627. This remedy is in addition to any other remedy or enforcement provision authorized by law. **[Amended by Ord. 2013-05, 3/12/13.]**

(k) **Administration.**

(1) Administration**.** The Town shall administer through the office of the Clerk and enforce through the office of the Building Inspector or Constable the terms and conditions of this Ordinance and all other provisions relating to signs.

(2) Enforcement**.** The Clerk shall issue Permits as required by this Ordinance. The Town Building Inspector or Constable shall have the power to ensure Signs comply with this Ordinance and any other applicable law. They shall also have the power to enforce the requirement that all Signs properly comply with this Ordinance. They shall also be authorized to make such inspections as may be necessary and shall be authorized to initiate appropriate action to enforce compliance with this Ordinance and other applicable laws.

(3) Powers**.** The Town shall have the power and authority to administer and enforce this Ordinance. Included among such powers are the following specific powers:

(A) Every Sign for which a Permit is required shall be subject to inspection and approval, including verification of the use of the parcel, and thus the standards that apply to signage. When deemed advisable, a Sign may be inspected at the point of manufacture.

(B) Upon presentation of proper identification to the Sign Owner or Owner's agent, the Town Building Inspector or Constable may enter the Sign area for purposes of inspecting the Sign, Sign structure, and any fasteners securing the Sign to a building or support. In cases of emergency, where imminent hazards to persons or property are known to exist, and where the Sign Owner, or Owner's agent, is not readily available, the Town Building Inspector or Constable may enter the Sign area for purposes of inspection or remediation. When on private Property, the Town Building Inspector or Constable shall observe rules and regulation concerning safety, internal security, and fire protection. If the Town Building Inspector or Constable is denied admission to inspect any Sign, inspection shall be made under authority of a warrant under Wis. Stats. § 66.0119 issued by a court of proper jurisdiction. When applying for such warrant, the Town Building Inspector or Constable shall submit an affidavit setting forth a belief that a violation of this Ordinance exists with respect to a particular Sign, and the reasons for forming this belief. The affidavit shall designate the place and name of the Person believed to own or possess the Sign. If the court finds probable cause exists for the search of the Sign, and supporting structures, then a warrant authorizing the search shall be issued. The warrant shall describe the property with sufficient certainty to identify the same. This warrant shall constitute authority for the Town Building Inspector or Constable to enter the Sign area and to inspect the property.

(C) Upon issuance of a Stop Order from the Town Building Inspector or Constable, work on any Sign that is being conducted in any manner contrary to this Ordinance shall be immediately stopped.

This notice and order shall be given to the Owner of the Parcel, the Sign Owner, or to the person performing the work. The Stop Order shall state the conditions under which work may be resumed. The Town has the authority to deny or revoke any Permit authorized by this Ordinance if the Sign violates this Ordinance or another law, provided that the Town shall offer the Sign Owner an opportunity to be heard. The Person whose Permit is under consideration shall be given at least 10 days written notice of the time, place, and reason for the hearing. The Sign Owner and/or Person identified in the Permit shall be permitted to present relevant facts and legal argument concerning the pending permit denial or permit revocation. Following this hearing, the Town shall consider the merits of the case and shall present a written decision.

(D) If the Town has determined that a violation has occurred, the owner shall have thirty (30) days to bring the Sign into compliance or remove the Sign. If, however, the Town believes the health, safety, or welfare of the citizens is endangered by any violation of this Ordinance, the Town may immediately revoke any Sign Permit.

(E) A Sign installed after the effective date of this Ordinance, and not conforming to this Ordinance, shall be removed by the Owner. The Sign Owner shall not be entitled to compensation for the Sign removal and shall reimburse the Town for any cost incurred in connection with the removal.

(l) **Penalty.**

Any Person violating any provision of this Ordinance shall be subject to the provisions of Section 1.03 GENERAL PENALTY of the Town of Dekorra Ordinances.

(m) **Appeals:**

Appeals of the determination of the Town Building Inspector or Constable may be made in writing directly to the Town Board who shall hear the appeal within 60 days.

(n) **Variances:**

Variances may be granted upon filing an application and paying the appropriate fee as set forth in the Town of Dekorra Fee Schedule where owing to special conditions not of the applicant's making, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(o) **Severability and Conflict:**

(1) Severability**.** This Ordinance, and its parts, are declared to be severable. If any section, clause, provision, or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the Ordinance as a whole. All parts of the Ordinance not declared invalid or unconstitutional shall remain in full force and effect.

(2) Conflict**.** If any part of this Ordinance is found to be in conflict with any other Ordinance or with any other part of this Ordinance, the most restrictive or highest standard shall prevail. If any part of this Ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

History Note: The above and foregoing Ordinance was duly created by Ord. 18-2005 adopted at a regular meeting of the Town Board of the Town of Dekorra on the 20th day of September, 2005; amended at a regular meeting of the Town Board of Town of Dekorra on the 5th day of January, 2006, Ord. 2006-00; amended by Ord. No. 2009-12, 12/8/09; amended by Ord. No. 2011-10, 6/28/11; amended by Ord. 2012-02 on 4/10/12; amended by Ord. 2013-05 on 3/12/13; amended by Ord. 2013-07 on 3/12/13

SECTION 11.06 REZONING PROCEDURE

(a) **Purpose.**
The purpose of this Section is to coordinate the Town of Dekorra's procedures and requirements for rezoning of land in the Town with those of Columbia County.

(b) **Intent**.
These procedures and the Town's role in the County zoning process are designed to promote the public health, safety, convenience and general welfare of the community; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access thereto; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage systems where necessary, schools, parks, playgrounds, and other public facilities and services, and to facilitate a clear rezoning process for applicants and the general public. This Section is enacted with reasonable consideration of the present character of the Town, with the objectives of conserving the value of the land and improvements placed thereon; providing for the most appropriate environment for human habitation; protecting agriculture, housing, and open space; encouraging commerce and industry; and providing for the most appropriate use of land in the Town.

(c) **Interpretation.**
The provisions of this Section shall be construed as establishing minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed to be a limitation or repeal of any other power granted by the Wisconsin Statutes.

(d) **Required Town Procedure for Rezoning Land**.
An owner of land petitioning the County and Town for a zoning classification change ("rezoning") shall make the petition in accordance with the following procedures and other rules and regulations of the County and Town that may be applicable, making due allowance for the intervals of time that may be required. Upon notification to the Town Clerk, the Petitioner may discontinue the process at any step, but in any case shall be liable for all expenses incurred in reviewing and processing the Petition until the date of notification.

(1) The Petitioner shall initiate rezoning proposal by scheduling a pre-application meeting with a staff person of the Columbia County Planning and Zoning Department in accordance with County procedures.

(2) The Petitioner shall provide County Staff with the property address (if available), a legal description of property such as via a tax bill, deed, or survey, a survey or sketch map of the area to be rezoned, and a proposal for developing the land if rezoned as proposed and any other information reasonably requested.

(3) After the meeting, County procedures establish that County Staff will prepare a summary report of issues and potential alternatives, but not specific recommendations, and will send the report to the Petitioner and the Chairperson, Clerk, and Plan Commission Chair of the Town prior to the petitioner meeting with the Town Plan Commission.

(4) The Petitioner shall contact the Town Clerk and request to be placed on a Town Plan Commission agenda for initial consultation or for final Commission recommendation, at the petitioner's choice. With such request, the Petitioner shall provide a copy of the County Staff summary report and all information provided to County staff under subsection (2).

(A) If the Petitioner chooses to seek initial consultation only, then the Town Clerk and Town Plan Commission Chair shall schedule the Petitioner to appear before the Town Plan Commission to present the request for rezoning and to respond to Commission questions and concerns. Following such initial consultation, the Petitioner shall proceed in accordance with subsection (d)(4)(B). If Petitioner wishes initial consultation to include review and comments from the Town's professional consultants, including but not limited to the Town Engineer, Town Planner and Town Attorney, Petitioner shall sign an agreement for reimbursement for development review services in accordance with subsection (f).

(B) If the Petitioner chooses at this time to seek final Town Plan Commission recommendation, the Petitioner shall pay an application fee in an amount approved by the Town Board and shall sign an agreement for reimbursement for development review services in accordance with subsection (f). The Town Clerk shall schedule a public hearing before the Town Plan Commission, notify all property owners within 300 feet of the property perimeter by letter at least two weeks prior to the hearing using addresses on the latest tax records, and provide an affidavit showing the date and to whom the notice was sent.

(5) The Town Plan Commission shall conduct the public hearing, consider public hearing comments, and make a recommendation on the rezoning request to the Town Board, with consideration of the following criteria:

(A) The proposed rezoning is consistent with the overall purpose and intent of this Section.

(B) The proposed rezoning shall be consistent with the Town Comprehensive Plans and other applicable Town ordinances.

(C) If the proposed rezoning is from the A-1 Agriculture zoning

district to another zoning district, the land is better suited for a use not allowed in the A-1 Agriculture zoning district and the rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(D) Other criteria that the Commission deems appropriate, consistent with applicable Town, County, and State law.

(6) The Town Clerk and Town Chairperson shall place the Petitioner's rezoning request on the agenda of the next Town Board meeting for action, except that if the next Town Board meeting is within one week of the Commission recommendation, the Clerk and Chairperson may place the petitioner's request on the agenda of the subsequent Board meeting.

(7) The Petitioner shall appear before the Town Board, which shall review the Town Plan Commission recommendation, hear from and question the petitioner, consider the criteria under subsection (5), and adopt a resolution approving or disapproving the rezoning request. The Town Clerk shall provide the Town Board resolution with the County Clerk, County Planning and Development Director, and petitioner as soon as possible after Town Board action.

(8) The Petitioner shall file a petition for rezoning with Columbia County in accordance with Wisconsin Statutes and the Columbia County Zoning Ordinance, along with a signed copy of the Town Board resolution. The County shall follow the procedure specified in Section 16-150-010 of the Columbia County Zoning Ordinance. As part of the County review process, under such Section 16-150-010 and under Wisconsin Statutes Section 59.69, the Town Board reserves the right to reaffirm, modify, or reverse its prior action on the rezoning request.

(e) **Failure of Rezoning Petition**.
No application which has been disapproved by the Town Board shall be resubmitted to the Town for a period of twelve months from the date of final Town Board action, except on grounds of new evidence or proof of change of factors found valid by the Town Board.

(f) **Fees**.
Fees, including actual Town of Dekorra costs for consultant review shall be charged in accordance with Section 1.04(b).

(g) **Severability**.
The provisions of this Section shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this Section irrespective of whether or not one or more provisions may be declared

invalid. If any provision of this Section or the application to any person or circumstances is held invalid, the remainder of the Section and the application of such provisions to other persons or circumstances shall not be affected.

History Note: Created by Ordinance No. 03-2006 adopted at a regular meeting of the Town Board of the Town of Dekorra on March 14, 2006; Section 11.06 repealed and recreated by Ord. 2013-14A, 10/8/13.

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