

# **Jackson County Chapter 17**

# **Zoning Ordinance**

**CHAPTER 17  
ZONING CODE**

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## INTRODUCTION

- 17.01 AUTHORITY.** These regulations are adopted pursuant to the Authorization contained in Section 59.07 (51), 59.97, 59.971, 59.99, 87.30, and 144.26 of the Wisconsin Statutes.
- 17.02 PURPOSE.** The purpose of this chapter is to promote and protect the public health, safety and general welfare of this community.
- 17.03 INTENT.** It is the general intent of this chapter to aid in the implementation of a county land use plan or plans as might be adopted and amended from time to time both prior to and after the adoption of this ordinance, promote public health, safety convenience and general welfare, encourage planned and orderly land use development, protect property values and the property tax base, permit the careful planning and efficient maintenance of highway systems, ensure adequate highway, utility, health, educational and recreational facilities, provide adequate light, air sanitation and drainage, prevent overcrowding, recognize the needs of agriculture, forestry, industry, residential development and business in future growth, encourage uses of land and other natural resources which are in accordance with their character and adaptability, protect the groundwater and surface water resources, protect the beauty and amenities of landscape and man-made developments, provide healthy surroundings for family life, promote the efficient and economical use of public funds and manage storm water runoff from development and post development sites. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violations.
- 17.04 ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- 17.05 INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- 17.06 SEVERABILITY.** If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- 17.07 REPEAL.** All other ordinances or parts of ordinances of the County inconsistent or conflicting with this chapter to the extent of inconsistency only are hereby repealed.
- 17.08 TITLE.** This chapter shall be known as, referred to or cited as the "Zoning Ordinance, County of Jackson, Wisconsin."
- 17.09 EFFECTIVE DATE.** This chapter, upon adoption by the County Board as provided in 59.09(1), Wis. Stats. shall be effective in any town in the County when approved by the town board and when a certified copy of the approving resolution is filed with the County Clerk.
- 17.10 DEFINITIONS.** For the purpose of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

**ACCESSORY USE OR STRUCTURE.** A use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily

incidental to the principal use of the principal structure.

**AIRCRAFT.** A machine or device capable of atmospheric flight.

**AIRPORT.** A cleared and leveled area where aircraft can take off and land, usually having hard-surfaced landing strips, a control tower, hangars, passenger terminals, and accommodations for cargo.

**ALLEY.** A special public right-of-way affording only secondary access to abutting properties.

**ANTENNA.** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (disc).

**APPROVED.** Acceptable to the Department and Zoning Committee, based on its determination as to conformance with this Ordinance and good public health practices.

**ARTERIAL STREET.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

**BASEMENT.** That portion of any structure located partly below the average adjoining lot grade.

**BOARDINGHOUSE.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

**BUILDING.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

- a. Principal Building is the main building on a lot, intended for primary use as permitted by the regulations of the zone district in which it is located.

**BUILDING AREA.** The total living area bounded by the exterior walls of a building at the floor level, but not including basements, utility rooms, garages, porches, breezeways and unfinished attics.

**BUILDING HEIGHT.** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

**BUSINESS.** The occupation, work or trade in which one is engaged.

**CENTERLINE.** A line equidistant from the edges of the median separating the main traveled ways of an existing or planned divided road or high-way or the centerline of the main traveled way of a non-divided road or highway.

**CHARITABLE INSTITUTION.** An organization that is described in section 501 (c) (3) of the internal revenue code and that is exempt from taxation under section 501 (a) of the internal revenue code.

**CLOTHING, REPAIR SHOPS.** Shops where clothing is repaired, such as shoe shops, seamstress or tailor shops, shoe shine shops, clothes pressing shops, but none employing over 5 persons.

**CLOTHING STORES.** Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery and millinery shops.

**COLLEGE.** A school of higher learning that grants the bachelor's degree in liberal arts or science or both.

**COMMERCIAL.** Designating products, often unrefined, made and distributed in large quantities for industrial or retail use.

**COMMUNICATION TOWER/CELLULAR TOWER.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, monopole towers and self-supporting lattice towers.

**CONDITIONAL USES.** Uses of a special nature as to make impractical their predetermination as a principal use in a district. A use allowed under a Conditional Use Permit, special exemption, or other special zoning permission issued by the County, but does not include a variance.

**CORNER LOT.** A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.

**CORRECTIONAL INSTITUTE.** An institution for confining individuals convicted of major crimes.

**COTTAGE/CABIN.** A seasonal dwelling, not including a mobile home, occupied not more than 8 months of the year.

**DEPARTMENT.** The Jackson County Zoning Department.

**DIRECTORY SIGN.** A sign which displays the name of a person, home, farm, community, area or kind of business or service at a specific location more conspicuously than all general brands, trade names, products or services.

**DOG.** The term dog shall apply to canine animals, male or female, five months of age or older.

**DRIVEWAY.** A private road connecting a building, as a house or garage, with the street.

**DWELLING.** A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

**EFFICIENCY.** A dwelling unit consisting of one principal room with not separate sleeping rooms.

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

**END OF TAPER.** The point of intersection between the outer edges of the ramp pavement and the mainline pavement.

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

**EXPRESSWAY.** A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

**FAMILY.** Any number of persons related by blood, adoption or marriage, or not to exceed 4 persons not so related living together in one dwelling as a single housekeeping entity.

**FOWL.** Any domestic breed of chicken or guinea hen. No other species of bird shall fall under this definition.

**FREEWAY.** An expressway with full control of access and with fully grade separated intersections.

**FRONTAGE.** The smallest dimension of a lot abutting a public street measured along the street line.

**GIFT STORES.** Retail stores where items such as art, antiques, jewelry, books and notions are sold.

**HARDWARE STORES.** Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

**HIGHWAY.** A main public road, especially one connecting towns and cities.

**HOSPITAL.** An institution providing medical or surgical care and treatment for the sick and injured.

**HOUSEHOLD OCCUPATION.** Any occupation for gain or support conducted entirely within buildings by resident occupants, which is customarily incidental to the principal use of the premises, does not exceed 25% of the area of any floor, uses only household equipment and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as baby-sitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods, nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios.

**INDUSTRY.** The commercial production and sale of goods and services.

**INTERCHANGE.** A grade separated intersection on a State trunk highway with one or more turning roadways for travel between intersection legs.

**INTERSECTING HIGHWAY.** A highway of any political jurisdiction, which forms one or more legs of an interchange and to which access is not fully controlled.

**KENNEL.** A place where more than two (2) adult dogs are boarded for a fee on a recurring basis, or a place where six (6) or more adult dogs are kept for any purpose.

**LAND USE PERMIT/ ZONING PERMIT.** The required permit issued by the Jackson County Zoning Department for any building activity, which is regulated by the Jackson County Zoning Ordinance.

**LIVESTOCK.** Means bovine animals, equine animals, goats, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites, and farm raised fish. In this definition, "swine" does not include potbelly pigs.

**LIVING ROOMS.** All rooms within a dwelling, except closets, foyers, storage areas, utility rooms and bathrooms.

**LOADING AREA.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

LOT. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter. For this chapter, the following applies:

- a. A lot is considered a maximum of forty (40) acres in size.
- b. If a lot is divided by a section or forty line, for the purpose of this chapter, it will be considered as one lot.

LOT LINES AND AREA. The peripheral boundaries of a parcel of land on the total area lying within such boundaries.

LOT WIDTH. The width of a parcel of land measured at the rear of the specified street yard.

MACHINE SHOPS. Shops where lathes, presses, grinders, shapers and other wood and metal working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops, plumbing, heating and electrical repair and overhaul shops.

MANUFACTURED HOME<sup>1</sup>. Manufactured Home<sup>1</sup> means a structure Certified and Labeled as a Manufactured Home under 42 U.S.C. Section 5401 to 5426 which, when placed on the site is:

- a. A minimum of 24' in width and a minimum of 40' in length.
- b. Is properly connected to all utilities.
- c. Is set on a foundation in accordance with Section 70.043(1), Stats, and Subchapter III, IV, and V of CH. DCOMM 21, Wis. Adm. Code.
- d. Has the tongue and wheel apparatus removed.

MANUFACTURED HOME<sup>2</sup>. Manufactured Home <sup>2</sup> means a structure Certified and Labeled as a Manufactured Home under 42 U.S.C., Section 5401 to 5426 and meets the definition in Section 101.91(2) (a) Stats. and which, when placed on the site is:

- a. A maximum of 16 feet wide and a minimum of 40 feet in length.
- b. Is properly connected to all utilities.
- c. Is designed to be used as a dwelling with or without a permanent foundation.

MINOR STRUCTURES. Any small, movable accessory erection or construction, such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under 4' in height.

MOBILE HOME. A mobile home means a structure, which meets the definition as set in Section 101.90 (1) Stats. and which when placed on the site is:

- a. A maximum of 18' wide and a minimum of 45' in length.
- b. Is designed to be used as a dwelling with or without a permanent foundation.
- c. Is properly connected to all utilities.

MOBILE HOME PARK. Any parcel of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations, but excluding farms, as set forth in Section 17.38 (11) (a).

MOBILE HOME PARK MANAGEMENT. The person(s) legally responsible for the operation of the park.

MODULAR HOME. "Manufactured Building" means a building certified as a manufactured building under Section 101.70, Stats. which when placed on the site is:

- a. A maximum of 24' in width and 40' in length.



- b. Is properly connected to all utilities.
- c. Is set on a permanent foundation in accordance with Subchapters III, IV, and V of CH. DSPS 321, Wis. Adm. Code.

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

**NONCONFORMING USES OR STRUCTURES.** Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto, which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements, shall be considered a nonconforming structure and not a nonconforming use.

**NON-METALLIC MINING AND PROCESSING.** Operations or activities for the extraction from the earth, for sale or use by the operator, mineral aggregates such as stone, sand, gravel and non-metallic minerals such as asbestos, beryl, clay, feldspar, peat, tale and topsoil related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and non-metallic minerals, and related processes such as crushing, screening, scalping, dewatering and blending. Non-metallic mining or processing does not include or allow the following activities or uses by way of illustration which include, but are not limited to the manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing, and production of ready mix concrete.

Non-metallic mining does not include the following activities:

- a. Excavation or grading by a person solely for domestic use at his/her dwelling unit.
- b. Excavation or grading conducted for highway construction purposes within the highway right-of-way.
- c. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- d. Excavations for the foundation of structures provided that such excavation does not exceed a volume of material 1.5 times the volume of the polyhedron bounded by the natural grade, the bottom of the footings, and the exterior of the foundation walls.
- e. Minor land disturbances such as the installation of utilities, walks and driveways, sanitary waste disposal systems or fuel storage tanks.
- f. Any mining operation, the reclamation of which is required in a permit obtained under Section 293.01 to 293.93, Wisconsin Statutes.
- g. Any activities conducted at a soil or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Section 289.05 to 289.33 or a hazardous waste disposal facility under Section 291.001 to 291.97, Wisconsin Statutes, provided, however, that section applies to activities related to solid or hazardous waste disposal which are conducted at a non-metallic mining site separate from the solid or hazardous waste disposal

facility such as activities to obtain non-metallic minerals to be used for lining, capping, covering or the construction of berms, dikes or highways.

- h. Any non-metallic mining site or portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under Section 30.19, 20.195 and 30.20, Wisconsin Statutes.

PARCEL. A portion or plot of land usually a division of a larger area.

PARKING LOT. A structure or premises containing 10 or more parking spaces open to the public.

PARKING SPACE. A graded and surfaced area of not less than 280 sq. ft. in area either enclosed or open for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

PARTIES IN INTEREST. Includes all abutting property owners, all property owners with 100' and all property owners of opposite frontages.

PERSON. Any individual, firm, trust, partnership, association or corporation.

PRIVATE RECEPTION VENUES. A location, indoors or outdoors, which is used primarily to host events such as weddings, corporate events, fundraisers, graduation parties, and other family-type celebrations. The term includes event barns.

PRIVATE SCHOOL. A secondary or elementary school run and supported by private individuals or a corporation instead of by a government or public agency.

PROFESSIONAL HOME OFFICES. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed 1/2 the area of only one floor of the residence and only one nonresident person is employed.

PROTECTIVE COVENANT. A binding agreement or formal contract made by two or more individuals to keep from harm, loss or injury of property.

PUBLIC SCHOOL. A U.S. elementary or secondary school supported by public funds and providing free education for children of a community or district.

PUPPY. The term puppy shall apply to canine animals, male or female, five (5) months or under in age.

REAR YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

RELIGIOUS INSTITUTION. An institution relating to or teaching the belief in and reverence for a supernatural power accepted as the creator and governor of the universe.

RESIDENCE. The place in which one lives.

RETAIL. The sale of goods in small quantities to consumers.

RURAL RETAIL. Includes the production and processing of items including but not limited to: baked goods, quilting, crafts, flooring production, furniture making, sawmilling, etc.

SANITARIUM. A health resort.

SEMI-TRAILER. A detachable trailer for hauling freight, with wheels at the rear end, no front axle and the front being supported by the rear of a truck tractor when attached.

SETBACK. The minimum horizontal distance between the right-of-way line or the centerline of a public road and from the property lines to the nearest point of a building or structure or any projection thereof, excluding uncovered steps.

SEXUALLY ORIENTATED BUSINESS. Any exhibition of any motion picture, live performance, display or dance of any type, which is distinguished or characterized by an emphasis on any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas appearing unclothed or the removal of articles of clothing to reveal specified anatomical areas.

- a. Specified anatomical areas means less than completely and opaquely covered human genitals, pubic region, showing the areola or nipple of the female breast and human male genitals in a discernable turgid state, even if opaquely covered.
- b. Specified sexual activities means simulated or actual showing of the human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, bestiality, fondling or erotic touching of human genitals, pubic region or areola or nipple of the female breast.

SHORT TERM RENTALS. A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days. Also, known as a VRBO or vacation rental by owner.

SIDE YARD. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.

SIGNS. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

SPACE. A plot of ground within a mobile home park designed for the accommodation of one unit.

STREET. A public right-of-way not less than 50' wide providing primary access to abutting properties.

STREET YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the setback line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

**STRUCTURE.** Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon, in the ground or an attachment to something on premises including but not limited to, dwellings, accessory structures, additions, signs, decks, platforms, porches, balconies, gazebos, bridges and retaining walls.

**SUBSTANDARD LOT.** A parcel deviating from the norm that has a quality lower than that prescribed by the minimum requirements set forth by law.

**SUBSTANTIAL EVIDENCE.** Means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion.

**TRAVEL TRAILER/CAMPING UNIT.** Any portable device, not more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

**TURNING LANES.** An existing or proposed connecting roadway between 2 arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

**UNIT.** A separate structure designed to be an individual living facility and is either a mobile home or a manufactured home.

**UNIVERSITY.** An institution of higher learning having facilities for teaching and research and comprising an undergraduate division that awards bachelor's degrees and graduate and professional schools that award master's degrees and doctorates.

**UTILITIES.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

**WASTE.** A worthless or useless by-product.

**YARD.** An open space on the same lot with a structure unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

## GENERAL PROVISIONS

**17.15 JURISDICTION.** The jurisdiction of this chapter shall include all lands outside the limits of incorporated areas of the County.

**17.16 COMPLIANCE.** No structure or land shall be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable local, County and State regulations.

**17.17 ZONING PERMIT.** A Zoning Permit (Land Use Permit) shall be required for all structures except for those in Sub (3).

- (1) Applications for a zoning permit shall be made in duplicate to the Zoning Department on forms furnished by the Zoning Department and shall include the following where applicable:
  - (a) Names and address of the applicant, owner of the site, architect, professional engineer or contractor.
  - (b) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (c) If required by the Department for permit issuance, a plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation and the use of any abutting lands and their structures within 40' of the subject site.
  - (d) When municipal sewerage service is not available, the owner shall provide documentation that satisfactory, adequate and safe water and sewage disposal is possible on the site in accordance with applicable local, County and State regulations.
  - (e) Additional information as may be required by the Department.
  - (f) No permit shall be issued if the applicant is in violation of any of the following Jackson County Ordinances: Zoning, Sanitary, Floodplain, Shoreland or Subdivision and Platting.
- (2) A zoning permit shall be granted or denied in writing by the Zoning Administrator within 30 days. The permit shall expire within 6 months unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.
  - (a) The fee for the Land Use Permit is established by the Zoning and Land Information Committee and can be amended from time to time. The current fee can be viewed in Appendix A of this ordinance.
  - (b) The Jackson County Zoning Department staff shall have access to property during reasonable business hours for the purpose of performing on-site verifications for the issuance of the Land Use Permit.

- (3) A zoning permit shall not be required.
  - (a) For any accessory building 125 sq. feet or less in size.
  - (b) See 17.60 (1)
  - (c) For temporary or mobile tent/tarp type carport structures of metal or tubed framing not affixed permanently to the ground or any foundations. The required zone district setbacks still must be met.

**17.18 SITE RESTRICTIONS.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the County Zoning Committee by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Zoning Committee in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Zoning Committee may affirm, modify or withdraw its determination of unsuitability.

- (1) All lots shall abut upon a public street and shall have a minimum street frontage as stated in the Zoning Ordinance, except for lots affected by Section 17.81 and Section 18.75 (5).
- (2) All principal structures shall be located on a lot and only one principal structure shall be located, erected or moved onto a lot.
- (3) No zoning permit shall be issued for a lot, which abuts a public street, dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (4) In any district where public sewerage service is not available, all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Ch. DSPS 385, Wis. Adm. Code.
- (5) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60' from the district boundary line so as to equal the average of the street yards required in both districts.

**17.19 USE RESTRICTIONS.** The following use restrictions and regulations shall apply:

- (1) **PRINCIPAL USES.** Only those principal uses specified for a district, their essential services and the uses provided for in subs. (2) through (5) shall be permitted in that district.
- (2) **ACCESSORY USES AND STRUCTURES.** Accessory uses and structures incidental to the permitted use shall be permitted subject to the requirements of this section and other requirements, as may be designated for that zone district in which they are located and the following requirements:
  - (a) Accessory structures and uses shall be compatible with the principal uses and shall not be used for lounging, eating, sleeping, or any form of human habitation, occupancy or living purposes even if on a temporary or incidental basis.

- (b) Accessory structures and uses are permitted in any district but shall not be established prior to the principal structure/use being established or under construction. An accessory structure and use shall be allowed without the principal structure being built or under construction if the landowner or applicant submits a detailed plan in accordance with Section 17.17 of this ordinance and executes a verified affidavit and restrictive covenant running with the land regarding the use of the accessory building for living purposes, meeting the following requirements:
1. The legal description of the property.
  2. A subscription clause (notarized affidavit).
  3. The names of the persons, firms and corporations having an interest in the property who shall also execute the covenant and affidavit.
  4. The names and addresses of all person, firms or corporations holding a security interest in the property who shall also execute the covenant and affidavit.
  5. A statement that the affidavit and covenant is given by the owner and all interested parties in the property in order to obtain a Land Use Permit from the County Zoning Department for the purposes of constructing an accessory building on the described property in accordance with the provisions of this chapter.
  6. The affidavit and restrictive covenant running with the land shall bind the property owners, grantees, successors, heirs or assignees of the property.
  7. Set forth the condition that should buildings permitted as accessory structures be used for living purposes as a dwelling under this chapter that any Land Use Permit issued by the County shall be null and void. The occupancy of such dwelling for living purposes shall be considered to be a violation of this chapter.

Such affidavit and restrictive covenant running with the land shall be recorded in the Register of Deeds Office for the County and shall be considered a restrictive covenant running with the land and shall insure to the benefit of the County, all abutting and contiguous properties to that of the subject property, as well as the residents of the County.

- (3) **CONDITIONAL USES.** Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the Zoning Committee. Any development within 660' of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within 1,500' of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be to be conditional uses. Such development shall be specifically reviewed and approved by the Zoning Committee as provided in 17.35-17.42.
- (4) **UNCLASSIFIED OR UNSPECIFIED USES.** Unclassified or unspecified uses may be permitted by the Zoning Committee after a Public Hearing has been held, provided that such uses are similar in character to the principal uses permitted in the district.
- (5) **TEMPORARY USES.** Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Department.

- (6) **PERFORMANCE STANDARDS.** Performance standards listed in 17.85-17.93 shall be complied with by all uses in all districts.

**17.20 REDUCTION OR JOINT USE.** No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

**17.21 AIRPORT APPROACH PROTECTION.**

- (1) No structure shall hereafter be constructed, altered or located and no trees shall be allowed to grow to a height exceeding 35' in the area surrounding the County Airport, defined as a circle having its center-point at the crossing of the runways and measured outward to a distance of 1/2 mile. Furthermore, no use may be made of land in any zone which creates electrical radio interference, makes it difficult to distinguish airport lights, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft.
- (2) **SEWAGE TREATMENT FACILITY ISOLATION.** In order to minimize any potential odor, noise and nuisances caused by sewage treatment facilities and to enhance plant security and reliability, sewage treatment facilities shall be isolated from commercial establishments and from buildings occupied or intended for residential use, and from land, which is actively being developed for commercial or residential use. The following separation distances shall be maintained:
- (a) 150 meters (500 feet) for mechanical treatment facilities, effluent holding and polishing ponds;
  - (b) 150 meters (500 feet) for seepage cells, ridge and furrow systems and overland flow systems;
  - (c) 230 meters (750 feet) for aerated lagoons;
  - (d) 305 meters (1,000 feet) for off-site sludge holding facilities and spray irrigation systems; and
  - (e) 460 meters (1,500 feet) for stabilization lagoons.

**17.22 VIOLATIONS.**

- (1) It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the County Board, Zoning Administrator, Zoning Committee or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.
- (2) The Jackson County Zoning Administrator or assignee is authorized to post an order stopping work upon land, which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs with a stop work placard and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease or be brought into compliance immediately.

**17.23 PENALTIES.**

- (1) Any person, firm or corporation who fails to comply with the provisions of this chapter shall upon conviction thereof forfeit not more than \$200 and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the



County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

- (2) Any person who begins work on a structure or relocates a structure prior to obtaining the required Land Use Permit shall be compelled to pay a penalty of ten (10) times the effective permit fee.

## **ZONING DISTRICTS**

### **17.25 ESTABLISHMENT OF DISTRICTS.**

- (1) Fifteen (15) zoning districts are provided as follows:
  - (a) Residential (R-1).
  - (b) Residential (R-2).
  - (c) Cottage/Cabin (R-3).
  - (d) Residential (R-4).
  - (e) Recreational (R-5).
  - (f) Rural Residential (R-6).
  - (g) Central Business (B-1).
  - (h) Outlying Business (B-2).
  - (i) Industrial (M-1).
  - (j) Industrial Extractive (M-2).
  - (k) Metallic Mineral Exploration (M-3)
  - (l) Mining (M-4)
  - (m) Agriculture (A-1).
  - (n) Forestry and Limited Agriculture (A-2).
  - (o) Resource Conservancy (C-1).
- (2) Boundaries of these districts are hereby established as shown on any map entitled "Zoning Map, Jackson County, Wisconsin," which accompanies and is incorporated as a part of this chapter. Such boundaries shall be construed to follow corporate limits; U.S. public land survey lines; lot or property lines; centerlines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended; unless otherwise noted on the zoning map.
- (3) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

### **17.26 ZONING MAP.**

- (1) A certified copy of the zoning map shall be adopted and approved with the text as part of this chapter, shall bear upon its face the attestation of the County Chairman and County Clerk and shall be available to the public in the office of the County Clerk.
- (2) Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

**17.27 RESIDENTIAL DISTRICTS.**

**(1) R-1 RESIDENTIAL DISTRICT.**

- (a) Principal Use. One family dwellings, including Conventional stick built, Modular homes, and Manufactured homes<sup>1</sup> on permanent foundations, served by public sewer and/or water supply.
- (b) Conditional Uses. See 17.36 and 17.37.
- (c) Limited fowl and animal siting.
  - 1. The following can be kept and maintained within this district. A person may keep up to four (4) fowl on their property. None of the allowed fowl shall be roosters or male animals of the species. The fowl must be contained within the owner's parcel and cannot be free ranging.
  - 2. No person shall keep more than four (4) rabbits on their property.
  - 3. No person shall keep more than two (2) potbelly pigs on their property.
  - 4. All animals that fall under this section shall remain subject to other applicable County ordinances.
  - 5. Pens used to contain these animals must remain clean and nuisance free.
- (d) Lot.
  - 1. Road frontage minimum – 80'.
  - 2. Average width minimum – 80'.
  - 3. Area minimum – 9,600 sq. feet.
- (e) Yards.
  - 1. Street minimum - Setback line as required by 17.45.
  - 2. Rear minimum - 20'.
  - 3. Side minimum - 10'.
- (f) Maximum Building Height. 35' or 2-1/2 stories.

**(2) R-2 RESIDENTIAL DISTRICT.**

- (a) Principal Use. One and two family dwellings, including Conventional stick built, Manufactured Homes <sup>1</sup>, and Modular homes. Can be served by private sewer and water supply.
- (b) Conditional Uses. See 17.36, 17.37 and 17.38.
- (c) This district does not allow for the keeping of livestock or poultry unless specific conditions are met, and after going through a conditional use hearing. Examples of livestock are: cattle, horses, pigs, sheep, goats, chickens, pheasants, geese, roosters, etc. See 17.40 (3).
- (d) Limited fowl and animal siting.
  - 1. The following can be kept and maintained within this district. A person

may keep up to four (4) fowl on their property. None of the allowed fowl shall be roosters or male animals of the species. The fowl must be contained within the owner's parcel and cannot be free ranging.

2. No person shall keep more than four (4) rabbits on their property.
3. No person shall keep more than two (2) potbelly pigs on their property.
4. All animals that fall under this section shall remain subject to other applicable County ordinances.
5. Pens used to contain these animals must remain clean and nuisance free.

(e) Lot.

1. Road frontage minimum – 160'.
2. Average width minimum – 160'.
3. Area minimum – 1.5 acres.

(f) Yards.

1. Street minimum - Setback line as required by 17.45.
2. Rear minimum - 25'.
3. Side minimum - 25'.
4. If the building site is twenty (20) acres or more in size, the setback from the side and rear lot lines shall be 50'.

(g) Maximum Building Height. 35' or 2-1/2 stories.

(3) **R-3 COTTAGE/CABIN DISTRICT.**

(a) Principal Use. Cottages or Cabins.

(b) Conditional Uses. See 17.36 and 17.38.

(c) This district does not allow for the keeping of livestock or poultry unless specific conditions are met, and after going through a conditional use hearing. Examples of livestock are: cattle, horses, pigs, sheep, goats, chickens, pheasants, geese, roosters, etc. See 17.40 (3).

(d) Lot.

1. Road frontage minimum – 160'.
2. Average width minimum – 160'.
3. Area minimum – 1.5 acres.

(e) Yards.

1. Street minimum - Setback line required by 17.45.
2. Rear minimum - 25'.

3. Side minimum - 25'.
4. If the building site is twenty (20) acres or more in size, the setback from the side and rear lot lines shall be 50'.

(f) Maximum Building Height. 35' or 2-1/2 stories.

(4) **R-4 RESIDENTIAL DISTRICT.**

(a) Principal Uses. Single family manufactured homes<sup>2</sup> that can be served by private sewer and water supply.

(b) Conditional Uses. See 17.36, 17.37 and 17.38.

(c) This district does not allow for the keeping of livestock or poultry unless specific conditions are met, and after going through a conditional use hearing. Examples of livestock are: cattle, horses, pigs, sheep, goats, chickens, pheasants, geese, roosters, etc. See 17.40 (3).

(d) Limited fowl and animal siting.

1. The following can be kept and maintained within this district. A person may keep up to four (4) fowl on their property. None of the allowed fowl shall be roosters or male animals of the species. The fowl must be contained within the owner's parcel and cannot be free ranging.
2. No person shall keep more than four (4) rabbits on their property.
3. No person shall keep more than two (2) potbelly pigs on their property.
4. All animals that fall under this section shall remain subject to other applicable County ordinances.
5. Pens used to contain these animals must remain clean and nuisance free.

(e) Lot.

1. Road frontage minimum - 160'.
2. Average width minimum - 160'.
3. Area minimum - 1.5 acres.

(f) Yards.

1. Street minimum - Setback line as required by 17.45.
2. Rear minimum - 25'.
3. Side minimum - 25'.
4. If the building site is twenty (20) acres or more in size, the setback from the side and rear lot lines shall be 50'.

(g) Maximum Building Height. 35' or 2-1/2 stories.

(5) **R-5 RECREATIONAL DISTRICT.**

- (a) Principal Uses. Commercial recreational developments including but not limited to, the development and operation of motels, hotels, one family dwellings, condominiums, town houses, cottages, clubhouses, restaurants, bars, cocktail lounges, service stations, sporting goods stores, barbershops, beauty shops, financial and business offices, clothing stores, gift shops, theaters, grocery stores, beverage stores and such other business as may be necessary for the operation and servicing of any recreational development and any accessory facilities, structures or buildings required for recreational activities, including swimming pools, saunas, ski lifts and tows, garages, golf courses, riding trails, ski runs, tennis courts, hiking and snowmobile trails, archery and firearms ranges, sports fields and gymnasiums.
- (b) Conditional Uses. Such accessory buildings and structures as may be reasonable, necessary and desirable for any commercial recreational development.
- (c) Lot and Yards.
1. Any such commercial recreational development shall be upon an area of not less than 40 acres with all structures set back at least 100' from any district boundary and 100' from the setback line as required by 17.45.
  2. All residential development within the commercial recreational development shall comply with the minimum lot size and setbacks set forth in 17.27 and all business development within the commercial recreational development shall comply with the minimum lot size set forth in 17.28.

(6) **R-6 RURAL RESIDENTIAL DISTRICT.**

- (a) Principal uses. One and two family dwellings, including conventional stick built, manufactured home (1), and modular homes to be served by private sewer and water supply.
- (b) Conditional uses. See 17.36, 17.37 and 17.38
- (c) This district DOES allow for the keeping of livestock and poultry. Examples of livestock are: cattle, horses, pigs, sheep, goats, chickens, pheasants, geese, roosters, etc. All Jackson County Land Conservation Department requirements must be met for the keeping of animals.
- (d) Lot.
1. Road frontage minimum – 160'.
  2. Average width minimum – 160'.
  3. Area minimum – Three (3) acres.
  4. Animal confinement area must be a minimum of 200 feet from any adjacent dwelling units.
- (e) Yard.
1. Street minimum – Setback as in Section 17.45
  2. Rear minimum – 40' for all buildings

3. Side minimum – 40' for all buildings

(f) Maximum Structure Height. 60', see Section 17.60 (1)

**17.28 BUSINESS DISTRICTS.**

(1) **B-1 CENTRAL BUSINESS DISTRICT.**

(a) Principal Uses. Automotive dealers/sales; bakeries; barbershops; bars; beauty shops; business offices; clinics; clothing stores; clubs; cocktail lounges; confectioneries; convenience stores with gasoline; delicatessens; drugstores; fish markets; florists; fraternities; fruit stores; gift stores; grocery stores; hardware stores; house occupations; hobby shops; lodges; meat markets; optical stores; package beverage stores; professional, governmental and business offices; restaurants; self-service and pickup laundry and dry cleaning establishments; soda fountains; sporting goods; supermarkets; tobacco stores; vegetable stores; appliance stores; caterers; clothing repair shops; crockery stores; department stores; electrical supply; financial institutions; food lockers; furniture stores; furniture upholstery shops; heating supply; hotels; laundry and dry cleaning establishments employing not over 7 persons; liquor stores; music stores; newspaper offices and press rooms; nightclubs; office supplies; pawnshops; personal service establishments; pet shops; places of entertainment; photographic supplies; plumbing supplies; printing; private clubs; private schools; publishing; secondhand stores; storage units; broadcasting studios; trade and contractor's offices; upholsterers shops; variety stores; and vehicle service and repair. Existing residences shall comply with all the provisions of the R-1 District.

1. Vehicles located at a vehicle service or repair shop, which are unlicensed or inoperable can remain at the property for a maximum of 150 days.

(b) Conditional Uses. See 17.36, 17.38 and 17.42.

(c) Lot

1. Road frontage minimum – 80'.

2. Average width minimum – 80'.

3. Area minimum – 9,600 sq. feet.

(d) Yards.

1. Street Minimum - Setback line as required in 17.45.

2. Rear - 20'.

3. Side - 10'.

(e) Maximum Structure Height. 45' or 3 stories.

(2) **B-2 OUTLYING BUSINESS DISTRICT.**

(a) Principal Uses. Automotive dealerships, bowling alleys, car washes, clubs, convenience stores, eating and drinking establishments, furniture stores, gas stations, gift shops, grocery stores, hotels, lawn and garden shops, lumber yards, liquor stores, marine sales and service, motels, motorcycle sales and service, outdoor storage, professional offices, restaurants, skating rinks, snowmobile sales

and service, sporting goods stores, storage units, theaters, towing and vehicle service and repair shops.

1. Vehicles located at a vehicle service or repair shop, which are unlicensed or inoperable can remain at the property for a maximum of 150 days.
2. Vehicles are to be kept out of public view as much as practicable.

(b) Conditional Uses. See 17.36, 17.38 and 17.42.

(c) Lot.

1. Road frontage minimum – 200’.
2. Average width minimum – 200’.
3. Area minimum – 2 acres.

(d) Yards.

1. Street minimum – Setback line as required by 17.45.
2. Rear minimum - 40’.
3. Side minimum - 20’.

(e) Maximum Structure Height. 45’ or 3 stories.

## 17.29 INDUSTRIAL DISTRICTS.

### (1) M-1 INDUSTRIAL DISTRICT.

(a) Principal Uses. Manufacture, repair, fabrication, packing, packaging and assembly of products; warehousing, wholesaling, freight terminals and transshipment depots. Existing residences shall comply with all the provisions of the R-1 District.

(b) Conditional Uses. See 17.36 and 17.40.

(c) Lot.

1. Frontage Minimum:
  - a. Sewered Lot – 80 feet
  - b. Unsewered Lot – 200 feet
2. Area Minimum:
  - a. Sewered Lot – 9600 sq. feet
  - b. Unsewered Lot – 2 acres

(d) Yards.

1. Street minimum - 30’ from setback line as required in 17.45.
2. Rear minimum - 40’.
3. Side minimum - 40’.

(e) Maximum Structure Height. 45’ or 3 stories.



(2) **M-2 INDUSTRIAL EXTRACTIVE DISTRICT.**

**DEFINITIONS.** In Section 17.29, unless the context dictates otherwise, the following definitions shall be used.

**ACTIVE MINE BOUNDARY.** The expression upon the land surface of a more or less continuous series of points that when taken together enclose all activities and operations that occur at the mine site on a regular or irregular basis, including all structures, facilities, parking areas, interior haul roads that are integral to or directly serve the mining operation and all stockpiles, waste piles, settling ponds, retention ponds, detention ponds, and lay-down areas that are utilized by the mining operation.

**NON-METALLIC MINERAL PROCESSING.** To beneficiate, concentrate, screen, sort, clean, wash, dry, package, containerize or apply coating to a non-metallic mineral or non-metallic mineral aggregate, by product, co-product, waste or waste product.

**NON-METALLIC MINING.** Means any of the following:

- a. Extraction from the earth of stone, non-metallic mineral aggregates, or non-metallic minerals for off-site use or sale, associated activities such as drilling, blasting, excavation, grading and dredging of such aggregates and minerals.
- b. Any manufacturing or processing operation that may involve the use of equipment for crushing, screening, sorting, separation, blending or coating of the mineral aggregates or non-metallic minerals obtained by extraction from the mining site or with minerals transferred from off-site.
- c. Manufacturing processes aimed at providing non-metallic products, except for construction aggregate, for sale or use by the operator.
- d. Stockpiling or transloading of non-metallic products for sale or use off-site and stockpiling of waste materials or materials intended for use in mine reclamation.
- e. Transport of extracted non-metallic materials, finished products, or waste materials to or from the extraction, manufacturing or processing site located in the unincorporated areas of Jackson County.
- f. Disposal of non-metallic mining waste materials as defined in this ordinance.
- g. Reclamation of lands and waters that have been impacted by non-metallic mining.

**NON-METALLIC MINING OPERATION.** The extraction from the earth of stone, non-metallic mineral aggregates and/or non-metallic minerals for sale, profit or export from the site of origin, and related operations, processes and activities, including but not limited to removing of overburden, drilling, blasting, excavating, grading, dredging, stockpiling, crushing, screening, sorting, scalping, dewatering, drying, coating, blending, packaging, containerizing, storing of non-metallic minerals, non-metallic mineral aggregates, overburden, top soil,

waste rock, production by products or mining wastes. It includes activities and operations performed within the active mine boundary to construct, operation or maintain any machines, equipment, building, tank, pond, lagoon, structure or facility used in conjunction with any non-metallic mining, non-metallic mineral processing, handling, or disposal at the mine site of any non-metallic mining waste material and non-metallic mining reclamation. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of non-metallic minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

**NON-METALLIC MINING STRUCTURES.** Any buildings, facilities, permanent equipment or framework that is located on the mine site. It includes but is not limited to, mining and processing equipment, storage facilities and improvements, constructed ponds and lagoons, mechanical shops, paved parking surfaces and other spaces.

- (a) Principal Uses. Non-metallic mineral extraction operations, processing of non-metallic minerals and concrete products manufacturing, provided a conditional use permit has been issued.
- (b) Conditional Uses. Extension or alterations of legally existing non-metallic mineral extraction operations and the manufacturing of asphalt, concrete and concrete products or the creation of new extraction or manufacturing operations. See 17.41.
- (c) Yards. Minimum of 100 feet from any right-of-way of a public road and 100 feet from the external boundaries of the site. Minimum of 100 feet from any right-of-way or property line for accessory uses such as offices, parking areas and stockpiles, see 17.41 for additional setback requirements.
- (d) Maximum Structure Height. 45'.

### **17.30 METALLIC MINERAL EXPLORING, PROSPECTING AND MINING**

**DEFINITIONS.** In Section 17.30, unless the context dictates otherwise, the following definitions shall be used.

ACCESSORY STRUCTURES shall have the meaning as stated in Section 17.10.

CUP shall mean Conditional Use Permit for exploration, prospecting and/or mining.

COMMITTEE shall mean the Zoning Committee.

DNR shall mean the State of Wisconsin Department of Natural Resources.

EXPLORATION shall mean the onsite geological examination from the surface of an area by core, rotary, percussion, or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit and includes associated activities such as clearing and preparing sites or constructing roads for drilling. For the purposes of the definition of exploration, geological examination does not include drill holes constructed for the purpose of collecting soil samples or for determining radioactivity by means of placement of radiation-sensitive devices.

LOT or PARCEL shall mean a legally subdivided tract of land whose description has been recorded in a Deed in the Office of the Register of Deeds on which lot or parcel or a combination of lots or parcels mining activity takes place.

METALLIC MINERAL MINING and MINING ACTIVITIES shall include all exploration, prospecting and mining or mining operation activities as defined herein.

MINING or MINING OPERATION shall mean all or part of the process in the mining of metallic minerals other than for exploration or prospecting, including commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden, and the production of refuse, and the disposal of mining waste.

MINING WASTE means any refuse, sludge, or other discarded material, including solid, liquid, semi-solid or contained gaseous material, resulting from or used for metallic mineral prospecting or mining, or from the cleaning or preparation of minerals during prospecting or mining operations. Typical mining wastes include, but are not limited to, tailings, waste rock, mine overburden, and waste treatment sludges. Mining waste does not include topsoil and mine overburden not disposed of in a waste site, but placed in a facility permitted under Ch. NR131 or 132, to be returned to the mine site or used in the reclamation process, and does not include merchantable by-products.

OPERATOR shall mean a person or company, its subsidiaries and parent companies, which have been granted a permit under this section for mineral exploration, prospecting or mining.

ORE shall mean minerals of all types of geological origin, which contain a valuable component, such as a metal, which is extracted there from and is worked accordingly for such value.

PROPERTY LINE shall mean the exterior boundaries of the parcel or lot on which mining activities are taking place; however, for the purposes of applying the buffer zone concept, that portion of the right-of-way of a public street or highway which extends onto the parcel or lot shall not be counted toward the calculation of the width of the buffer zone.

PROSPECTING shall mean engaging in the examination of an area for the purpose of determining the quality and quantity of minerals, other than for exploration but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps and tunnels and other means, other than exploration, which the DNR, by rule, identifies, and the production of prospecting refuse and other associated activities. "Prospecting" shall not include such activities when the activities, are, by themselves, intended for and capable of commercial exploitation of the underlying ore body. However, the fact that prospecting activities and construction may have use ultimately in mining, if approved, shall not mean that prospecting activities and construction constitute mining, provided such activities and construction are reasonably related to prospecting requirements.

PROSPECTING SITE shall mean an identified lot or parcel of land on which prospecting is proposed to take place within the County.

RESIDENTIAL AREA shall mean two or more houses or building lots or parcels for residential use, consistent with minimum allowed county lot sizes which are used for residential purposes or zoned for such use and whether located in the same zoning district as mining activities or not.

SULFIDE ORE BODY, "Ore body" is a continuous well-defined mass of material containing enough ore to make extraction economically feasible. "Sulfide" is a mineral compound characterized by the linkage of sulphur with a metal such as galena, Pbs, or pyrite, FeS<sub>2</sub>.

- (1) Prohibited Areas: Metallic mineral exploration/mining activities are prohibited within any of the following described areas. The areas include both the above ground portion and the underground portion extending vertically from the site boundaries within the specified

setback areas:

- (a) Within 1000' of any residence, seasonal or year-round.
- (b) Within 1000' of any navigable lake, pond, or flowage.
- (c) Within 300' of any navigable river or stream or to the landward side of the floodplain, whichever distance is greater.
- (d) Within 1200' of any water well whether on or off of the parcel of real estate on which the mining is occurring.
- (e) Any inventoried Wetland, which is not included in the Shoreland-Wetland District.
- (f) Within 5000' of any Outstanding Resource Water (ORW) in the County.
- (g) Within 2000' of any Exceptional Resource Water (ERW) in the County.
- (h) Within 2500' of all State Natural Resources areas and the endangered resource areas identified in the County Forest Plan and the following County Recreation areas:
  - 1. East Fork Ruffed Grouse/Woodcock Management Area
  - 2. McKenna Logging Town Site
  - 3. East Arbutus County Park
  - 4. West Arbutus County Park
  - 5. Merlin Lambert County Park
  - 6. Crawford Hills Motorcycle/ATV Park
  - 7. Spaulding Pond County Park
  - 8. Wazee Lake Recreation Area
  - 9. Natural Promontomes

**17.31 M-3 METALLIC MINERAL EXPLORATION DISTRICT.**

- (1) Purpose. The purpose of this district is to provide for the conduct of exploration for metallic minerals. This district shall be employed as an overlay district to describe an area where exploration may occur for a specified period of time. When the exploration is finished, the overlay district shall be removed and the uses permitted by the underlying district allowed to continue. In the event metallic minerals are found, a petition for Zoning Amendment to a Mining District shall be required for the specified site on which the mining is to take place.
- (2) Permitted Uses
  - (a) Any uses permitted in the underlying district during any time in which the exploration is being conducted. These uses must meet the requirements as stated for the underlying district.
- (3) Conditional Uses
  - (a) Exploration
  - (b) Prospecting
- (4) Standards for Exploration Conditional Use
  - (a) The minimum area needed to establish an exploration district shall be 160 acres and there shall be a 750' buffer between exploration activities and the exploration

district boundary. The buffer is an area left in its natural state and will remain undisturbed except for roads.

- (b) The applicant shall obtain a Conditional Use Permit and provide a plan, which describes and illustrates the following:
  - 1. Type of exploration
  - 2. Type of equipment or machinery to be used
  - 3. Easements to surface rights or use of lands
  - 4. Ingress and egress
  - 5. A Topographical Map, outlining lands to be explored
  - 6. Location of exploration sites in relation to property lines
  - 7. Location of exploration sites in relation to lakes, streams, floodplains and wetlands
  - 8. Ownership of mineral rights
  - 9. Legal description of the property
  - 10. Method and timeframe for exploration hole abandonment and reclamation plan in accordance with NR 130.06(1)
  - 11. Timeline for exploration activities
- (c) As part of the Conditional Use Permit application, the applicant shall submit an approved exploration license issued by the WI Department of Natural Resources in accordance with NR 130 Wisconsin Administrative Code.
- (d) The application shall be accompanied by:
  - 1. An application fee of \$500.00.
  - 2. A bond, payable to the County, of \$5000.00 conditioned on faithful performance for the provisions of these regulations. Said bond shall be subject to the same conditions for the County as for the State as listed in NR 130.05(b) 1,2,3,4.
  - 3. A certificate of insurance certifying that the explorer has in force, a liability insurance policy issued by an insurance company authorized to do business in this state covering all exploration of the explorer in this County and affording personal injury and property damage protection in a total amount deemed adequate by the County, but not less than \$50,000.
  - 4. A copy of applicant's most recent Annual Report and Form 10K as filed with the Securities and Exchange Commission. If these are not available, the applicant shall submit a report of the applicant's current assets and liabilities or other necessary data to establish that the applicant is competent to conduct exploration in

this County.

- (e) An explorer wishing to renew an exploration permit shall file an annual renewal application with the County. The renewal application shall be accompanied by all requirements as stated in Section 17.31(d) of this Ordinance.
- (f) All conditions of the application shall be subject to NR 130 Wisconsin Administrative Code as applicable. In the event that any of these conditions differ from the conditions in these regulations, the more restrictive conditions shall apply.
- (g) Nothing in these regulations shall be construed to mean the Zoning Committee shall be required to approve an application for an exploration permit. The Zoning Committee may deny a permit pursuant to NR 130.09 Wisconsin Administrative Code, and also if the application does not satisfy the following standards:
  - 1. Provide protection of adjacent properties from noise, dust, fumes, and other nuisances in the interest of the public's health, safety, comfort and general welfare.
  - 2. Provide for the protection of the County's natural resources including surface water and groundwater, wetlands, air, topsoil and valued natural areas.

(5) Standards for Prospecting Conditional Use

- (a) An application for a Conditional Use Permit shall contain a description for all significant aspects of the prospecting, a description of all significant conditions within the prospecting area, and an analysis of all significant impacts on the surrounding areas. The application shall contain:
  - 1. Easements to surface rights or use of the lands.
  - 2. A legal description of the lands and minerals being searched for.
  - 3. A topographic map, outlining the lands to be prospected. Contour intervals to be specified by the County.
  - 4. A prospecting permit, issued by the Wisconsin Department of Natural Resources under NR 131.06, Wisconsin Administrative Code.
  - 5. Minimum area and buffers as in Section 17.31(4) (a).
- (b) The applicant shall provide a prospecting plan in accordance with NR 131.07 Wisconsin Administrative Code. It shall also describe the phases of prospecting as follows:
  - 1. Use of equipment.
  - 2. Storage and/or Stockpiling of materials.
  - 3. Ingress and egress (road, temporary).
  - 4. Protection of water, surface and subsurface.
  - 5. Construction and use of temporary buildings.
  - 6. Cutting of trees and/or removal of other vegetation.

7. Topsoil.
- (c) The applicant shall provide a reclamation plan, which shall describe as a minimum:
1. Reclamation plan under NR 131.06 Wisconsin Administrative Code.
  2. Uses of land after full reclamation.
- (d) The application shall be accompanied by:
1. An application fee of \$5000.00.
  2. A bond, payable to the County, conditioned upon faithful performance of all requirements of Chapter 293.01 to 293.95 Wisconsin Statutes and the provisions of these regulations. Said bond shall be subject to the same conditions for the town as for the State as listed in NR 131.09(2) (a) 1,2,3 Wisconsin Administrative Code. The Zoning Committee shall set the amounts of bonding sufficiently to insure full reclamation from the prospecting activities.
  3. A certificate of insurance certifying that the prospector has in force a liability insurance policy issued by an insurance company authorized to do business in this state, or in lieu of a certificate of insurance, evidence that the prospector has satisfied State or Federal self-insurance requirements covering all prospecting of the prospector in this State and affording personal injury and property damage protection in a total amount deemed adequate by the County, but not less than \$50,000.
- (e) No metallic prospecting, nor any prospecting related buildings or structures may be built, operated or maintained within an area where the Wisconsin Department of Natural Resources finds that there would be a probability that the prospecting would violate groundwater and/or surface water standards set by the laws of Wisconsin, or any administrative rules adopted by the department pertaining to groundwater and surface waters. The groundwater and surface water standards in Jackson County shall be standards of non-degradation. That is, no activity, which results in a degradation of the present quality or quantity of groundwater or surface waters, shall be permitted. In the event that any of these standards differ from each other, the more restrictive standard shall apply.
- (f) All conditions of the application shall be subject to NR 131 Wisconsin Administrative Code. In the event that any of these conditions differ from the conditions in these regulations, the more restrictive condition shall apply.
- (g) Nothing in these regulations shall be construed to mean that Jackson County shall be required to approve an application for metallic prospecting. The County may deny a permit pursuant to NR 131.10 Wisconsin Administrative Code.
- (h) An application for a Conditional Use Permit under this section may also be denied if the committee determines the application does not satisfy the following standards:
1. Provide protection of adjacent properties from noise, dust, fumes and other nuisances in the interest of the public's health, safety, comfort, and general welfare.
  2. Provide for the protection of the County's Natural Resources including

surface water and groundwater, wetlands, air, topsoil, and valued natural areas.

**17.32 MINING DISTRICT (M-4)**

- (1) Purpose. The purpose of this district is to provide for the conduct of mining for metallic materials. This district as it applies to actual mining and processing is intended to be a basic use district and should include enough land area to accommodate the principal (mining) use and to afford adequate buffering and land for accessory use.
- (2) Prohibited Areas. Metallic mining shall not be conducted within any of the following areas:
  - (a) Within areas specified in Section 17.30(1).
  - (b) Within the County, there shall be no disposal of mining wastes from a mine outside of Jackson County.
- (3) Permitted Uses. Any uses permitted in the districts petitioned from during the time in which the uses are being converted to mining. Agriculture and Forestry uses are encouraged to continue during the mining phase.
- (4) Standards for Permitted Uses.
  - (a) Standards as outlined for permitted uses in the underlying district.
- (5) Conditional Uses
  - (a) Manufacturing or processing operations.
  - (b) Mining of Metallic Minerals
  - (c) Shipping operations
- (6) Standards for Conditional Uses
  - (a) The minimum area needed to establish a mining district shall be 320 acres and there shall be a 1000' buffer between mining activities and the mining district boundary. The buffer is an area left in its natural state and will remain undisturbed except for roads.
  - (b) An application for a Conditional Use shall contain a description for all significant aspects of the mining, a description of all significant conditions within the mining area, and an analysis of all significant impacts on the surrounding area, and:
    1. Proof of ownership and mineral rights.
    2. A legal description of the lands.
    3. A topographic map, outlining the lands to be used for the mining activities. Contour interval to be specified by the County.
    4. The final Environmental Impact Statement as required by NR 150, NR 131, and NR 132 of Wisconsin Administrative Code.
    5. A mining permit issued by the Wisconsin Department of Natural Resources pursuant to NR 132.09 Wisconsin Administrative Code.
  - (c) The application shall be accompanied by:



1. A fee of \$20,000 to cover the estimated cost of evaluating the operator's mining permit application. Upon completion of its evaluation, the County shall adjust this fee to reflect the actual cost of evaluation, which shall be paid by the applicant.
  2. A bond or other security, payable to the County, conditioned upon faithful performance of all requirements of Chapter 293.01 to 293.95 Wisconsin Statutes and the provisions of these regulations. Said bond shall be subject to the same conditions for the County as for the State as listed in NR 132.09 (2) (a) 1, 2, 3 Wisconsin Administrative Code.
  3. A Certificate of Insurance certifying that the operator has in force a liability insurance policy issued by an Insurance Company authorized to do business in this state, or in lieu of a Certificate of Insurance, evidence that the operator has satisfied State or Federal self-insurance requirements covering all mining of the operator in this State and affording personal injury and property damage protection in a total amount deemed adequate by the County, but not less than \$500,000.00.
- (d) The applicant shall provide a mining plan, which shall describe the phases of mining and include:
1. A mining plan, submitted in accordance with NR 132.07, Wisconsin Administrative Code.
  2. Construction of, and uses of, buildings.
  3. Construction and uses of shipping facilities.
  4. A list of chemicals and reagents to be used, how shipped and stored.
- (e) The applicant shall provide a Reclamation Plan, which shall describe as a minimum:
1. A plan submitted in accordance with NR 132.08 of Wisconsin Administrative Code.
  2. Uses of land after full reclamation.
- (f) The applicant shall provide any other pertinent data and necessary information, which the County may require in order to properly evaluate the permit application.
- (g) The applicant shall fulfill the following requirements before the County may issue a permit:
1. No metallic mining or any mining related buildings or structures may be built, operated or maintained within an area where the DNR finds that there would be a probability that the mining would violate groundwater standards set by the laws of Wisconsin or any other administrative rules adopted by the Department pertaining to groundwater. The groundwater standard of the County shall be a standard of non-degradation. That is, no activity, which results in a degradation of the present quality or quantity of the groundwater, shall be permitted. In the event that any of these standards differ from each other, the more restrictive standard shall apply.
  2. A comprehensive testing of all wells, public and private, within a five (5) mile radius of the proposed mine site must be performed to establish

baseline conditions. This testing must include testing for all metals, including heavy metals, and all elements, including, toxic elements. Each owner of a well in the above areas shall be given a copy of the information relevant to their well or wells and a copy of the full hydrological studies upon request. The applicant is required to provide a copy of these studies to the County Zoning Office.

For a period of two (2) years prior to the commencement of the construction of any mine, and during the period of operation of any mine, and for forty (40) years thereafter, an applicant shall monitor on a continual basis all private and public wells located within five (5) miles of the boundary line of the property of the applicant or any wells that the hydrological study shows should be monitored in order to provide baseline data concerning quantity and quality of water adequate for all purposes, including but not limited to, determining the validity of any well damage claim. The well monitoring intervals shall be negotiated at the time of the permit application. An independent consultant agreeable to the applicant and County shall do this monitoring. That consultant shall employ split sample technique and shall make samples available upon request to the County or any person or consultant designated by the County to receive such samples.

3. The applicant shall deposit into an interest-bearing trust account \$5000.00 for each well within a five (5) mile radius of the boundary line of the property of the applicant and for each well located in any other area which studies have indicated that there is the possibility of adverse effects from mining related activities.

This money shall be first used to pay for replacing any contaminated or damaged or depleted wells and/or for providing water to any well owner whose well has been contaminated or damaged or depleted and whose well is within five (5) miles of the boundary line of the property of the applicant, or within any other area which hydrology studies have indicated can be adversely affected by the mining operation.

The original deposit, any additional deposits and other accumulated interest shall remain in the trust account even after any mining operation has been completed and/or discontinued, to be used for replacing any contaminated or damaged wells, the contamination or damaging or depletion of which had not yet developed or been discovered at the time of such completion or discontinuation; and/or for providing water for any well owner whose well has been contaminated or damaged or depleted, the contamination or damaging or depletion of which had not yet developed or been discovered at the time of such completion or discontinuation. In the event that any well in the above-described area is contaminated or damaged or depleted, the well owner will be provided with water and/or the well owners well will be replaced. The applicant agrees not to object to the disbursement of funds from the trust account for these purposes.

The applicant agrees to establish the said trust account at a bank or financial organization mutually agreeable to it and the Town and also agrees to the designation of the well fund administration listed below.

The County Zoning Committee is designated to supervise the activities of the well fund administration. It shall approve the distribution of monies from said fund to owners of contaminated, damaged or depleted wells. In so doing, it shall be empowered to hold meetings for the purpose of ascertaining whether complaints of well damage resulted from the mining operation which has established the particular well fund in question, and it shall also ascertain the amount of such damages and shall authorize the well fund administrator to disburse such amount to the owner and/or to purchase and provide water to the owner.

The County Clerk shall be designated to administer the Trust Account on behalf of the Town and shall be called the Well Fund Administrator. Said person shall perform their responsibilities as a fiduciary on behalf of the County, the well owners and the applicant, and shall discharge their duties faithfully. Among the responsibilities, which they shall pursue, shall be the following:

- a. Subject to the approval of well damage claims by the County Zoning Committee, the administrator shall disburse monies to replace contaminated, damaged or depleted wells and/or for providing water to well owners.
  - b. On an annual basis in the month of March, the Administrator shall issue a report to the Zoning Committee as to the status of the fund, distributions made there from, interest and principal, which report shall cover the preceding calendar year to and through December 31, thereof.
  - c. Pursuant to Chapter 177, Wis. Stats. the administrator shall, absent dispersals under (g) 3a above, during a given calendar year, at least annually contact the bank or financial organization holding the deposit and communicate sufficient information with which to meet the provisions of Sec. 177.02(1) and (2), Wis. Stats. and maintain the account on an active status.
  - d. At the conclusion of the period commencing with the time of the initial deposit and ending with the passage of 100 years, the administrator shall disperse all remaining funds in the account to the County General Fund, for use by the County in such a manner or manners as the County Board deems to be appropriate.
4. The County reserves the right to, at any time, with or without notice, gain access to the mining project in order to obtain water samples for the purpose of compliance monitoring.
  5. It shall be the responsibility of the applicant to provide for itself, adequate utilities, roads, drainage, traffic plans and public utilities.
  6. The applicant shall submit a comprehensive description of all baseline conditions within the areas of the County expected to be impacted by the activity, including an estimate of such baseline conditions from the project life of the proposed operation if the proposed operation were permitted. Such baseline conditions shall include, but not be limited to the following:
    - a. Groundwater

- b. Surface waters
- c. Air Quality
- d. Noise levels
- e. Wildlife
- f. Vegetation
- g. Radio activity in bedrock, soils, water and/or gases
- h. Major land use
- i. Visual appearance
- j. Traffic
- k. Unique cultures and life styles
- l. Economic activity
- m. Utilities, schools, police and fire protection, sewage treatment, etc.
- n. Housing
- o. Farm or domestic animals
- p. Farm activities on any type of farm
- q. Topsoil

7. The cost of these studies is to be at the expense of the applicant. The applicant shall provide the results of these studies to the County Zoning Committee. The County reserves the right to have an independent verification of all baseline studies and/or to commission an independent study if the County deems this necessary. This independent study cost would also be the responsibility of the applicant.

- (h) All conditions of the application shall be subject to NR 132 Wisconsin Administrative Code. In the event that any of these conditions differ from any of the conditions in these regulations, the more restrictive condition shall apply.
- (i) Nothing in these regulations shall be construed to mean that the County Zoning Committee shall be required to approve an application for Metallic Mineral Mining. The County may deny a permit pursuant to NR 132.10 Wisconsin Administrative Code.
- (j) The County may also deny a Conditional Use Permit if the Committee determines the application does not satisfy the following standards:
  - 1. The mining activity (including and not limited to operations, waste management, and reclamation) shall not be allowed to degrade the quantity and quality of groundwater in the County.
  - 2. The mining activity (including and not limited to operations, waste management, and reclamation) shall not be allowed to impact any lake or streams size, water quality, or level.
- (k) The initial grant to carry on mining activities shall be for a specified period as determined by the County Zoning Committee. The Zoning Administrator shall review the Annual Reports of review made by the DNR. If the reports indicate compliance to the provisions of the Conditional Use Permit, the uses shall continue. If the DNR requires modification of the applicant's metallic mining permit, which in turn requires modification of the Conditional Use Permit, the Zoning Committee shall review the permit. The Zoning Administrator, in conjunction with the DNR under NR 132.11 (3) (a) Wisconsin Administrative Code, may enter and make the necessary inspections to insure compliance with the provisions of the Conditional Use Permit. The Zoning Committee may extend a Conditional Use Permit for

additional periods of time. Fees for an extension shall be the same as for the initial application. If an applicant desires to transfer the permit to another party, the Zoning Committee shall review and approve the transfer as it relates to compliance with the Code Standards and Permit Conditions.

- (l) Approval of a Conditional Use Permit under this section is subject to and contingent on satisfaction of all other requirements of the DNR for a Metallic Mining Permit.
- (m) If a Committee is appointed to negotiate a local agreement with a mining company, the membership of that committee shall include members of the County Zoning Committee. A local agreement shall not be approved until the final Environmental Impact Statement is completed by the DNR.
- (7) No person, firm, corporation or organization shall conduct any metallic exploration, prospecting or mining within the affected municipalities of this Ordinance without first obtaining a permit under this section.
- (8) Prohibited Practices. No person, firm, corporation or organization shall do any of the following with or without a permit:
  - (a) Construct buildings, structures or equipment in the County for smelting or refining of metallic mineral ores.
  - (b) Use land for the placement of metallic mining waste disposal facility or site within the County.
  - (c) Use any equipment during the construction phase and/or mining phase of the metallic mining operation, which would cause air pollution in violation of standards or regulations promulgated pursuant to Chapter 285 Wisconsin Statutes or any applicable federal or local air quality standards. In the event, that any of these standards differ from each other, the more restrictive shall apply.
- (9) If any section, clause, provision or portion of this Section of the Code is adjudged unconstitutional or invalid by a Court of Competent Jurisdiction, the remainder of the Section shall not be affected thereby.

### **17.33 AGRICULTURAL DISTRICTS.**

#### **(1) A-1 AGRICULTURE.**

- (a) Principal Uses. Apiculture; beekeeping; dairying; floriculture; forestry; general farming; grazing; greenhouses; hatcheries; horticulture; livestock raising; nurseries; orchards; paddocks; pasturage; poultry raising; produce stands; seasonal deer processing; stables; truck farming; viticulture and farm dwellings for those resident owners and laborers actually engaged in the principal permitted uses.
- (b) Conditional Uses. See 17.36, 17.38 and 17.40.
- (c) Residential Lot.
  - 1. Road frontage minimum – 160’.
  - 2. Average width minimum – 160’.
  - 3. Area minimum – 5 acres.
- (d) Yard.

1. Street minimum - 25' from setback line required by 17.45.
2. Rear minimum - 40'.
3. Side minimum - 40' for all buildings.

(e) Maximum Structure Height. 60'. See 17.60 (1).

(2) **A-2 FORESTRY AND LIMITED AGRICULTURE.**

(a) Principle Uses. Beekeeping; forestry; general farming; greenhouse; nursery; produce stands; seasonal deer processing; stable; paddock; hatchery; fishing and hunting wildlife preserve; water retention; public parks and campgrounds; utilities; and wild crop harvesting, including marsh hay, ferns, moss, berries, fruit trees and seeds.

(b) Conditional Uses. See 17.36 and 17.40.

(c) Residential Lot.

1. Dwellings and mobile homes whose resident owners and laborers actually engaged in the principal permitted uses are accessory uses and shall comply with all the provisions of the R-2 Residential District.
2. Road frontage minimum – 160'.
3. Average width minimum – 160'.
4. Area minimum - 5 acres.

(d) Yards.

1. Street minimum - 25' from setback line as required by 17.45.
2. Rear minimum - 40'.
3. Side minimum - 40'.

(e) Maximum structure height of 60', see 17.60 (1).

**17.34 C-1 RESOURCE CONSERVANCY DISTRICT.**

(1) **PRINCIPAL USES.** Fishing; hunting; preservation of scenic, historic and scientific areas; public fish hatcheries, soil and water conservation; sustained yield forestry; stream bank and lakeshore protection; water retention; floodplain; wildlife preserves; public park and campground.

(2) **CONDITIONAL USES.** Drainage; water measurement and control facilities; grazing; accessory structures, such as hunting or fishing lodges; orchards, truck farming, utilities and wild crop harvesting. These uses shall not involve the dumping, filling, cultivation, mineral, soil or peat removal or any other use that would disturb the natural fauna, flora, watercourses, water regimen or topography.

(3) **STRUCTURES.** None permitted, except those housing essential services accessory to the principal or conditional uses. No temporary or permanent residence shall be permitted.

## CONDITIONAL USES

### 17.35 REVIEW AND APPROVAL.

- (1) The Zoning Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.
- (2) Any development within 660' of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within 1,500' of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Zoning Committee shall request such review and await the highway agency's recommendations for a period not to exceed 60 days before taking final action.
- (3) Conditions, such as landscaping, architectural design, type of construction, construction, commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Zoning Committee upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- (4) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.
- (5) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified by this chapter or those imposed by the Zoning Committee, the Zoning Committee shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- (6) The requirements and conditions described under sub (5) must be reasonable and, to the extent practicable, measurable and may include conditions such as the permits duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Zoning Committee relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Zoning Committee's decision to approve or deny the permit must be supported by substantial evidence.
- (7) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Zoning Committee may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in this chapter or by the Zoning Committee.
- (8) If the Zoning Department denies a person's conditional use permit application, the person may appeal the decision to the Circuit Court under the procedures contained in § 59.694 (10).
- (9) Any use listed, as a conditional use in this chapter shall be permitted only upon application to the Zoning Administrator and issuance of a special use permit by the Zoning Committee. A special use permit shall be issued only upon satisfaction of the requirements listed herein in addition to all other requirements of this chapter. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as

an individual case. Before issuing a special use permit, the Zoning Committee shall hold a public hearing. Notice of such public hearing specifying the time, place and matters to come before the Committee shall be given in the manner specified in 17.96 and 17.97.

**17.36 PUBLIC AND SEMIPUBLIC USES.** The following public and semipublic uses shall be conditional uses and may be permitted as specified.

- (1) Airports, airstrips and landing fields in the A-1 and A-2 Districts, providing that these facilities meet the regulations contained in Ch. 114 and 135 and 136, Wis. Stats.
- (2) Governmental and cultural uses, such as town hall and town shops, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums in all residential, business, agricultural and industrial districts.
- (3) Utilities in all districts provided all principal structures and uses are not less than 50' from any residential district lot line. This includes private and public wind energy facilities and other renewable energy facilities.
- (4) Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips and landing fields, in all business districts and the M-1 Industrial District provided all principal structures and uses are not less than 100' from any residential district boundary.
- (5) Public, parochial, private elementary and secondary schools and churches in the R-1, R-2, A-1 and A-2 Districts, provided the lot area is not less than 9,600 sq. feet in the R-1 District and 1.5 acres in all other districts and all principal structures and uses are not less than ten (10) feet in the R-1 District and twenty-five (25) feet in all other districts from any residential district boundary.
- (6) Colleges; universities; hospitals; sanitariums; religious, charitable, penal and correctional institutions; cemeteries and crematories in the A-1 and A-2 Districts, provided all principal structures and uses are not less than 50' from any lot line.

**17.37 RESIDENTIAL USES.** The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

- (1) Planned residential developments, such as cluster developments, garden apartments, mobile home parks, row housing and group housing in the R-1 and R-2 Residential Districts.
- (2) The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design; all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions enforceable by the Community. The following provisions shall be complied with:
  - (a) Development. Minimum 10 acres.
  - (b) Lot.
    1. Area. Minimum of 2/3 of the minimum lot area for the district in which located. Minimum 3,000 sq. ft. for row houses.
    2. Width. Minimum of 2/3 of the minimum lot width for the district in which located. Minimum 20' for row houses.
  - (c) Building Area. Minimum building area for the district in which located.
  - (d) Yards. Street minimum - 20'. Rear minimum - 50'. Side minimum - 20' from street



rights-of-way, exterior property lines of the development and other buildings.

- (3) Clubs, fraternities, lodges and meeting places of a noncommercial nature in the R-1 Residential District, provided all principal structures and uses are not less than 25' from any lot line.
- (4) Rest homes, nursing homes, homes for the aged, clinics and children's nurseries in the R-1 or R-2 Residential Districts provided all principal structures and uses are not less than 50' from any lot line.
- (5) Household occupations and professional offices in the R-1, R-2, and R-6 Residential Districts.
- (6) Two family and multiple family dwellings in the R-1 and R-2 Residential Districts.

**17.38 MANUFACTURED HOMES<sup>2</sup>, MOBILE HOME PARKS AND TRAILER CAMPS.** Manufactured Homes<sup>2</sup> are permitted in the R-2, R-3, A-1 and A-2 Districts as Conditional Uses. Mobile Homes/Manufactured Home<sup>2</sup> Parks are permitted in the R-1, R-2, R-4, A-1 and A-2 Districts as Conditional Uses. Travel Trailer camps are permitted in R-2, R-4, R-6, B-2, A-1, A-2 and C-1 Districts as Conditional Uses.

**DEFINITIONS**

MOBILE HOME/MANUFACTURED HOME<sup>2</sup> PARKS, NEW TRAILER CAMPS. Except as otherwise specifically authorized, no mobile home intended for occupancy shall be located except in a licensed mobile home park. Such parks shall meet the following requirements:

- a. Minimum size. 5 acres.
- b. Maximum number of mobile home sites. 10 per acre.
- c. Minimum width of a mobile home site. 40'.
- d. Maximum height of a mobile home trailer. 15'.
- e. Minimum distance between mobile home trailers. 20'.
- f. Minimum distance between mobile home and service road. 10'.
- g. Minimum side yard setback. 40' at all front, side and rear lot lines.

(1) DRAINAGE.

- (a) Every unit and mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No unit or mobile home park shall be located in an area that is situated so that drainage of contaminated liquids or solids can be deposited on its location or adjacent property.
- (b) All mobile home parks shall be seeded, or sodded, and shall be properly landscaped. New mobile home parks and expansion of existing parks must have an approved construction site erosion control plan prior to commencement of any work.

(2) SPACE AND SETBACKS.

- (a) Each space shall be a clearly marked or delineated area of not less than 4000 square feet. The unit shall not occupy in excess of one-third of the area of the site, and the unit including all accessory structures shall not occupy more than one-half of the area of the site. Expansion and modification of existing and operating mobile home parks shall be in accordance with current regulations.

- (b) No unit or accessory structure shall be located closer than 5' to any other space. No unit shall be located closer than the permitted setback, as established by statute, ordinance, or local jurisdiction, to the right-of-way line of a public street.

(3) STREETS.

- (a) All spaces shall abut upon a street. For a two-way street, the width must be at least 32' if parking is to be permitted on both sides of the street; 24' in width if parking is permitted on only one side; or 18' in width if parking on the street is prohibited. A one-way street shall be at least 24' in width if parking is permitted on both sides; or 18' wide if parking is permitted on one side; and 14' wide if parking on the street is prohibited. One-way streets shall be no longer than 500'.
- (b) Streets shall be adequately graveled for year-round use or be paved. They shall be maintained in good condition, have natural drainage and be adequately lighted at night.

(4) PARKING.

- (a) For each space there shall be a graveled or paved parking area of at least 350 square feet. There shall be additional parking spaces for automotive vehicles within the park totaling not less than 1 1/4 parking spaces for each mobile home space.
- (b) Parking areas shall be maintained in good condition and have adequate drainage. Unlicensed vehicles and collection of personal property, junk or debris shall not be allowed on a parking area or space or outside of a building anywhere in the boundaries of the mobile home park.
- (c) There shall be a hard surface walkway at least 2' wide leading from the parking area to the mobile home entrances.
- (d) There shall be no parking on the lawn in front of the mobile home.

(5) OTHER USES PROHIBITED.

- (a) The management of the mobile home park shall not allow automobile sales, repair, mobile home sales, or mobile home renovation, or any other business activity in the park.
- (b) Laundries, washrooms, recreation rooms, maintenance equipment storage and one office are permitted.

(6) WATER SUPPLY.

- (a) Municipal supply. When a municipal water supply is available to the mobile home park, connection and use are required.
- (b) Private wells. A private owned well is permitted as a source of water when a municipal water facility is not available to the premises. The well shall be located on the premises and shall be constructed and the pump installed in accordance with Ch. NR 811 and 812, Rules governing well drilling and pump installation. Whenever safe water cannot be obtained consistently from a well constructed in apparent compliance with Ch. NR 812, as evidenced by unsafe laboratory reports, the well must be reconstructed or a new well constructed in accordance with the requirements of the Department of Natural Resources. However, if the reconstruction or new construction is determined to be impractical or is found to be ineffective, the use of the well shall be discontinued. The water supply shall be

sampled at least quarterly for microbial contamination. Chemical samples shall be analyzed according to Ch. 109 of Wis. Adm. Code. Water sample results must be supplied to the Department.

(c) Water Connection. A separate valved water service shall extend to each site.

(7) SEWAGE DISPOSAL.

(a) Municipal System. When public sewage facilities are available to the mobile home park, connection and use are required.

(b) Private System. Private sewage disposal system as defined in S. 145.01 (12) Stats. are permitted when a public sewer facility is not available to the premises. The system shall be located on the premises and shall be designed, constructed, and operated in accordance with S. 144.245 Stats. and Chs. DSPS 382 and 383. Plans and installation details covering the design and construction, alteration, or extension of private sewage disposal systems shall be approved by the Department of Commerce and the Department. Prior to construction, sanitary permits are required for any work done to a private sewage system.

(8) PLUMBING.

(a) All plumbing shall meet the requirements contained in Ch. DSPS 382 - 384 and Ch. HSS 177, Wisconsin Administrative Code.

(9) SOLID WASTE.

(a) Garbage. All garbage shall be kept in separate, leak proof, non-absorbent containers equipped with tight-fitting covers unless otherwise protected from flies, insects and animals, and the contents shall be disposed of as often as necessary to prevent smells, decomposition and overflow. Garbage or rubbish pick-up and disposal must be provided by the management. The management shall also provide an enclosed structure for recyclable materials. The management is responsible for the operation and maintenance of the Recycling Facility.

(10) FARMS.

(a) More than one unit may be permitted per operating farm. A farm means a parcel of 35 acres or more of contiguous land which is devoted primarily to agriculture use which during the year preceding the permit application has provided gross farm profits, as defined in S. 71.58 (4), Stats. of not less than \$6000, or which during the three years preceding application, produced gross farm profits of \$18,000.

(b) This permit may be issued for occupancy by a family member or employee of said operating farm. Said employee shall be actively employed and receive 50% of his or her income from said operating farm. The family member shall be a person related to the farm owner, as a father, mother, son, daughter, brother or sister.

(11) MISCELLANEOUS PROVISIONS.

(a) USE OF SETBACK ZONES. No occupied or unoccupied mobile home, manufactured home, park unit, or recreational vehicle, shall be located between the established setback lines for the zoning district in which such structure is located and the street, highway, lot line, stream or lake.

(b) SKIRTING. Skirting, specifically designed for mobile homes or other material to enclose the area between the ground and the bottom of the home, is to be done within two (2) weeks after parking.

- (c) FIRES. Open fires on the premises, except charcoal fires used for cooking, are prohibited. Burning barrels are prohibited.
  - (d) RECREATION AREA. Each park shall contain a relatively level, well-drained recreation area. A minimum of one-half acre of area for such use shall be provided for each 50 sites. The minimum area in any park shall be one-half acre.
  - (e) SCREENING. Each mobile home park shall be completely enclosed, except for permitted entrances and exits, by a temporary planting of fast growing material capable of reaching 15' or more or a permanent evergreen planting such that the individual trees are of such number and arrangement so that they will form a dense screen within 10 years. Other screening that is harmonious with the surrounding area can be approved by the Department.
  - (f) CERTAIN UNITS TO BE IN PARKS. All manufactured homes of less than 400 square feet of living space and all mobile homes currently in mobile home parks in Jackson County can only be located within licensed mobile home parks.
  - (g) PRE-EXISTING PARKS. All expansions of existing parks must comply with this and other County Ordinances. All existing parks must be licensed and comply with this Ordinance except for certain design requirements not previously in effect. All replacement units must comply with this section of the Ordinance.
- (12) TRAVEL TRAILER CAMPS. Except as otherwise provided in this chapter, no trailer shall be located except in a federal, State, County or town camp or in a private campsite. Private campsites shall meet the following conditions:
- (a) Each trailer site shall be plainly marked and surfaced.
  - (b) Maximum number of trailer sites shall be 10 per acre.
  - (c) All drives and parking areas other than those at individual trailer sites shall be surfaced.
  - (d) Central toilet, shower and washing facilities shall be provided in sufficient quantity as determined by the State Board of Health requirements.
  - (e) The water supply shall be approved by the State Board of Health.
  - (f) The manner of sewer disposal shall be approved by the State Board of Health.
  - (g) No trailer shall be less than 50' from front, side or rear lot lines of the camp.
  - (h) Marsh land and shoreline areas shall not be altered.
- (13) TEMPORARY LOCATION.
- (a) Mobile homes and trailers shall be permitted in the R-2, R-3, R-4, A-1, A-2 and C-1 Districts without a Conditional Use Permit for a period not to exceed twenty-five (25) total days within a one year period.
  - (b) Travel trailers/camping units shall be permitted in the R-2, R-3, R-4, A-1 and A-2 Districts, and the R-1 District, unless prohibited by local Sanitary District

Ordinances, without a principal structure being present under the following conditions:

1. Travel trailers/camping units are allowed on property as long as each unit is registered with the Jackson County Zoning Department.
2. Travel trailers/camping units must be registered with the Department and the appropriate registration fee as established by the Jackson County Zoning Committee must be paid by January 31 of each year. See Appendix A for current fee.
3. Each travel trailer/camping unit located on any lot or parcel must be separately registered with the Department. The following number of units are the maximum allowed per parcel size:
  - a. 1.5 to 5.0 acres – 2 units
  - b. 5.1 to 20.0 acres – 3 units
  - c. 20.1 to 40 acres – 5 units
4. If four or more travel trailers/camping units are proposed and the individual owners are unrelated, then a Conditional Use Permit will be required for the operation of a campground. This will require a public hearing with the Zoning Committee. The appropriate state license for operation of a campground will also be required.
5. Approved sanitary provisions, such as state approved POWTS system, self-contained units or commercially available toilets shall be utilized. All types of sanitary units must be permitted through the Department.
6. If water under pressure is introduced at the property, a code complying private on-site wastewater treatment system (septic) must be installed by following all appropriate codes and ordinances.
7. Arrangements are to be made for the proper handling and removal of all garbage and trash.
8. Occupation of a travel trailer/camping unit by a person having no other primary residence or abode at the time the unit is so occupied is prohibited, except in the following:
  - a. The travel trailer/camping unit is being utilized as living quarters within the County for a period of eight (8) months or less.
  - b. The travel trailer/camping unit is located within a building/structure located on the property, if located in a Sanitary District.
  - c. The travel trailer/camping unit is served by public water and sewer utilities or private well and septic system facilities, which meet the Jackson County Sanitary Ordinance.
  - d. The travel trailer/camping unit(s) are registered with the Jackson County Zoning Department.
9. All occupied sites must have a residential address (fire number) assigned for that lot or parcel.
10. A fee or registration is not required for a travel trailer/camping unit which is not on property for over twenty-five (25) days in a one year period.

11. Any abandoned, dilapidated, unsafe or unsanitary unit will be ordered removed by the Department. The removal will be expected within thirty (30) days from the notice received from the Department.
12. If a principal structure is constructed or moved onto the property, then the travel trailer/camping unit will need to be removed or meet the provisions of Section 17.38 (13) (c).
13. The Jackson County Zoning Department staff has the right to access property during reasonable business hours for the purpose of verifying registration of travel trailers/camping units and for visual checks on the maintenance or upkeep of the property and the units.

- (c) Travel trailers/camping units may be stored or parked on property under the following conditions:
1. The property contains a principal structure being a dwelling or residence, which is occupied by the owner of the travel trailer/camping unit at least 51% of the year.
  2. The property is correctly zoned for the principal structure.
  3. The travel trailer/camping unit cannot be connected to utilities nor can it be leveled and skirted. The wheels and tongue apparatus must remain on the unit.

**17.39 HIGHWAY ORIENTED USES.** The following commercial uses shall be conditional uses and may be permitted as specified:

- (1) Drive-in theaters in the B-2 Business District, provided that a planting screen at least 25' wide is created along any side abutting a residential district and no access is permitted to or within 1,000' of an arterial street.
- (2) Drive-in establishments serving food or beverages for consumption outside the structure in the B-2 Business District.
- (3) Motels in the B-2 Business District.
- (4) Funeral homes in the B-1 Business District, provided all principal structures and uses are not less than 25' from any lot line.
- (5) Drive-in banks in the B-1 and B-2 Business Districts.
- (6) Tourist homes in the B-1 and B-2 Business Districts.
- (7) Short term rentals are allowed as a conditional use within the R-1, R-2, R-3 and R-4 residential districts and the A-1 and A-2 agricultural districts. The following condition will apply:
  - (a) Must meet all local building code requirements.
  - (b) Must meet all County Health Department licensing requirements.
  - (c) Must meet all applicable State requirements.

- (d) Must meet all County Sanitary provisions for private septic system.
- (e) Must meet the parking stall requirements of Section 17.50.
- (8) Vehicle sales, service, washing and repair stations, garages, taxi stands and public parking lots in all business districts, provided all gas pumps are not less than 30' from any side or rear lot line and 20' from any existing or proposed street line.
- (9) Any development within 660' of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within 1,500' of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses. No structures shall be erected closer than 100' to their rights-of-way.

**17.40 INDUSTRIAL AND AGRICULTURAL USES.** The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

- (1) Animal hospitals in the A-1 and A-2 Districts, provided the lot area is not less than 3 acres and all principal structures and uses are not less than 100' from any residential district.
- (2) Dumps, disposal areas, incinerators and sewage disposal plants in the A-1 and A-2 Districts.
- (3) The introduction of cattle or other livestock including horses and poultry is allowed as a conditional use in the R-2 and R-4 Districts. The minimum lot size is to be three (3) acres for such a request.
- (4) Commercial butchering or rendering of animals or fowl and commercial raising or propagating of mink, dogs and fox in A-1 and A-2 Districts. Pea vineries and dairy plants in the A-1 and A-2 Districts. The commercial raising or brokering of puppies within the A-1 and A-2 Districts. The minimum lot size is to be three (3) acres for such a request.
- (5) Kennels. Establishment of kennels shall only be established in conformance with all applicable state and local regulations, including any recommendations of the County Humane Officer, who shall be notified of any conditional use prior to the public hearing. In addition, the following shall be considered as minimum standards in the development of such kennels:
  - (a) Kennels are allowed as conditional uses within the R-2, R-4, A-1, A-2 or B-2 Districts.
  - (b) A minimum of five (5) contiguous acres either owned or rented by the applicant shall be required on which to locate a dog kennel.
  - (c) Where required, enclosures must be provided which shall allow adequate protection against weather and extremes. Floors of buildings, runs and walls shall be of an impervious material to permit property cleaning and disinfecting.
  - (d) Adequate ventilation shall be maintained to promote health and odor control.
  - (e) All dog pens or enclosures shall be sufficiently large to permit freedom of movement to the dogs confined therein.
  - (f) Where required, runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface to allow for cleaning, disinfection and odor control.

- (g) All animals must be quartered. All animal quarters and runs are to be kept clean, dry and in sanitary condition.
  - (h) The food shall be stored in rodent proof containers and be free from contamination. Food supplies shall be wholesome, palatable and of sufficient quantity and nutritional value to meet the normal daily requirements for the condition and size of the animal.
  - (i) All animals shall have potable water at all times.
  - (j) All kennels established under this chapter shall meet DNR well setback requirements.
  - (k) No repeated or continual barking, such as constitutes a noise nuisance, shall be permitted.
  - (l) These standards are to be considered minimum requirements. Additional requirements may be established on a case by case basis at the discretion of the Jackson County Health Department and the Jackson County Humane Officer.
- (6) Outside storage, manufacturing, junk and salvage yards in the M-1 District:
- (a) No person shall deposit or cause to be deposited or stored on any property, refuse, garbage, litter, waste or salvage material (including but not limited to: metals, paper, rags, tires, bottles, wood, building materials), in excess of normal residential use or periodic maintenance or remodeling. Nor shall any person deposit or cause to be deposited or stored any inoperable appliances, disassembled, inoperable, unlicensed, junk or wrecked motor vehicles, recreational vehicles, boats, mobile homes, semi-trailers or buses, unless it is in connection with a properly licensed and zoned automotive, appliance sales, repair or storage business enterprise, unless entirely enclosed within a building. Storage of more than two (2) unlicensed or inoperable vehicles on the same premises shall be prima facia evidence of the operation of a junk or salvage yard. A Land Use Permit is required for the operation of a salvage yard. This section shall not apply to farm machinery or equipment, on the premises of an operating farm, located in a properly zoned district.
  - (b) Application: Application for a permit hereunder shall be made in writing to the Zoning Administrator stating:
    1. The location and description of the premises to be permitted.
    2. The nature of the business to be conducted on the premises.
    3. The type of construction of any buildings to be used in connection with the business.
    4. The applicant's name and address; and if a firm or corporation, the names and addresses of all officers thereof.
  - (c) Permit Fee and Term: The fee for a permit issued hereunder shall be in the amount set by the County Zoning Committee. Permits shall expire if the use of the property is discontinued for twelve (12) consecutive months. The permit may then be renewed only upon approval by the Zoning Committee and after holding a public hearing.



- (d) Location: No junk or salvage yard shall be located within seven hundred fifty (750) feet of any residence, other than the owner of the premises, or any residential or business district; and within one hundred fifty (150) feet from a lake, river or stream. No junk or salvage yard shall be carried on within five hundred (500) feet of any federal, state or county highway right-of-way; or within one hundred fifty (150) feet of any town road, highway or street right-of-way.
  - (e) Screening Requirements: Junk and salvage yards shall be surrounded by a solid fence which is conducive to the surrounding area or an evergreen planting screen completely preventing a view from any other property or public right-of-way.
  - (f) Operation: The operation of the yards shall comply with Section 17.19(6) of this ordinance and also with Sections 84.31 and 175.25 of the Wisconsin Statutes. The nonconforming yards shall comply with Section 84.31(4), Wis. Stats.
- (7) Commercial service facilities, such as restaurants and fueling stations in the M-1 District.
  - (8) Rural retailing, processing and production is allowed in the A-1 and A-2 Districts as a conditional use. See Section 17.10 Definitions for uses within the Rural Retailing area.
  - (9) Wineries and wine tasting facilities are allowed as a conditional use within the A-1 and A-2 Districts.
  - (10) Private reception venues are allowed as a conditional use within the A-1 and A-2 Districts. The following standards and conditions will apply:
    - (a) Minimum lot size is three (3) acres.
    - (b) Any structure or building to be used must meet all applicable local and state building code regulations for such use.
    - (c) Where applicable, licenses or approvals must be obtained from other County departments; including but not limited to the County Health Department and the County Sheriff's Department.
    - (d) Proper and code complying sanitary facilities must be provided and approved by the applicable County authority.
    - (e) Off street parking of one (1) parking space per three (3) patrons must be provided.

**17.41 MINERAL EXTRACTION OTHER THAN IRON ORE MINING, BENEFICATION AND PROCESSING OF IRON ORE CONCENTRATES.** No non-metallic mining or processing operation shall be located in the County except in conformance with a plan approved by the Zoning and Land Information Committee. A Conditional Use Permit is required for the expansion or alteration of any existing non-metallic mining or processing operation. Non-metallic mining and processing operations shall meet the following requirements:

- (1) In addition to the site plan required under Section 17.17, the applicant shall furnish a plan of operation describing the design, management and operation of the facility. Such plan shall include:
  - (a) A description of the mining process, sequence of operations, operational schedule (including years of operation and daily operational schedule), and estimated

- volumes of material to be removed or processed on an annual basis for the life of the operation.
- (b) A list of equipment, machinery and structures to be used.
  - (c) The source, quantity and disposition of any water which may be used.
  - (d) A topographic map of the site showing the existing topography at maximum vertical contour intervals of five (5) feet.
  - (e) The location of trees and a description of the existing ground cover.
  - (f) A map at a scale of not less than 1 inch equals 660 feet showing the extent of the extraction area, and describing the direction, length, width and the depth of all existing and proposed excavations.
  - (g) The location of existing and proposed public or access roads, and a transportation plan describing transportation routes, traffic volumes and frequency, load weights, schedule and general approach for the receipt and/or transport of materials.
  - (h) The location of all existing buildings and structures within 300 feet of the site boundaries.
  - (i) The names of all property owners within 300 feet of the site boundaries.
  - (j) Restoration of the property complying with all applicable provisions of Chapter 24 of the County Code of Ordinances. This is the Non-Metallic Mining Restoration/Reclamation Ordinance for Jackson County. Sites where the material to be used or sold is generated incidentally to the primary purpose of the project, including but not limited to the creation of wetlands, ponds and sedimentation basins shall be exempt from this provision. Required restoration of these sites is limited to a revegetation plan.
  - (k) Verification that the applicant has requested that a cultural resource site review be performed by the Department of Natural Resources or other agency or company certified to do such a review by the WI-DNR and that the site review has been completed. A copy of the site review report must be provided to the County prior to the issuance of a conditional use permit.
- (2) The Zoning and Land Information Committee shall consider the effects of the proposed operation upon existing streets/roads, neighboring land uses, future land uses, drainage, water supply, soil erosion, natural beauty, character and land value of the locality. The Committee shall also consider the potential effects of increased dust, smoke, odor, noise, vibration, traffic and the practicality of restoring the site.
  - (3) No non-metallic mining or processing operation shall be located within 300 feet of a residence other than that of the landowner or applicant or within 50 feet to a school or institution.
  - (4) The Zoning and Land Information Committee may require that the site be enclosed by a suitable fence to prevent unauthorized entry.

- (5) The Zoning and Land Information Committee may require that the site be enclosed by a suitable fence or vegetation screen so that materials are not visible from neighboring property and public right-of-way including roads, streets, highways and waterways.
- (6) Any wash ponds and settling ponds that have chemicals introduced to them shall have 5 feet of separation distance to bedrock and to the groundwater elevation, and shall have an impervious liner. The operator is responsible for maintaining all aspects of the wash and settling ponds, including impervious liners and ensuring that releases from the ponds to the groundwater shall not occur. Any portion of any pond to which chemicals were introduced that exists at an elevation below the projected post-reclamation water table, shall be fully excavated and removed during the reclamation and prior to allowing the water table to rise to the elevation of the pond bottom.
- (7) The operator shall perform the following monitoring and testing at the operator's expense using an independent, licensed, third-party and using a certified laboratory approved by the Jackson County Zoning and Land Information Committee:
  - (a) For mining operations involving extraction, processing, stockpiling, or overburden disposal, the operator shall install a groundwater monitoring well network for the purposes of establishing the actual baseline groundwater quality and elevation at the facility site and for monitoring changes to the groundwater elevation, quality and quantity over time. The monitoring network shall have at least one monitoring well at the boundary of the site that is down gradient of the groundwater flow. The network shall consist of sufficient monitoring wells located in the down gradient direction of groundwater flow to allow for the monitoring of groundwater elevations. The Jackson County Zoning and Land Information Committee may request additional monitoring wells based on hydrology, site conditions, and characteristics of the operation. The operator shall take quarterly samples of the monitoring well(s) for lead, arsenic, turbidity, total suspended solids, chlorides, nitrates, specific conductivity and any other toxic substance that may reasonably be believed to be present in the area or in the type of deposit from which the extraction will be made during the first two years of operation and twice a year in subsequent years. The monitoring well network shall be designed by a professional hydrologist or professional engineer specializing in hydrogeology and reviewed and approved by the Jackson County Zoning and Land Information Department or its designees in advance of well installation. Analysis of the monitoring well samples shall be conducted by a certified laboratory with all groundwater monitoring activities at the expense of the operator.
- (8) The Zoning and Land Information Committee reserves the right to place additional conditions on non-metallic mining operations to insure the health, safety and welfare of the residents of Jackson County.

#### **17.42 RECREATION USES.**

- (1) The following public recreational facilities shall be conditional uses and may be permitted as specified: archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sport fields, stadiums, swimming pools and zoological and botanical gardens in any district provided that the lot area is not less than 3 acres and all structures are not less than 50' from any district boundary.
- (2) Commercial recreation facilities, such as arcades, bowling alleys, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, race tracks, rifle ranges, skating rinks and theaters are conditional uses and may be permitted in the B-1 and

B-2 Business Districts.

- (3) Commercial entertainment facilities such as exotic and cabaret-type dance halls, Turkish baths, adult entertainment, and massage/masseuse facilities are conditional uses and may be permitted in the B-1 and B-2 Business Districts, and the M-1 Light Industrial District.
- (a) Sexually-orientated businesses, which includes exotic dance clubs, gentlemen's clubs, adult entertainment and any facility involving the display of sexually-orientated materials such as videos, movies, slides, photographs, books or magazines; or actual persons displaying and/or touching sexually specific areas.
  - (b) The outward appearance of an adult-orientated business shall not distract from the ability of neighboring businesses to attract customers.
  - (c) No sexually-orientated business shall be located within a one thousand (1,000) foot radius of any place of worship, park, school, residential zoning district, residential use, or licensed child daycare center as measured in a straight line, without regard to intervening structures, streets, or other barriers from the nearest point of the property line of the school, park, place of worship, residential zoning district, residential use, or licensed child daycare center, to the nearest point of the property line of the sexually-orientated business.

**17.43 MOBILE TOWER SITING REGULATIONS.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**WIRELESS COMMUNICATION FACILITIES.** Radio or TV broadcasting studios and/or towers, personal wireless service facilities, telephone and communication antennas, transmitters and receiving stations and other similar types of communication facilities. Home satellite service antennas and dishes are not included in this definition.

**WIRELESS COMMUNICATION FACILITY.** New structures and Class I co-locations means the placement and/or construction of a free standing new wireless communication tower or the placement of a new mobile service facility on an existing structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does need to engage in "substantial modification" of the existing structure to accommodate the new facility.

**SUBSTANTIAL MODIFICATION.** The modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

- a. For structures with an overall height of two hundred (200) feet or less, increases the height of the structure by more than twenty (20) feet.
- b. For structures with an overall height of more than two hundred (200) feet, increases the height of the structure by 10% or more.
- c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by twenty (20) feet or more, unless a larger area is necessary for co-location.
- d. Increases the square footage of an existing equipment compound to a total area of more than 2,500 sq. feet.

**WIRELESS COMMUNICATION FACILITY.** Class 2 co-locations means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility or engage in substantial modifications to the existing structure to accommodate the new facility.

- (1) A land use permit is required for the placement of all new wireless communication facilities, Class 1 co-locations and Class 2 co-locations. In addition to the other requirements of this code. A complete application shall contain all of the following information:
- a. The name and business address of, and the contact individual, for the applicant.
  - b. The location of the proposed or affected support structure.
  - c. The location of the proposed mobile service facility, mobile service facility, has the meaning in ss. 66.0404 (1) (L).
  - d. A construction plan which describes the proposed modification to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications, if the application is for a Class 2 co-location or to substantially modify an existing support structure that constitutes a Class 1 co-location.
  - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment to be placed on or around the new mobile service support structure.
  - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant has chosen the proposed location and why the applicant did not choose co-location on an existing facility, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structures attesting that co-location within the applicants service ring would not result in the same mobile service functionality, coverage, and capacity is technically infeasible or is economically burdensome to the mobile service provider.
  - g. Any new mobile support structures shall be setback from the nearest property lines and any other structure a distance of not less than 75% of the total height, unless the applicant provides an engineering certification that shows the new or substantially modified mobile service support structure is designed to collapse within a smaller area than the aforementioned setback limit.
  - h. The application shall indicate that emergency contact information shall be posted at the wireless communication facility and filed with the Jackson County Sheriff's Department. This information shall be kept current with the ownership and maintenance of the facility.
  - i. All new wireless communication facilities that are two hundred (200) or more feet in height shall be painted alternate aviation orange and white, and shall be outfitted with dual lighting mechanisms, including day time strobes and night time red incandescent lighting.
  - j. All towers that have guy wires shall be outfitted with large orange balls for increased visibility by small aircraft in accordance with the recommendations by the Federal Aviation Administration (FAA).
  - k. Upon cessation of the operation of the tower, the tower and other improvements to

the property shall be removed. The applicant shall furnish sureties which will enable the county to remove such improvements if the applicant/owner fails to do so. The amount of such sureties shall be determined by the Zoning Administrator but shall not exceed \$20,000.00. The form and type of such sureties shall be approved by the Jackson County Corporation Counsel. Such fiscal surety shall be for a period not to exceed five years and will be renewed thereafter upon a favorable review of the operation and maintenance of the facility by the Jackson County Zoning Committee and Corporation Counsel. All local units of government within the county shall be exempted from having to furnish fiscal sureties.

- (2) If the application is submitted under this section, but it is determined that the application is not complete, the Zoning Department shall notify the applicant in writing that the application is not complete within ten (10) days of the date of receiving the application, pertinent attachments and fee.
- (3) Within 90 days of the receipt of a completed application for a new wireless communications facility or a Class 1 co-location, or within 45 days of the receipt of a completed application for a Class 2 co-location, the Zoning Department shall complete its review and determination on the application, except that the applicant and the Department can agree in writing to an extension to the 45 or 90-day period.

## TRAFFIC, PARKING AND ACCESS

**17.45 HIGHWAY SETBACKS.** For the purpose of determining the distance buildings and other structures shall be set back from the streets and highways of the County, the highways of the County are divided into the following classes:

(1) CLASS A HIGHWAYS.

- (a) All State and federal highways are hereby designated as Class A highways.
- (b) The setback line for Class A highways shall be 110' from the centerline of the highway or 50' from the right-of-way line, whichever is greater.
- (c) Service roads to Class A highways shall be considered as Class C highways for the purpose of determining the setback along such service roads.

(2) CLASS B HIGHWAYS.

- (a) All County trunks are hereby designated as Class B highways. For the purpose of this subchapter, any road will be considered as a County trunk after it has been placed on the County trunk systems by the County Board and approved by the Highway Commission.
- (b) The setback for Class B highways shall be 75' from the centerline of such highway or 42' from the right-of-way line, whichever is greater.

(3) CLASS C HIGHWAYS.

- (a) All town roads, streets and highways not otherwise classified are hereby-designated Class C highways.
- (b) For all Class C highways setback lines are hereby established parallel to and distant 63' from the centerline of such highway or 30' from the right-of-way line, whichever is greater.

- (4) LESSER SETBACKS. Lesser setbacks on Class A and Class B highways can only be allowed by the County's Board of Adjustment, even if there is an established building line by an adjacent structure. On Class C highways, lesser setbacks can be allowed in cases of unusual topography or existing patterns of development, as long as the adjacent structures are main buildings (ex. house, cabin, etc.).

**17.46 VISION CLEARANCE AT INTERSECTIONS.** In each quadrant of every highway intersection or intersection of a road with a railroad there shall be a vision clearance triangle bounded by a straight line connecting them 150' from their intersection.

**17.47 OBJECTS PERMITTED WITHIN HIGHWAY SETBACK LINES AND VISION TRIANGLES.** No structure shall be permitted within a setback line, except:

- (1) Open fences.
- (2) Telephone, telegraph and power transmission poles, lines and portable equipment and livestock housings that are readily removable in their entirety.
- (3) The planting and harvesting of field crops, shrubbery and trees, except that no trees or shrubbery shall be planted within a vision clearance triangle so as to obstruct the view.
- (4) Those signs, which are, permitted elsewhere in this chapter.

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

**17.50 PARKING REQUIREMENTS.** In all districts and in connection with every use there shall be provided at the time any use or building is erected, enlarged, extended or increased off-street parking stalls for all vehicles in accordance with the following:

- (1) Size of each parking space shall be not less than 180 sq. ft. exclusive of the space required for ingress and egress.
- (2) Location to be on the same lot as the principal use or not over 400' from the principal use. No parking stall or driveway except in residential districts shall be closer than 25' to a residential district lot line or a street line opposite a residential district.
- (3) All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked.
- (4) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (5) Number of parking stalls required is shown in the following table:

<u>Use</u>	<u>Minimum Parking Required</u>
Single family dwellings and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings	1.5 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, sororities, dormitories, lodging and boardinghouses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitarium, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 sq. ft. of floor space



Manufacturing and processing plants, laboratories, warehouses	1 stall for each 3 employees
Financial institutions, business, government and professional offices	1 stall for each 300 sq. ft. of floor area
Funeral homes	1 stall for each 4 seats
Bowling alleys	3 stalls for each alley

- (6) In the case of structures or uses not mentioned, the provision for a use, which is similar, shall apply.
- (7) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

**17.51 DRIVEWAYS.** All driveways installed, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:

- (1) Driveways/Access. Any area where travel occurs from a public road over land, whether by ownership or easement, not considered being part of the public road for the purpose of gaining access to land or improvements.
- (2) All new driveways proposed to be installed shall be subject to an inspection and approval by the Town Board or Town Board designee. Any existing driveway serving open land without improvements and proposed to be converted to a driveway to serve one or more structures also must be approved by the Town Board prior to the Building Permit being issued.
- (3) The applicant who may be the owner, agent, or contractor shall submit a location plan with their Land Use or Building Permit application. The plan must show the width, length, slope and erosion control measures, if required.
- (4) Authorization for a driveway is subject to Town Board approval wherein located. The Town Board reserves the right to charge a fee for the inspection and issuance of permits for the proposed driveway. The Town Board may require culverts to be installed at specific locations. If culverts are required, the minimum diameter shall be 12". The Town Board must be consulted on the installation of any culverts. Illegal culverts will be removed at the owner's expenses.
- (5) The following specifications apply:
  - (a) Minimum of 6' from property lines
  - (b) Minimum of 15' between all driveways
  - (c) Minimum road surface width 12' for one and two family dwellings.
  - (d) Minimum road surface width of 24' for all commercial or business
  - (e) Openings for vehicle ingress and egress shall not exceed 24' at the street line and 30' at the roadway.
- (6) Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 200' from any pedestrian entrance or exit to a school, college,

university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.

- (7) Authorization for shared driveways, which would run along property lines can be granted by the County's Zoning Committee in cases where access may be limited due to topography, limited highway accesses, etc.

**17.52 HIGHWAY ACCESS REQUIREMENTS.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, or to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- (1) Freeways, interstate highways and their interchanges or turning lanes, nor to intersecting or interchanging streets within 1,500' of the most remote end of the taper of the turning lanes.
- (2) Arterial streets intersecting another arterial street within 100' of the intersection of the right-of-way lines.
- (3) Streets intersecting an arterial street within 50' of the intersection of the right-of-way lines. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (4) Temporary access to the above rights-of-way may be granted by the Board of Adjustment after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any condition required and shall be issued for a period not to exceed 12 months.

**17.53 INTERCHANGE AREA OVERLAY ZONE.**

- (1) PURPOSE. To supplement the controls of the underlying primary zoning districts by providing special regulations as required by the unique characteristics of land development, traffic generation and movement in interchange area.
- (2) APPLICATION. The general standards set forth hereunder apply to all lands within the delineated areas surrounding any existing or planned highway interchange and shall be overlaid upon the primary zoning districts already applied to the same lands. In the event of conflicting standards between the underlying zoning and the interchange overlay regulations, the more restrictive will apply.
- (3) DELINEATION. Minimum coverage shall extend one mile on each side of the interchange; i.e., 2 corridors one mile long and 1/2 mile wide, one along each side of the intersecting highway measured from the center of the interchange.

**17.54 STANDARDS FOR INTERCHANGE AREA OVERLAY ZONING.**

- (1) ACCESS CONTROL ON INTERSECTING HIGHWAY.
  - (a) Dual lane highway or free flowing ramp, no access within 1,000' of most remote end of taper.
  - (b) Other intersection highways, no access within 500' minimum, with 1,000' desirable.
  - (c) No access point closer than 1,000' to another, 600' minimum.
  - (d) Access on opposite sides of the highway shall be:

1. Directly opposite each other or opposite a median crossover; or
  2. Separated by at least 300' of lateral distance.
- (e) Frontage roads shall be utilized wherever practicable, particularly in nonresidential areas, to minimize the number of direct access points to the intersecting highway.
- (f) In residential areas, lots shall back on the intersecting highway to minimize direct access thereto, wherever practicable.
- (2) SETBACKS.
- (a) From an intersecting highway, 160' from the centerline or 80' from the right-of-way line, whichever is greater.
- (b) From a frontage road, 30' from the right-of-way.
- (3) VISION TRIANGLES.
- (a) At public street openings and railroad crossings on the intersecting highway, preservation of area bounded by intersecting right-of-way lines and a vision setback line connecting points on each right-of-way line which are located 250' from the intersection of the centerline of the nearer roadways.
- (b) No structure, growth, parked vehicle or other obstruction shall be permitted within the vision triangle between 2-1/2 and 10' above the highway centerline elevation.
- (4) PARKING AND LOADING.
- (a) All truck loading areas shall be completely off the public streets and so designed that trucks need not park, back into or back from a public way, nor block or endanger pedestrian or vehicular traffic on streets, sidewalks or private property.
- (b) Off-street parking areas should be sufficient to accommodate all foreseeable parking demands. Parking areas shall be designed to allow on-site temporary storage areas for vehicles entering and desiring to park, thus eliminating use of highway rights-of-way by vehicles awaiting entrance to the site.
- (5) SIGNS.
- (a) All non-directory signs shall be prohibited.
- (b) The size and number of off-premises directory signs per establishment shall be limited to 150 sq. ft. and one per quadrant.
- (c) The size and number of on-premises directory signs shall be limited to 300 sq. ft. and 2 per premises.
- (d) Sale or lease signs located on the property referred to shall be permitted up to 8 sq. ft. per sign.
- (e) No sign shall be permitted which:
1. Obstructs traffic visibility.
  2. Resembles a traffic sign.
  3. Has a flashing light.
  4. Contains moving parts.
  5. Exceeds 300 sq. ft. in size.

## MODIFICATIONS

**17.60 HEIGHT.** The maximum height limitations provided elsewhere in this chapter may be exceeded in accordance with the following standards:

- (1) Agricultural structures, such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line. A Land Use Permit is not required for the construction of corn cribs, or silos. The height restriction however does apply.
- (2) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of 60', provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

**17.61 YARDS.** The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- (1) Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed 6' and not closer than 3' to any lot line.
- (2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed 2'.
- (3) Residential fences are permitted on the property lines in residential districts, but shall not in any case exceed a height of ten (10) feet. Residential fences are allowed to the right-of-way of any public road but shall not in any case exceed a height of six (6) feet along the public road right-of-way. A Land Use Permit is not required.
- (4) 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. Security fences and agricultural type fencing can run along the public right-of-way. A Land Use Permit is not required.
- (5) Accessory uses and detached accessory structures are allowed as per this ordinance. They shall not exceed 25 feet in height and occupy no more than 20% of the yard area. The setbacks for a detached accessory structure are as follows, unless otherwise specified in this ordinance:
  - (a) 5 feet to a lot line for lots less than 1.5 acres in size.
  - (b) 10 feet to a lot line for lots 1.5 to 5 acres in size.
  - (c) 25 feet to a lot line for lots 5 to 20 acres in size.
  - (d) 50 feet to a lot line for lots 20 acres or more in size.
- (6) Off-street parking is permitted in all yards of the B-1 and B-2 Business Districts, but shall not be closer than 25' to any public right-of-way.
- (7) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
- (8) Landscaping and vegetation are exempt from the yard requirements of this chapter.
- (9) Manufactured Homes<sup>2</sup>, Mobile Homes or Travel Trailers may not be used as Accessory Structures; as Additions to existing structures; as Additions to existing Manufactured Homes<sup>2</sup> or Mobile Homes; or as Storage Buildings. Manufactured Homes<sup>2</sup> and Mobile

Homes are only to be utilized as dwelling units.

- (a) Office construction trailers or utility trailers which do not meet the definition of a mobile home or manufactured home (2), but still are movable down the road are prohibited from being utilized as an accessory building, habitable structure, addition to an existing building etc.
- (10) Any proposed Manufactured Home <sup>(2)</sup> (mobile home) which is to be sited on property that is not a licensed mobile home park, must be of the Model Year which is ten (10) years or newer from the date of installation.
- (11) Semi-trailers may not be stored or used for accessory buildings or storage units within the R-1, R-2, R-3, R-4 and C-1 Districts. They cannot be utilized for the advertising of any trade, business or occupation in any district.
- (a) Individuals or corporation actively engaged in an agricultural practice listed as a principal use in the A-1 or A-2 District may utilize semi-trailers for storage units as long as they are generating at least 80% of their income from the agricultural operation and have a minimum of thirty-five (35) contiguous acres of land.
  - (b) Semi-trailers shall be allowed in the B-1, B-2, M-1, M-2 and M-4 Districts with a maximum of three (3) trailers, which are not in a dilapidated state. A request for a conditional use permit needs to be made if a person or corporation wishes to have more than three (3) on a premises.
  - (c) Semi-trailers can be stored on property located within the A-1 and A-2 Districts, with a minimum of ten (10) contiguous acres of land, but must be road ready and cannot be in a dilapidated state. They cannot be utilized for storage or as an accessory use.
- (12) Reasonable accommodations for handicapped or disabled persons.
- (a) The Zoning Department may issue a land use permit that waives specified requirements of this ordinance if it is determined that the requested accommodation is necessary to afford handicapped or disabled persons equal housing opportunities or equal access to public accommodations; is the minimum accommodation that will give the handicapped or disabled person adequate relief and will not unreasonably undermine the purposes of this ordinance.
  - (b) If the Zoning Department issues a land use permit that waives specified zoning provisions pursuant to (a) above, the permit will include a condition that the structure authorized by the permit (such as an entrance ramp) shall be removed not more than thirty (30) days after the handicapped or disabled person vacates the property or the structure ceases to be a public accommodation.
  - (c) The permit will not become effective until the property owner records a deed restriction with the Register of Deeds Office setting forth the condition that the structure authorized by the permit shall be removed as required in Section 17.61 (12) (b).
  - (d) If the Zoning Department denies a permit requesting an accommodation under this subsection, the denial may be appealed to the Board of Adjustment pursuant to Section 17.96 (2).

**17.62 ADDITIONS.** Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

- 17.63 AVERAGE STREET YARDS.** The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15' in any residential district and 5' in any business district.
- 17.64 NOISE.** Sirens, whistles and bells, which are maintained and utilized solely to serve a public purpose, are exempt from the sound level standards of this chapter.
- 17.65 REQUIRED MINIMUM LOT AREA.** The required minimum lot areas are listed in the Zoning District Section of this Ordinance. If an individual wants to reduce the minimum lot area, they would need to apply for a Variance through the County's Board of Adjustment. This would follow standard Public Hearing procedure.

## SIGNS

**17.70 PURPOSE.** This chapter is established to protect and promote health, safety, general welfare and order through the establishment of comprehensive, uniform standards and procedures governing the construction, used and style of signs or symbols serving as a visual communication media, aimed at persons upon public rights-of-ways or private properties. Hereafter, no sign shall be erected, constructed, altered or modified except as regulated herein.

### **17.71 GENERAL SIGN PROVISIONS.**

- (1) Hazardous Signs. No sign shall, by reason of its shape, location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words, which might be construed as traffic controls, such as "stop", "caution", or "warning", unless such sign is intended to direct traffic on the premises.
- (2) Sign Maintenance. All signs and sign structures shall be properly maintained in a safe, orderly condition, and parts and supports shall be properly painted at all times. Signs or sign structures which are rotted, unsafe, or which have otherwise deteriorated or have been defaced, shall be repainted, repaired, or replaced by the owner of the property upon which the sign is located, or by his licensee.
- (3) Interference. No signs, or any guides, stays or attachments thereto shall be erected, placed or maintained upon rocks, fences or trees, or in such a manner to interfere with fire-fighting equipment or personnel, or any electric light, power, telephone or cable wires or supports thereof.
- (4) Signs Within Right-of-Way. No signs ~~or~~ other than governmental signs shall be erected or temporarily placed within any public right-of-way.
- (5) Ingress and Egress. No sign or sign structure shall be erected or maintained so as to prevent or deter free movement from any door, window or fire escape. No sign or sign structure shall impede the vision triangle of a driveway access to a property based on the type of public road being accessed.
- (6) Required by Law. All signs required by law shall be permitted in all districts.
- (7) Obsolete Signs. An obsolete sign or a sign which advertises an activity, product, or service, which is no longer being produced or conducted, shall be removed within ninety days from the last date upon which the activity or service was produced or conducted. Responsibility for the removal shall be vested in the owner of the real property.
- (8) Illumination. All externally illuminated signs shall direct the source of light away from adjacent properties.
- (9) Flashing Lights. Flashing, revolving and intermittently lighted signs are strictly prohibited.
- (10) Shoreland. No permanent sign shall be located closer than 75' from the normal high water mark of any navigable or perennial body of water, in the floodway of any stream, river, etc., or in any Shoreland-wetland.
- (11) Vehicle Signs. All vehicles, whether operable or inoperable are prohibited from being used for the placement of signs for any kind of advertisement.

## 17.72 TYPES OF SIGNS.

- (1) Type 1. Directory signs advertising a business or activity conducted, an area of interest or a service available at a specific location. Such signs shall be not more than 32 sq. ft. in gross area. There shall not be more than 2 such signs relating to any one such use in the approaching direction along any one highway. No such sign shall be more than 10 miles away from the location to which it relates. Such signs may be placed at the right-of-way line of the highway. A larger number of signs may be permitted by the Board of Adjustment if the Board shall find it necessary for directing the traveling public. Type 1 signs are allowed in the B-1, B-2, M-1, M-2, M-4, A-1, A-2 and C-1 districts.
- (2) Type 2. Signs advertising a customary home occupation or professional office. Such signs shall not exceed 6 sq. ft. in gross area, shall be attached to the building, and if illuminated, shall be indirectly lighted. Type 2 signs are allowed in the R-1, R-2, R-3, R-4, B-1, B-2, M-1, M-2, M-4 and A-1 districts. A permit is not required for Type 2 signs.
- (3) Type 3. The following signs are to be placed in the front yard of the effected properties, and are allowed without a permit.
  - (a) Government signs. Signs of a public, non-commercial nature, including, but not limited to, safety signs, trespassing signs, traffic control signs, scenic or historical signs, memorial plaques, and community service signs. Signs shall not exceed 6 sq. ft.
  - (b) Integral signs. Signs attached to buildings or structures, which name the building, date of construction and commemorative actions.
  - (c) Campaign signs. Election campaign or referendum signs may be placed on the first day for circulation of nomination papers or the period beginning on the day on which the questions to be voted upon are submitted to the electorate and shall be removed within 24 hours after the day of election or vote on a referendum. In residential districts, no sign may be electrical, mechanical or have an audio auxiliary. Signs shall not exceed 6 sq. ft.
  - (d) Nameplates. One sign, which states the owner's name, address, and a home occupation or farm, related business. Sign shall not exceed 20 sq. ft.
  - (e) Holiday signs. Signs or displays which contain or depict only a message pertaining to a National or State Holiday, displayed for a period of not to exceed sixty days.
  - (f) Construction signs. Non-illuminated signs naming the architects, engineers, contractors, and other individuals or firms included with the construction, alteration or repair of a structure and the future use of the site. Such signs shall be confined to the construction site and shall be removed when the project is completed or occupancy of the structure, whichever comes first. Sign shall not exceed 64 sq. ft.
  - (g) Real Estate signs. Signs advertising the sale or rent of the property upon which the sign is placed. In the event of a sale or rental agreement, the sign must be removed within 10 days. Such sign shall not measure more than 6 sq. ft. in the R-1, R-2, R-3, or R-4 district, nor more than 20 sq. ft. in all other districts.
  - (h) Trespassing signs. Signs which indicate the allowed use of private property, such as No Trespassing; No Hunting; or Hunting by Permission only; per terms of State Law as to frequency and size.



- (i) Seasonal Agricultural Product signs.
- (j) Agricultural Test Plot Signs. Agricultural test plot signs shall be allowed under the following conditions:
  1. One sign facing each direction
  2. Sign shall not exceed 32 sq. ft. and are permitted during the growing season and shall be removed after harvest.
  3. Row markers and variety markers permitted as necessary.
- (k) Occasional Yard Sale sign. One sign is allowed, shall not exceed 6 sq. ft., and shall not be placed more than one day prior to the sale and removed at the end of the sale.
- (l) Subdivision signs. Signs are allowed for tracts containing 10-50 or more lots. Signs shall be 32 sq. ft. in size or less, and each subdivision can have a maximum of 2 such signs. The sign can be placed after the final plat has been recorded and must be removed after 90% of the lots are sold.
- (m) Community events. Such as banners, which are printed by groups, including Chamber of Commerce, local governments, church groups, etc., are permitted and must conform to State Administrative Code.

**Type 3 signs are allowed in all zone districts.**

- (4) Type 4. Signs/Billboards advertising a general brand or product, an area of interest, a business conducted or a service available. Such signs shall be erected outside and parallel to the right-of-way line, and meet the following:
  - (a) Back-to-back signs that are parallel to each other and within 3 feet are considered as one sign and one face.
  - (b) If the faces are not parallel, the angle shall not exceed 45 degrees, and one point of both sides must be within the 3-foot distance. If the angle is greater than 45 degrees, the boards will be considered separate for total area calculations. The sign must be orientated on the site so that only one face is visible from the approaching right-of-way.
  - (c) Advertising signs shall not exceed 288 sq. ft. per face or 576 sq. ft. of total area, nor shall the height exceed 35'. No advertising sign shall exceed 45' in length.
  - (d) There shall be a minimum of 300 feet of separation between signs on the same street facing the traffic flow.
  - (e) No part of an advertising sign shall be closer than five (5) feet to the property lines. Only includes side yard and rear yard setbacks.
  - (f) No advertising sign shall be erected or maintained with 100 feet of a residential, agricultural or forestry district boundary, or within 500 feet of a public park.

**Type 4 signs are allowed in the B-1, B-2, M-1, M-2, and M-4 districts.**

- (5) Type 5. Signs attached to commercial and industrial advertising a business conducted or a service available on the premises. No sign shall exceed 40 sq. ft. in gross area; be higher than 4 feet above the top of the roofline, or exceed the maximum height limitation permitted in the district. Type 5 signs are allowed in the B-1, B-2, M-1, M-2, M-4, and A-1 districts.

- (6) Type 6. On-premises signs. Advertising a public or semi-public use. Such signs shall not exceed 32 sq. ft. in gross area. There shall be no more than one sign for each highway upon the property faces. Such signs may be placed at the right-of-way line of the highway. Type 6 signs are allowed in all the districts.
- (7) Type 7. Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall be not more than 4 sq. ft. in gross area. Where a common posting standard is provided, all such signs shall be attached to the standard recreational directory signs and may be placed at the right-of-way line of the highway. Type 7 signs are allowed in all districts except the R-1 or R-2 district.

**17.73 PERMITS.** Unless specifically stated in this Ordinance, permits are required for all signs erected, constructed, enlarged or otherwise modified. Application for a Sign Permit shall be made to the Zoning Department. Permits shall be issued if the proposed sign meets the requirements of this Chapter.

**17.74 CONDITIONAL USE.** Any proposed sign which does not meet the provisions of this Chapter, will only be approved by following the Conditional Use process in Section 17.35 of this Ordinance.

**17.75 NON-CONFORMING SIGNS.**

- (1) Legal non-conforming signs may not be structurally altered or enlarged except in accordance with this Chapter or reestablished after being brought into compliance.
- (2) Nothing in this Chapter shall be construed as relieving the owner of a legal non-conforming sign from the provisions of this Chapter regarding safety, maintenance, and repair of signs. However, no change in the sign structure or copy shall be made which makes it more non-conforming.

## NON-CONFORMING USES

### 17.80 NON-CONFORMING USES.

- (1) The following shall apply to all buildings or structures which house a nonconforming use, except for such nonconforming uses are otherwise regulated and controlled by the Jackson County Shoreland Ordinance and the Jackson County Floodplain Ordinance.
  - (a) Structural alterations or structural repairs of an existing building or structure which houses a nonconforming use shall be authorized by a land use permit.
  - (b) Additions to an existing building or an existing structure which houses a nonconforming use shall be authorized only by a conditional use permit. Such additions shall comply with all applicable setbacks and other dimensional requirements of this ordinance, unless a variance is granted by the Jackson County Board of Adjustment.
  - (c) If a structure which houses a nonconforming use is destroyed by fire, materially damaged, explosion, storm damage, or other disaster, such structure may be restored and the nonconforming use may be restored therein, upon issuance of a land use permit. Such restoration shall not exceed the original building area and volume, unless a conditional use permit is authorized. If the original structure which housed the nonconforming use is also a nonconforming structure, then the provisions of Section 17.81 shall also apply.
- (2) Change of use. A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.
- (3) Discontinuance. Where any such nonconforming use is discontinued for a period of twelve (12) consecutive months, any future use of the building, structure or land shall conform to the regulations of the district in which it is located.

### 17.81 NON-CONFORMING STRUCTURES.

- (1) Alterations and additions except the alterations and additions to structures regulated by the Jackson County Shoreland Ordinance and the Jackson County Floodplain Ordinance shall meet the following provisions:
  - (a) Structural alterations or structural repairs of nonconforming structures shall meet all the provisions of this ordinance, except that such alterations or repairs need not comply with the setback or yard provisions of this ordinance, provided they do not result in an increase in floor area nor change the footprint of the structure.
  - (b) Additions to or extensions of nonconforming structures are permitted provided that such additions or extensions comply with all the provisions of this ordinance. Additions or extensions of nonconforming structures along public highways where such structure and public highway existed prior to the effective date of this ordinance are permitted provided that such additions or extensions do not extend further toward the public highway than the existing structure.
  - (c) A conforming use in a nonconforming structure may be changed to another conforming use without complying with the setback or yard requirements of these regulations provided the new conforming use does not result in an increase in floor area nor change the footprint of the structure, and provided that all parking and other site requirements are met.
  - (d) Highway projects. When a structure becomes a nonconforming structure as to

setback from a highway, because the highway was widened or relocated or changed in jurisdiction by the County, a Township, or the Wisconsin Department of Transportation, such structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a highway. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the highway.

- (2) Repairs and restorations except the alterations and additions to structures regulated by the Jackson County Shoreland Ordinance and the Jackson County Floodplain Ordinance shall meet the following requirements:
  - (a) A nonconforming structure that is damaged or destroyed by fire, explosion, storm damage or similar calamity, may be repaired or restored provided either:
    - 1. The repair or restoration would bring the structure into compliance with this ordinance; or
    - 2. The repair or restoration of the nonconforming portion of the structure occurs fully within the building footprint of the structure before damage and there is no increase in the floor area of the nonconforming portion of the structure and repair or restoration takes place within twelve (12) months of being damaged.
  - (b) Except for historic buildings, no repairs or restoration of nonconforming structures shall be located within any public right-of-way.

**17.82 SUBSTANDARD LOTS.**

- (1) USE OF SUBSTANDARD LOTS FOR A DWELLING. A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 60' wide and 7,200 sq. ft. in area for the R-1 Residential District and at least 100' wide and 20,000 sq. ft. in the R-2, R-3 and R-4 Residential Districts, may be used as a building site for a single family dwelling upon issuance of a zoning permit subject to the conditions listed in sub. (2).
- (2) CONDITIONS ATTACHED TO USE OF SUBSTANDARD LOTS.
  - (a) Such use is permitted in the zoning district.
  - (b) The lot is of record in the County Register of Deeds' office prior to the effective date of this chapter.
  - (c) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without the full compliance with the terms of this chapter, and must have the consent of the owners of the lots that are to be merged.
  - (d) All the district requirements are complied with insofar as practical.
- (3) USE OF SUBSTANDARD LOTS FOR OTHER PURPOSES. All other uses of substandard lots shall require a variance from the Board of Adjustment subject to the conditions listed in sub. (2).

## PERFORMANCE STANDARDS

- 17.85 COMPLIANCE.** This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used, except in compliance with their district regulations and with the following requirements of the State of Wisconsin.
- 17.86 AIR POLLUTION.** No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other forms of property.
- 17.87 FIRE AND EXPLOSIVE HAZARDS.** All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.
- 17.88 GLARE AND HEAT.** No activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the M-2 District, which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- 17.89 LIQUID OR SOLID WASTES.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply, cause the emission of dangerous or offensive elements, overload the existing municipal utilities or injure or damage persons or property.
- 17.90 NOISE.** All noise shall be so muffled or otherwise controlled as not to become objectionable due intermittence, duration, beat frequency, impulse character, periodic character or shrillness.
- 17.91 ODORS.** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.
- 17.92 RADIOACTIVITY AND ELECTRICAL DISTURBANCES.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- 17.93 VIBRATION.** No activity in any district, except the M-2 District, shall emit vibrations, which are discernible without instruments outside its premises.

## ADMINISTRATION

### 17.95 CREATION, POWERS AND DUTIES.

(1) ZONING ADMINISTRATOR.

- (a) The duties shall be to administer, supervise and enforce the provisions of this chapter.
- (b) The Zoning Administrator shall make an annual report of his activities to the Zoning Committee.
- (c) The Zoning Administrator shall assist the applicant in preparing his application, advise the applicant as to the provisions of this chapter, inspect each project for which a permit has been granted and report any apparent violation to the District Attorney or Corporation Counsel.

(2) COUNTY ZONING COMMITTEE.

- (a) The Zoning and Land Information Committee of the County Board shall oversee the administration of this chapter in accordance with 59.97(2) (a), Wis. Stats. and to this end shall meet at least once each year.
- (b) In the event of a vacancy, the Chairman of such Board may appoint any member of the County Board to such Committee, whose term shall not extend beyond the next regular or special meeting of the County Board, whereupon the County Board shall elect as many of its members as may be necessary to fill such vacancies. Committee members so elected shall perform such duties until their successors are elected.

### 17.96 BOARD OF ADJUSTMENT.

(1) POWERS OF THE BOARD. The Chairman of the County Board is hereby directed to appoint a Board of Adjustment according to 59.99, Wis. Stats. consisting of 5 members, which shall have the following duties and powers:

- (a) It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.
- (b) It may authorize upon appeal in specific cases a variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district.

(2) APPEALS OF THE BOARD. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by a decision of any other administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from who the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(3) HEARING APPEALS.

- (a) The Board of Adjustment shall fix a reasonable time for hearing of the appeal and publish a Class II notice thereof under Ch. 985, Wis. Stats. specifying the date, time and place of hearing and the matters to come before the Board, as well as give due

notice of hearing to such party at the last known address and decide the same within a reasonable period of time. Upon the hearing, any party may appear in person, by agent or by attorney.

- (b) The Board of Adjustment shall adopt such rules, as it deems necessary for the conduct of business and may exercise all of the powers and is vested with all of the duties conferred on such boards by 59.99, Wis. Stats.

**17.97 CHANGES AND AMENDMENTS.**

- (1) The County Board may from time to time amend, supplement, or change by ordinance the boundaries of the districts or regulations herein established. Any proposed change shall first be submitted to the Zoning and Land Information Committee which shall hold a public hearing thereon. Notice of the time and place of such hearing shall be given by publication in the County legal paper as a Class II notice under Ch. 985, Wis. Stats. A copy of each notice shall be mailed by registered mail to the town clerk of each township affected by the proposed amendment at least ten (10) days prior to the date of such hearing.
- (2) An application for a rezone petition which has been afforded full due process of the law cannot be resubmitted or reapplied for unless the following conditions are met:
  - (a) The petition was legally withdrawn from either the Zoning and Land Information Committee's or County Board's agenda prior to a recommendation or vote being taken.
  - (b) An applicant must delay a rezoning reapplication for six (6) months from the time of legal withdrawal from a legally published agenda.

**17.98 FAIR AND OPEN HOUSING.**

WHEREAS, Jackson County recognizes its responsibilities under Section 106.04, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein;

THEREFORE, BE IT ORDAINED THAT:

- 1) The Board of Supervisors of Jackson hereby adopts Section 106.04, Wisconsin Statutes, as amended, (1996) and all subsequent amendments thereto.
- 2) The officials and employees of Jackson shall assist in the orderly prevention and removal of all discrimination in housing within the Jackson County by implementing the authority and enforcement procedures set forth in Section 106.04, Wisconsin Statutes, as amended.
- 3) The County Clerk shall maintain forms for complaints to be filled under Section 106.04, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in Jackson to file a complaint there under with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.04, Wisconsin Statutes, as amended.

106.04 Equal Rights

- (1) INTENT. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in

housing through the powers granted under ss. 66.432 and 66.433. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences, which are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be deemed an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity and human rights of the people of this state.

(1m) DEFINITIONS. In this section:

- (ad) **ADVERTISE** means to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.
- (am) **AGE**, in reference to a member of a protected class, means at least 18 years of age.
- (b) **AGRIEVED PERSON** means a person who claims to have been injured by discrimination in housing or believes that he or she will be injured by discrimination in housing that is about to occur.
- (c) **COMPLAINANT** means a person who files a complaint alleging discrimination in housing or public place of accommodation or amusement.
- (d) **CONCILIATION** means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant, the respondent and the department.
- (e) **CONDOMINIUM** has the meaning given in s. 703.02 (4).
- (f) **CONDOMINIUM ASSOCIATION** means an association, as defined in s. 703.02 (1m).
- (g) **DISABILITY** means a physical or mental impairment that substantially limits one or more major or life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), unless the individual is participating in a supervised drug rehabilitation program.
- (h) **DISCRIMINATE** means to segregate, separate, exclude or treat a person or class of persons unequally in a manner described in sub. (2), (2m) or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.
- (i) **DWELLING UNIT** means a structure or that part of structure that is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons who are maintaining a common household, to the exclusion of all others.
- (j) **FAMILY** includes one natural person.
- (k) **FAMILY STATUS** means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:
  - 1. A person is pregnant.



2. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
  3. A person's household includes one or more minor or adult relatives.
  4. A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
  5. A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.
- (km) **HARDSHIP CONDITION** means a situation under which a tenant in housing for older persons has legal custody or physical placement of a minor child or a minor child is placed in the tenant's care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the minor child.
- (l) **HOUSING** means any improved property, or any portion thereof, including a mobile home as defined in s. 66.058 (1)(d) or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.
- (m) **HOUSING FOR OLDER PERSONS** means any of the following:
1. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.
  2. Housing solely intended for, and solely occupied by persons 62 years of age or older.
  3. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.
- (mm) **INTERED PERSON** means an adult relative or friend of a member of a protected class, or an official or representative of a private agency, corporation or association concerned with the welfare of a member of a protected class.
- (n) **LODGING ESTABLISHMENT** means any of the following:
1. A bed and breakfast establishment, as defined in s. 254.61 (1).
  2. A hotel, as defined in s. 254.61 (3).
  3. A tourist rooming house, as defined in s. 254.61 (6).
  4. A campground.

- (nm) MEMBER OF A PROTESTED CLASS means a group of natural persons, or a natural person, who may be categorized based on one or more of the following characteristics: sex, race, color, disability, sexual orientation as defined in s. 111.32 (13m), religion, national origin, marital status, family status, lawful source of income, age or ancestry.
- (om) POLITICAL SUBDIVISION means a city, village, town or county.
- (p) 1. PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT shall be interpreted broadly to include, but not be limited to, places of business or recreation; lodging establishments; restaurants; taverns; barber or cosmetologist, aesthetician, electrologist or manicuring establishments; nursing homes; clinics; hospitals; cemeteries; and any place where accommodations, amusement, goods or services are available either free or for a consideration, subject to subd. 2.
2. PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT does not include a place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods or services during an event in which the organization or institution provides the accommodations, amusement, goods or services to the following individuals only:
- a. Members of the organization or institution.
  - b. Guests named by members of the organization or institution.
  - c. Guests named by the organization or institution.
- (q) RELATIVE means a parent, grandparent, great-grandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, great-grandchild, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, half-brother or half-sister or any other person related by marriage, consanguinity or affinity.
- (r) RENT means to lease, to sublease, to let or to otherwise grant or a consideration the right of a tenant to occupy housing not owned by the tenant.
- (s) RESPONDENT means the person accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing or in providing a public place of accommodation or amusement.
- (t) SEXUAL ORIENTATION has the meaning given in s. 111.32 (13m).
- (u) SIGNIFICANT FACILITIES AND SERVICES SPECIFICALLY DESIGNED TO MEET THE PHYSICAL OR SOCIAL NEEDS OF OLDER PERSONS includes social and recreational programs; continuing education; information and counseling; recreational, homemaker, outside maintenance and referral services; an accessible physical environment; emergency and preventive health care programs; congregate dining facilities; transportation to facilitate access to social services; and services designed to encourage and assist residents to use the services and facilities available to them.
- (1s) DEPARTMENT TO ADMINISTER. This section shall be administered

by the department through its division of equal rights. The department may promulgate such rules as are necessary to carry out this section. No rule may prohibit the processing of any class action complaint or the ordering of any class-based remedy, or may provide that complaints may be consolidated for administrative convenience only.

- (2) DISCRIMINATION PROHIBITED. It is unlawful for any person to discriminate:
- (a) By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.
  - (b) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.
  - (c) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
  - (d) By advertising in a manner that indicates discrimination by a preference or limitation.
  - (e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.
  - (f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.
  - (g) In providing the privileges, services or facilities that are available in connection with housing.
  - (h) By falsely representing that housing is unavailable for inspection, rental or sale.
  - (i) By denying access to, or membership or participation in, a multiple listing service or other real estate service.
  - (j) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.
  - (k) In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:
    - 1. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.
    - 2. Selling, brokering or appraising residential real property.
  - (l) By otherwise making unavailable or denying housing.

- (2m) REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES. No person may induce or attempt

to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by presentations to the effect that such present or prospective entry will or may result in any of the following:

- (a) The lowering of real estate values in the area concerned.
- (b) A deterioration in the character of the area concerned.
- (c) An increase in criminal or antisocial behavior in the area concerned.
- (d) A decline in the quality of the schools or other public facilities serving the area.

(2r) DISCRIMINATION AGAINST PERSONS WITH DISABILITIES PROHIBITED.

(a) **Definitions.** In this subsection:

- 1. ACCESSIBLE means able to be approached entered and use by persons with disabilities.
- 2. ACCESSIBLE ROUTE means a continuous, unobstructed path connecting accessible elements and spaces in a building, within a site or from a site to a vehicular route that can be negotiated by all persons with a disability.
- 3. ANSI A117.1 means the 1986 edition of the American national standards institute's code for buildings and facilities providing accessibility and usability for physically handicapped people.
- 4. COVERED MULTIFAMILY HOUSING means any of the following:
  - a. Housing that is first ready for occupancy on or after October 1, 1993, consisting of 3 or more dwelling units if the housing has one or more elevators.
  - b. Grade-level dwelling units, in housing without elevators that are first ready for occupancy on or after October 1, 1993, consisting of 3 or more dwelling units.
- 5. REMODELLING means to substantially improve, alter, extend or otherwise change the structure of a building or change the location of exits, but shall not include maintenance, redecoration, reroofing or alteration of mechanical or electrical systems.
- 6. VEHICULAR ROUTE means a route intended for vehicular traffic including, but not limited to, a street, driveway or parking lot.

(b) Types of discrimination prohibited. In addition to discrimination prohibited under subs. (2) and (2m), no person may do any of the following:

- 1. Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.
- 2. Segregate, separate, exclude or treat unequally a person in the terms,

conditions or privilege of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.

3. Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.
4. Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.

(bm) Animals assisting person with disabilities.

1. If an individual's vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:
  - a. Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.
  - b. The individual accepts liability for sanitation with respect to, and damage to the premises caused by the animal.
2. Subdivision 1. does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

(c) Design and construction of covered multifamily housing. In addition to discrimination prohibited under pars. (b) and (bm) and subs. (2) and (2m), no

person may design or construct covered multifamily housing unless it meets all of the following standards:

1. There is at least one accessible entrance for each building and that entrance is on an accessible route. All other entrances that are at grade level shall be accessible to the greatest extent feasible. The department shall promulgate rules that define "to the greatest extent feasible" to ensure maximum accessibility in a way that is not disproportionate to the entire project's cost and scope. If the covered multifamily housing units are at grade level and are served by separate entrances, each unit shall be on an accessible route. If the units have a minimum number of required exits, as determined by rules that shall be promulgated by the department, all required grade-level exits shall be accessible.
2. Public and common use areas are accessible to persons with disabilities.
3. Interior and exterior doors, and interior passages, are sufficiently wide to allow passage by persons with disabilities who use wheelchairs.
4. Light switches, electrical outlets, circuit controls, thermostats and other environmental controls are all located in accessible locations; reinforcements in bathroom walls are installed to allow later installation of grab bars around the toilet, tub, shower stall and shower seat, when such facilities are provided; kitchens and bathrooms allow an individual in a wheelchair to maneuver about the space; and, upon the request of a renter and without cost to a renter, lever door handles are on all doors and single lever controls, or other controls that are approved by the department by rule, are on all plumbing fixtures used by residents.

(d) Remodeling.

1. If more than 50% of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the entire housing shall conform to the standards in par. (c), regardless of when the housing was first intended for occupancy.
2. If 25% to 50% of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, that part of the housing that is to be remodeled shall conform to the standards in par. (c), regardless of when the housing was first intended for occupancy.
3. If less than 25% of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the remodeling is not subject to the standards in par. (c) unless the alteration involves work on doors, entrances, exits or toilet rooms, in which case the doors, entrances, exits or toilet rooms shall conform to the standards in par. (c) regardless of when the housing was first intended for occupancy.
4. The department may grant a variance or waiver from the requirements under this paragraph relating to exterior accessibility using the standards and procedures under par. (e).

(e) Permit and variance procedures.

1. Plans and specifications for all covered multifamily housing subject to par. (c) and proposed remodeling subject to par. (d) shall be submitted to the

department or its authorized representative for examination and approval before commencing work. The department shall promulgate rules that specify the materials to be included in the submittal, the procedures to be followed upon receipt of a submittal, reasonable time limitations for reviewing submittals and issuing or denying permits and qualifications for authorized representatives.

2. The department may grant a variance from the requirements relating to exterior accessibility under par. (c) 1. or (d), or from administrative rules promulgated under sub. (1s), if the person designing, constructing or remodeling the housing shows that meeting those requirements is impractical because of the terrain or unusual characteristics of the site. The department shall use a slope analysis of the undisturbed site for covered multifamily housing under par. (c) or the existing site for remodeling under par. (d) to determine the minimum number of accessible entrances at each site, with a minimum goal of exterior accessibility of 50% of the dwelling units of covered multifamily housing at one site. The department may impose specific conditions in granting a variance to promote exterior accessibility of the housing to persons with disabilities. If the department finds that exterior accessibility is impractical as to all dwelling units at a site, it may grant a waiver from the requirements under par. (c) 1. or (d).

(f) Safe harbor.

1. Except as provided in subd. 2., covered multifamily housing and remodeled housing are accessible for purposes of this subsection if they comply with one of the following:
  - a. The applicable requirements of ANSI A117.1.
  - b. Final guidelines issued by the federal department of housing and urban development, published in the federal register on March 6, 1991.
  - c. Another standard that affords persons with disabilities access that is essentially equivalent to or greater than that required by ANSI A117.1.
2. Subdivision 1. does not apply to remodeled or covered multifamily housing for which a building permit is issued on or after the first day of the 7th month beginning after the effective date of administrative rules promulgated by the department under this subsection establishing the accessibility standards for design and construction under par. (c).

(g) General powers and duties of department.

1. The requirements under this subsection are in addition to, and do not supplant, the requirements under s. 101.13 relating to the use of public buildings by persons with disabilities. Any conflict between this subsection and s. 101.13 or the rules promulgated under s. 101.13 shall be resolved in favor of the provision providing the greatest degree of access by persons with disabilities, as determined by the department.
2. The department shall promulgate rules establishing minimum accessibility requirements for design and construction of covered multifamily housing and the remodeling of housing that are consistent with this subsection, that

incorporate the applicable standards under ANSI A117.1 and that set forth permit and variance procedures for purposes of par. (e).

3. The department shall promulgate rules creating standards for interior and exterior accessibility of grade level portions of multilevel dwelling units without elevators in any housing consisting of 3 or more dwelling units with separate exterior entrances. The rules shall ensure that access to a grade-level floor is provided to at least 25% of the dwelling units first ready for occupancy on or after the effective date of the rule.

(5m) EXEMPTIONS AND EXCLUSIONS.

1. Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.

- 1e. Under this paragraph, housing under sub. (1m) (m) 3, may qualify as housing for older persons only if the owner of the housing provides the department with written certification that all of the following factors apply to the housing:

- a. There exists significant facilities and services specifically designed to meet the physical or social needs of older persons under sub. (1m) (m) 3.
- b. At least 80% of the dwellings units under sub. (1m) (m) 3. are occupied by at least one person 55 years of age or older.
- c. Policies are published and procedures are adhered to that demonstrate intent by the owner or manager to provide housing under sub. (1m) (m) 3. for persons 55 years of age or older.

- 1m. No person may discriminate by refusing to continue renting to a person living in housing for older persons under sub. (1m) (m) 3. who is subject to a hardship condition.

2. Under this paragraph, housing may qualify as housing for older persons with respect to persons first occupying the housing on or after September 1, 1992, regardless of whether a person who had not attained the age of 62 resided in the housing on that date or regardless of whether one or more dwelling units were unoccupied on that date, if the persons who first occupy the housing on or after that date have attained the age of 62.

- a. Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonable related to the individual applicant.
- b. Nothing in this section shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.
- c. Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or



whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual which caused harm or damage, which directly threatened harm or damage or which caused a reasonable fear of harm or damage to other tenants, persons employed on the property or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the fact that a tenant has been or may be the victim of domestic abuse, as defined in s. 813.12 (1) (a).

d. It is not discrimination based on family status to comply with any reasonable federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

(em) 1. Subject to subd. 2., nothing in this section applies to a decision by an individual as to the person with whom he or she will, or continues to, share a dwelling unit, as defined in s. 101.71 (2) except that dwelling unit does not include any residence occupied by more than 5 persons.

2. Any advertisement or written notice published, posted or mailed in connection with the rental or lease of a dwelling unit under subd. 1. may not violate sub. (2) (d), 42 U.S.C. 3604 (c), or any rules or regulations promulgated under this section or 42 U.S.C. 3601 to 3619, except that such an advertisement or written notice may be for a person of the same sex as the individual who seeks a person to share the dwelling unit for which the advertisement or written notice is placed.

(f) Nothing in this section prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status and marital, financial and business status but not concerning race, color, physical condition, disability, sexual orientation, age, ancestry, national origin, religion or creed.

#### (6) FAIR HOUSING ADMINISTRATIVE ENFORCEMENT.

##### (a) Complaints.

1. The department may receive and investigate a complaint charging a violation of sub. (2), (2m) or (2r) if the complaint is filed with the department not later than one year after the alleged discrimination occurred or terminated.

2. The complaint shall include a written statement of the essential facts constituting the discrimination that is charged, and shall be signed by the complainant.

3. The complaint may be filed by an aggrieved person, by an interested person. or by the department under par. (b). The department shall, upon request, provide appropriate assistance in completing and filing complaints.

4. The department shall serve notice on the aggrieved person acknowledging the filing of the complaint and advising the complainant of the time limits and choice of forums provided under this subsection and the right to bring a private civil action under sub. (6m).
  5. Upon the filing of an initial, amended, final or supplemental complaint, the department shall promptly serve a copy of the complaint upon the respondent, except where testing may be conducted. The initial complaint shall be reserved before the commencement of the investigation by the department, except where testing may be conducted. The notice shall be sent by certified mail, return receipt requested. The notice to the respondent shall include a written statement from the department directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of the notice and further stating that, if the respondent fails to answer the complaint in writing, the department will make an initial determination as to whether discrimination has occurred based only on the department's investigation and the information supplied by the complainant.
  6. The department may dismiss the complaint if the complainant fails to respond to the department within 20 days from the date of mailing of any correspondence from the department concerning the complaint, if the department's correspondence requests a response and if the correspondence is sent by certified mail, return receipt requested, to the last known-address of the complainant.
- (b) Powers and duties of department. The department and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this subsection. The department may test and investigate for the purpose of establishing violations of sub. (2), (2m) or (2r) and may make, sign and file complaints alleging violations of sub. (2), (2m) or (2r). The department shall employ examiners to hear and decide complaints of discrimination under this section, and to assist in the administration of this section. The examiners may make findings and issue orders under this subsection. The department shall develop and implement an investigation manual for use in conducting investigations under par. (c).
- (c) Investigation and finding of probable cause.
1. The department shall investigate all complaints that allege a violation of this section and that are filed within the time specified under par. (a). The department may subpoena persons or documents for the purpose of investigation. If during an investigation it appears that the respondent has engaged in discrimination against the complainant, which is not alleged in the complaint, the department may advise the complainant that the complaint should be amended. If the complaint is amended, the department shall also investigate the allegations of the amended complaint.
  2. At the conclusion of the investigation of the allegations, the department shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur. In making a determination of probable cause, the department shall consider whether the facts concerning the alleged discrimination are sufficient to warrant the

initiation of a civil action. If the department determines that probable cause exists, the department shall immediately issue a charge on behalf of the aggrieved person. Service of copies of the charge shall be made on the complainant, the respondent and the aggrieved person by certified mail, return receipt requested. When a charge is filed, a complainant, a respondent or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action under sub. (6m) in lieu of a hearing under par. (f). The election shall be made no later than 20 days after the receipt by the electing person of service of the charge, along with information about how to make the election. If an election is made, the person making the election shall give notice of doing so to the department and to all other complainants and respondents to whom the charge relates. The department shall notify the aggrieved persons that an election is made.

3. No charge may be issued regarding alleged discrimination after the beginning of the trial of a civil action commenced by the aggrieved party under sub. (6m) or 42 U.S.C. 3613, seeking relief with respect to that discriminatory act.
4. If the department initially determines that there is no probable cause to believe that discrimination occurred as alleged in the complaint, it may dismiss those allegations. The department shall, by a notice to be served with the determination, notify the parties of the complainant's right to appeal the dismissal of the claim to the secretary for a hearing on the issue by a hearing examiner. Service of the determination shall be made by certified mail, return receipt requested. If the hearing examiner determines that no probable cause exists, that determination is the final determination of the department and may be appealed under par. (j).

(d) Temporary judicial relief. At any time after a complaint is filed alleging discrimination in violation of sub. (2), (2m) or (2r), the department may file a petition in the circuit court for the count in which the act of discrimination allegedly occurred or for the county in which a respondent resides or transacts business, seeking a temporary injunction or restraining order against the respondent to prevent the respondent from performing an act that would tend to render ineffectual an order that the department may enter with respect to the complaint, pending final determination of proceedings under this section.

(e) Conciliation.

1. Upon the filing of a complaint alleging discrimination in violation of sub. (2), (2m) or (2r), the department may endeavor to eliminate the discrimination by conference, conciliation and persuasion. The department shall notify the parties that conciliation services are available.
2. Conciliation efforts may be undertaken by the department during the period beginning with the filing of the complaint and ending with the dismissal of the complaint under par. (c) 4. or the issuance of a charge under par. (c) 2.
3. If conciliation resolves the dispute, a written conciliation agreement shall be prepared which shall state all measures to be taken by each party. The agreement may provide for dismissal of the complaint if the dismissal is

without prejudice to the complainant's right to pursue the complaint against any respondent who fails to comply with the terms of the agreement. The agreement shall be signed by the respondent, the complainant and the aggrieved person and is subject to approval by the department. A conciliation agreement entered into under this subdivision is a public record and is subject to inspection under s. 19.15, unless the parties to the agreement request that the record be exempt from disclosure and the department finds that disclosure is not required to further the purposes of this section.

4. Whenever the department has reasonable cause to believe that a respondent has breached a conciliation agreement, the department shall refer the matter to the department of justice with a recommendation that a civil action be filed for enforcement of the agreement.

(f) Hearing procedures.

1. After the department issues a charge under par. (c) 2., the department shall serve the charge, along with a written notice of hearing, specifying the nature and acts of discrimination which appear to have been committed, and requiring the respondent to answer the charge at a hearing before an examiner. The notice shall specify a time of hearing, not less than 10 days after service of the charge, and a place of hearing within the county in which the violation is alleged to have occurred.
2. If an election is not made under par. (c) 2., the hearing shall be conducted by a hearing examiner. A person, who is aggrieved, with respect to the issues to be determined at the hearing, may be represented by counsel.
3. The department or a party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney shall be in substantially the same form as provided in s. 805.07 (4) and shall be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the hearing examiner who is responsible for conducting the hearing.
4. The testimony at the hearing shall be recorded by the department. Discovery shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence. The hearing under this paragraph shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The burden of proof is on the party alleging discrimination.
5. If after the hearing the examiner finds by a fair preponderance of the evidence that the respondent has violated sub. (2), (2m) or (2r), the examiner shall make written findings and order the respondent to take actions that will effectuate the purpose of sub. (2), (2m) or (2r), and may order other penalties, damages and costs as provided in pars. (h) and (i). The department shall serve a certified copy of the final findings and order on the aggrieved party, the complainant and the respondent. The order shall have the same force as other orders of the department and be enforced as provided in this subsection except that the enforcement of the

order is automatically stayed upon the filing of a petition for review under par. (j).

6. If the examiner finds that the respondent has not engaged in discrimination as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the aggrieved party, the complainant and the respondent together with an order dismissing the complaint. If the complaint is dismissed, costs in an amount not to exceed \$100 plus actual disbursements for the attendance of witnesses may be assessed against the department in the discretion of the department.

(g) Time limitations.

1. The department shall commence proceedings with respect to a complaint before the end of the 30th day after receipt of the complaint.
2. The department shall investigate the allegations of the complaint and complete the investigation not later than 100 days after receipt of the complaint. If the department is unable to complete the investigation within 100 days, it shall notify the complainant and respondent in writing of the reasons for not doing so.
3. The department shall make final administrative disposition of a complaint within one year after the date of receipt of a complaint, unless it is impracticable to do so. If the department is unable to do so, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(h) Damages and penalties.

1. If the hearing examiner finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under sub. (2), (2m) or (2r), the hearing examiner shall promptly issue an order for such relief as may be appropriate, which may include economic and non-economic damages suffered by the aggrieved person, regardless of whether he or she intervened in the action, and injunctive or other equitable relief. The hearing examiner may not order punitive damages.
2. In addition to any damages ordered under subd. 1., the hearing examiner may assess a forfeiture against a respondent who is not a natural person in an amount not exceeding \$10,000, unless the respondent who is not a natural person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is not a natural person has been adjudged to have committed one other discriminatory act under sub. (2), (2m) or (2r) during the preceding 5-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$25,000. If a respondent who is not a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) during the preceding 7-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$50,000.
3. In addition to any damages ordered under subd. 1., the administrative law judge may assess a forfeiture against a respondent who is a natural person in an amount not exceeding \$10,000, unless the respondent who is a natural

person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is a natural person has been adjudged to have committed one other prior discriminatory act under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding \$25,000. If a respondent who is a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding \$50,000.

- (i) Attorney fees and costs. The hearing examiner may allow a prevailing complainant, including the state, reasonable attorney fees and costs. The state shall be liable for those fees and costs if the state is a respondent and is determined to have committed a discriminatory act under sub. (2), (2m) or (2r).
- (j) Judicial review. Within 30 days after service upon all parties of an order or determination of the department under this subsection, the respondent, the complainant or the aggrieved party may appeal the order or the determination to the circuit court for the county in which the alleged discrimination took place by the filing of a petition for review. The court shall review the order or determination as provided in ss. 227.52 to 227.58.

(6m) CIVIL ACTIONS.

- (a) Any person, including the state, alleging a violation of sub. (2), (2m) or (2r) may bring a civil action for injunctive relief, for damages, including punitive damages, and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees.
- (b) An action commenced under par. (a) may be brought in the circuit court for the county where the alleged violation occurred or the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred or terminated. The one-year statute of limitations under this paragraph shall be tolled while an administrative proceeding with respect to the same complaint is pending.
- (c) The court may issue a permanent or temporary injunction or restraining order to assure the rights granted by this section. The court may order other relief that the court considers appropriate, including monetary damages, actual and punitive, forfeiture as provided in sub. (6) (h) and costs and fees as provided in sub. (6) (i).
- (d) If the attorney general has reasonable cause to believe that any person engaged in a pattern or practice of discrimination in violation of sub. (2), (2m) or (2r) or that any person has been denied any of the rights granted under sub. (2), (2m) or (2r), and such denial raises an issue of general public importance, the department of justice may commence a civil action.

(8) DISCRIMINATION BY LICENSED OR CHARTERED PERSONS.

- (a) If the department finds reasonable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person taking an action prohibited under sub. (2), (2m) or (2r), or probable cause to believe that an act has been or is being committed in violation of sub. (9), and the person is licensed or chartered under state law, the department shall notify the licensing or chartering agency of its findings, and may file a complaint with such agency together with a

request that the agency initiate proceedings to suspend or revoke the license or charter of such person or take other less restrictive disciplinary action.

- (b) Upon filing a complaint under par. (a), the department shall make available to the appropriate licensing or chartering agency all pertinent documents and files in its custody, and shall cooperate fully with such agency in the agency's proceedings.

(9) PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT.

- (a) No person may do any of the following:

- 1. Deny to another or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin or ancestry.

- 1m. Deny to an adult or charge an adult a higher price than the regular rate for the full and equal enjoyment of a lodging establishment because of age, subject to s. 125.07.

- 2. Give preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, sexual orientation, national origin or ancestry.

- 3. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of sex, race, color, creed, disability, sexual orientation, national origin or ancestry or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons.

- 3m. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of a lodging establishment will be denied to an adult because of age, subject to s. 125.07.

- 4. Refuse to furnish or charge another a higher rate for any automobile insurance because of race, color, creed, disability, national origin or ancestry.

- 5. Refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, sexual orientation, national origin or ancestry, regarding the use of any private facilities commonly rented to the public.

- (b) Nothing in this subsection prohibits separate dormitories at higher educational institutions or separate public toilets, showers, saunas and dressing rooms for persons of different sexes.

- (c) Nothing in this subsection prohibits separate treatment of persons based on sex with regard to public toilets, showers, saunas and dressing rooms for persons of different sexes.

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