

**Town of Ringle**  
**Marathon County, Wisconsin**  
**ZONING ORDINANCE**



**Adopted May 24, 2022**

**Amendments:**

September 11, 2023

November 24, 2023

July 30, 2024

September 9, 2024

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# Table of Contents

<b>Section 1</b>	<b>Title, Authority and General Provisions</b>	<b>1</b>
1.01	Title	
1.02	Authority	
1.03	Effective Date	
1.04	Contents	
1.05	Purpose	
1.06	Applicability and Compliance	
1.07	Abrogation and Greater Restrictions	
1.08	Interpretation	
1.09	Severability	
1.10	Repeal	
<b>Section 2</b>	<b>Zoning Districts, Zoning Map, and Use Regulations</b>	<b>5</b>
2.01	Zoning Districts	
2.02	Zoning Map	
2.03	Purpose and Intent of Zoning Districts	
2.04	Types of Uses	
2.05	Principal Uses	
2.06	Accessory Uses	
2.07	Temporary Uses and Structures	
2.08	Uses Not Listed	
<b>Section 3</b>	<b>Additional Use Requirements</b>	<b>15</b>
3.01	Purpose	
3.02	Applicability	
3.03	Agricultural Uses	
3.04	Recreational Uses	
3.05	Residential Uses	
3.06	Commercial Uses	
3.07	Institutional Uses	
3.08	Industrial Uses	
3.09	Miscellaneous Uses	
<b>Section 4</b>	<b>General Requirements</b>	<b>25</b>
4.01	Compliance	
4.02	District Requirements	
4.03	Lot Requirements	
4.04	Setbacks from Roads	
4.05	Height Requirements	
4.06	Front, Rear, and Side Yards	
4.07	Floor Area Requirements	
4.08	Accessory Structures	

**Section 5    Parking, Loading, and Access/Driveway Requirements \_\_\_\_\_ 39**

- 5.01        Purpose and Applicability
- 5.02        Off-Street Parking Requirements
- 5.03        Loading Requirements
- 5.04        Access/Driveway Requirements

**Section 6    Supplemental Requirements \_\_\_\_\_ 47**

- 6.01        Town Roads
- 6.02        Outdoor Storage of Junk, Certain Vehicles and Recreational Equipment
- 6.03        Firearms, Weapons, and Bow Hunting

**Section 7    Signs \_\_\_\_\_ 57**

- 7.01        Purpose
- 7.02        Intent
- 7.03        Authorization
- 7.04        Compliance and Permit Required
- 7.05        General Requirements
- 7.06        Sign Permit
- 7.07        Exemptions
- 7.08        Standards
- 7.09        Signs Permitted in Agricultural/Forestry (AG/F), Recreational (REC),  
Concentrated Mixed Use (CMU), General Commercial (GC) and Intensive/Light  
Industrial (IC/LI) Districts
- 7.10        Signs Permitted in Residential-Large Lot (R-1) and Residential-Small Lot (R-2)  
Districts
- 7.11        Election Campaign Signs
- 7.12        Nonconforming Signs
- 7.13        Sign Definitions

**Section 8    Mobile Tower Siting Regulations \_\_\_\_\_ 75**

- 8.01        Purpose
- 8.02        Definitions in this Section
- 8.03        Siting and Construction of any New Mobile Service Support Structure and  
Facilities
- 8.04        Class 1 Collocation
- 8.05        Class 2 Collocation
- 8.06        Requirements
- 8.07        Appeal
- 8.08        Severability

**Section 9 Nonconforming \_\_\_\_\_ 85**

- 9.01 Applicability
- 9.02 Purpose
- 9.03 Authority to Continue
- 9.04 Repairs and Maintenance
- 9.05 Nonconforming Uses
- 9.06 Nonconforming Structures
- 9.07 Nonconforming Lots

**Section 10 Administration \_\_\_\_\_ 87**

- 10.01 Organization
- 10.02 Building Inspector/Zoning Administrator
- 10.03 Town Planning and Zoning Committee
- 10.04 Board of Appeals

**Section 11 Procedures and Enforcement \_\_\_\_\_ 93**

- 11.01 Zoning Permits
- 11.02 Occupancy Certificates
- 11.03 Conditional Use Permits
- 11.04 Sign Permits
- 11.05 Wrecking Permits
- 11.06 Amendments
- 11.07 Variances
- 11.08 Appeals
- 11.09 Public Hearings
- 11.10 Fee Schedule
- 11.11 Penalties

**Section 12 Definitions \_\_\_\_\_ 113**

- 12.01 Definitions
- 12.02 Words and Phrases Defined

**Section 13 Citation and Enforcement Authority for the Town of Ringle\_\_ 131**

- 13.01 General Penalty
- 13.02 Method of Enforcement
- 13.03 Information Contained in Citation
- 13.04 Schedule of Deposits
- 13.05 Issuance of Citation
- 13.06 Procedure upon Default by Violator
- 13.07 Nonexclusivity of Ordinance Provisions for Enforcement
- 13.08 Overdue Forfeitures
- 13.09 Procedure for Ordinance Violations
- 13.10 Prosecution of Code Violations
- 13.11 Inability to Pay Forfeiture

- 13.12 Citation Form
- 13.13 Effective Date
- 13.14 Severability
- 13.15 Conflicts
- 13.16 Authorization

## **Section 14 Solar Energy Systems** --- **137**

- 14.1 Purpose
- 14.2 Definitions
- 14.3 Permit Required
- 14.4 Application
- 14.5 Fees
- 14.6 Site Plan Approval Required
- 14.7 Small-Scale Solar Use & Design Standards
- 14.8 Mid-Scale & Large-Scale Use & Design Standards
- 14.9 Decommissioning
- 14.10 Review of Permit Application
- 14.11 Solar Energy System Restrictions
- 14.12 Joint Development Agreement
- 14.13 Revocation

## **Section 15 Wind Energy Systems** --- **151**

- 15.1 Purpose
- 15.2 Definitions
- 15.3 Permit Required
- 15.4 Application
- 15.5 Fees
- 15.6 Application Review
- 15.7 Height
- 15.8 Setbacks
- 15.9 Lighting
- 15.10 Noise
- 15.11 Shadow Flicker
- 15.12 Signal Interference
- 15.13 Stray Voltage
- 15.14 Construction and Operation
- 15.15 Aerial Spraying
- 15.16 Emergency Procedures
- 15.17 Decommissioning
- 15.18 Joint Development Agreement
- 15.19 Additional Provisions For Large Wind Energy Systems
- 15.20 Modifications to an Approved Wind Energy System Complaints

## **Section 16 Registered Sex Offender Residency Restrictions \_\_\_\_\_ 173**

- 16.1 Findings and intent
- 16.2 Definitions
- 16.3 Residency restriction
- 16.4 Residency restriction exceptions
- 16.5 Protected areas bordering the Town of Ringle
- 16.6 Property owner liability
- 16.7 Non-Residence Restrictions
- 16.8 Violations
- 16.9 Appeal

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## **SECTION 1 TITLE, AUTHORITY AND GENERAL PROVISIONS**

- 1.01 TITLE.** This Ordinance shall be known as the “Town of Ringle Zoning Ordinance”, hereinafter referred to as “this Ordinance”.
- 1.02 AUTHORITY.** These regulations are adopted under the authority granted by Chapters 60.62, 61.35, and 62.23(7), Wis. Stats.
- 1.03 EFFECTIVE DATE** This Ordinance shall be effective following adoption by the Town of Ringle Board of Supervisors and Marathon County Board of Supervisors.
- 1.04 CONTENTS.** This Ordinance consists of two distinct but inseparable and integrated parts: written text and the zoning map. The written text and zoning map taken together constitute this Ordinance and, therefore, shall at all times be considered as interrelated and inseparable parts of a whole. In addition, other maps and materials referenced in the text are used to support this Ordinance.
- 1.05 PURPOSE.** The purposes of this Ordinance include:
- (1) To promote and protect the public health, safety, convenience, and general welfare;
  - (2) To promote planned and orderly land use development;
  - (3) To separate incompatible land uses and foster a more rational pattern of relationship between land uses for the mutual benefit of all
  - (4) To protect property values, tax base and public and private investments;
  - (5) Prevent the overcrowding of land and the congestion of streets by enforcing regulations that protect the traffic-carrying capacity, safety, and efficiency of all existing and future town, county, and state roadways;
  - (6) To provide public services and infrastructure in an economical and efficient manner;
  - (7) To provide adequate standards of light, air, and open space;
  - (8) Secure safety from fire, flooding, pollution, contamination, panic, and other dangers;
  - (9) Avoid undue concentration of population;

- (10) To protect community resources such as farmland, woodlands, groundwater, surface water, and historic and cultural resources.

## **1.06 APPLICABILITY AND COMPLIANCE.**

- (1) **APPLICABILITY.** This Ordinance, unless otherwise provided herein, is applicable to and effective within the Town of Ringle.
- (2) **COMPLIANCE.**
  - (a) Unless otherwise provided by this Ordinance, after the effective date of this Ordinance, no land or water shall hereafter be used and no structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance.
  - (b) Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits in areas under the jurisdiction of this Ordinance.

Construction undertaken by the State of Wisconsin is, pursuant to § 30.12(4), Wis. Stats., subject to this Ordinance. This includes every building, structure, or facility that is constructed for the benefit of or use of the State of Wisconsin.

- (c) The Town Board or owner(s) of property within the town who are affected by a particular regulation, variance or conditional use under this Ordinance may sue to enforce, by injunctive order, compliance with this Ordinance.

## **1.07 ABROGATION AND GREATER RESTRICTIONS**

- (1) The previous Town of Ringle Zoning Ordinance, originally dated March 3, 1975, is hereby repealed on the date in which this Ordinance becomes effective.
- (2) It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement, or ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

The Town of Ringle shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party. Enforcement of any such covenant, deed, easement, or restriction via the Town's zoning authority would constitute an impermissible delegation of the Town's authority and power.



- (3) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to law.

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

**1.09 SEVERABILITY** If any section, paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**1.10 REPEAL** All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

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## **SECTION 2 ZONING DISTRICTS, ZONING MAP, AND USE REGULATIONS**

**2.01 ZONING DISTRICTS.** For the purpose of this Ordinance, the lands of the Town of Ringle are hereby divided into the following zoning districts:

Agricultural/Forestry District (AG/F)  
Recreational District (REC)  
Residential-Large Lot District (R-1)  
Residential-Small Lot District (R-2)  
Concentrated Mixed Use District (CMU)  
General Commercial District (GC)  
Intensive Commercial/Light Industrial District (IC/LI)

**2.02 ZONING MAP.**

- (1) The location and boundaries of the districts established shall be as shown on the map entitled “Town of Ringle Zoning Map, Marathon County, Wisconsin”. The Zoning Map with all notations, dimensions, designations, references and other data shall accompany and is part of this Ordinance. Amendments to the Official Zoning Map are described in Section 11 of this Ordinance.
- (2) **INTERPRETATION OF ZONING DISTRICT BOUNDARIES.**  
Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the following rules shall apply:
  - (a) Boundaries indicated as approximately following the center lines of streets, streams, and highways shall be construed to follow such center lines.
  - (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - (c) Where boundaries do not follow property lines and distances are not specified on the Zoning Map, boundaries shall be determined by the use of an engineer’s scale on the Zoning Map.
  - (d) Legal descriptions of property, when available, shall be controlling as to the zoning of any property, or the property proposed to be rezoned in accordance with the terms of the ordinance.

**2.03 PURPOSE AND INTENT OF ZONING DISTRICTS.** The following specifies the purpose and intent of each of the zoning districts established by this Ordinance.

- (1) **AGRICULTURAL/FORESTRY DISTRICT (AG/F):** This district is intended to establish and preserve areas for agricultural, agricultural-related, low-density residential, and outdoor recreation uses without permitting an intensity of development which would require the provision of urbanized facilities and services. It is also intended to accommodate certain nonagricultural uses which require spacious areas to operate or where natural resource exploitation occurs. Minimum lot sizes of 1 acre are required.
- (2) **RECREATIONAL DISTRICT (REC):** This district is also intended to provide designated areas in the Town where the enhancement and preservation of significant natural resource areas will be maintained. This district is intended to provide for the orderly and attractive grouping of natural resource-based recreational oriented establishments, facilities, and structures.
- (3) **RESIDENTIAL-LARGE LOT DISTRICT (R-1):** This district is intended to provide primarily for single and two family residential development at moderate density. Some nonresidential uses which generally do not conflict with single and two family residential uses are allowed. Minimum lot sizes of 40,000 square feet are required.
- (4) **RESIDENTIAL-SMALL LOT DISTRICT (R-2):** This district is intended to provide primarily for single family residential development at fairly high density. Some nonresidential uses which generally do not conflict with single family residential uses are allowed. Minimum lot sizes of 20,000 square feet are required.
- (5) **CONCENTRATED MIXED USE DISTRICT (CMU):** Due to existing small lot configurations and unique buildings, this district provides for a wide range of mixed uses. The intent of this district is to create compatible and creative mixed land use arrangements that are unique in comparison to other areas of the town. Minimum lot sizes of 6,000 square feet are required.
- (6) **GENERAL COMMERCIAL DISTRICT (GC):** This district is intended to provide primarily for a wide range of low to moderate intensity commercial and multi-family (3+ dwelling units) development at a moderate density. Minimum lot sizes of 1 acre are required.
- (7) **INTENSIVE COMMERCIAL/LIGHT INDUSTRIAL DISTRICT (IC/LI):** This district is intended to provide for large-scale and high intensity commercial development, and for manufacturing, warehousing, and other light industrial operations. Minimum lot sizes of 1 acre are required.

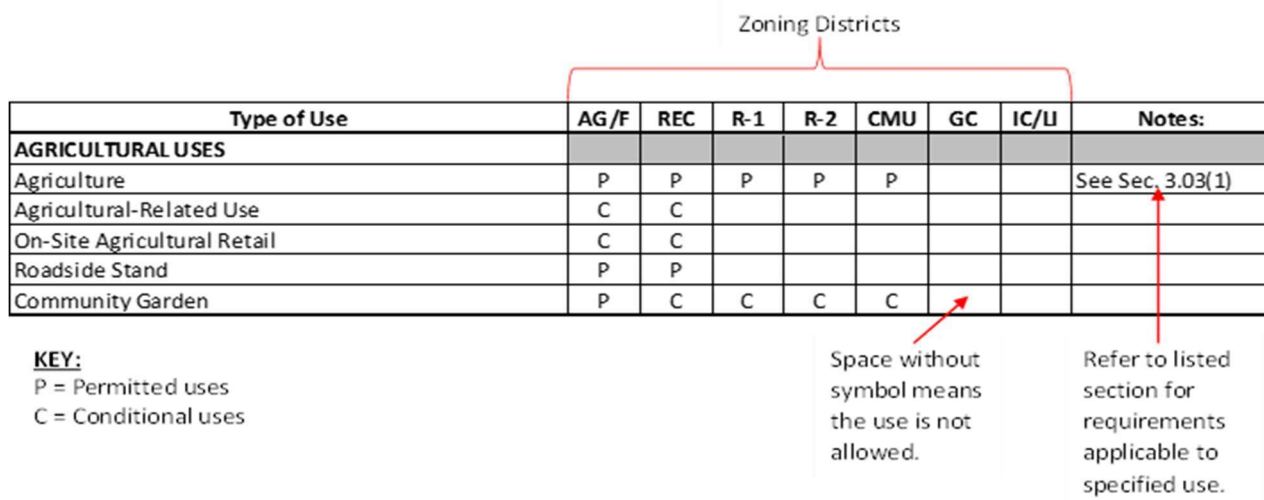
## 2.04 TYPES OF USES.

- (1) **PRINCIPAL USES.** Principal uses are sorted and assigned to specific zoning districts. (See Sec. 2.05, Principal Uses.) Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following two categories:
  - (a) Permitted uses. These uses are permitted by right, provided all requirements of this Ordinance are met.
  - (b) Conditional uses. These uses will be allowed, and a conditional use permit will be granted if the applicant demonstrates, by substantial evidence, that the application and all requirements and conditions established by the town as specified in this Ordinance or imposed by the Town Board of Supervisors are or will be satisfied. See also Sec. 11.03, Conditional Use Permits.
- (2) **ACCESSORY USES.** (See Sec. 2.06, Accessory Uses.)
- (3) **TEMPORARY USES.** (See Sec. 2.07, Temporary Uses.)
- (4) **USES NOT LISTED.** (See Sec. 2.08, Uses Not Listed.)

## 2.05 PRINCIPAL USES.

- (1) The principal uses allowed in each zoning district shall be as shown in sub.(3), Table of Principal Uses.
- (2) **HOW TO USE THE TABLE OF PRINCIPAL USES.**

**Figure 2-1: How to Use Table of Principal Uses**



Type of Use	AG/F	REC	R-1	R-2	CMU	GC	IC/UI	Notes:
<b>AGRICULTURAL USES</b>								
Agriculture	P	P	P	P	P			See Sec. 3.03(1)
Agricultural-Related Use	C	C						
On-Site Agricultural Retail	C	C						
Roadside Stand	P	P						
Community Garden	P	C	C	C	C			

**KEY:**  
 P = Permitted uses  
 C = Conditional uses

Space without symbol means the use is not allowed.

Refer to listed section for requirements applicable to specified use.

### (3) TABLE OF PRINCIPAL USES

Type of Use	AG/F	REC	R-1	R-2	CMU	GC	IC/LI	Notes:
<b>AGRICULTURAL USES</b>								
Agriculture	P	P	P	P	P			See Sec. 3.03(1)
Agricultural-Related Use	C	C						
On-Site Agricultural Retail	C	C						
Roadside Stand	P	P						
Community Garden	P	C	C	C	C			
<b>RECREATIONAL USES</b>								
Campground	C	C						
Camping	P	P	P					See Sec. 3.04(1)
Recreation Camp	C	C						
Passive Outdoor Public Recreation	P	P	P	P	P	P		
Active Outdoor Public Recreation	C	C	C	C	C	C		
Outdoor Commercial Recreation	C	C			C	C		
Commercial Riding Stable	C	C						
Outdoor Shooting Range	C	C						
<b>RESIDENTIAL USES</b>								
Single Family Detached Residence	P <sub>1</sub>	P <sub>1</sub>	P	P	P			
Two-Family Residence (Duplex) <sup>2</sup>	C <sub>1</sub>		C					
Multi-Family Residence (3+ Units)					C	C		See Sec. 3.05(1)
Accessory Dwelling Unit	P	P	P	C	C			See Sec. 3.05(2)
Manufactured Home Community				C				See Sec. 3.05(3)
Manufactured/Mobile Home				P				See Sec. 3.05(3)

Short Term Rentals	C	C	C	C	C			See Sec. 3.05(4)
Boardinghouse					C	C		
Accessory Residence					P	P	P	See Sec. 3.05(5)
<b>COMMERCIAL USES</b>								
Hotel/Motel					C	C	C	
Artisan Gallery/Studio	C				C	P	P	
Retail					C	P	P	
Professional Office/Service Establishment					C	P		
Winery/Brewery/Distillery					C	C	C	
Bakery					C	P		
Family Day Care Home	P	P	P	P	P			
Group Day Care Center					C	P		
Vehicle Sales/Service					C	C		
Gas Station/Carwash					C	P	C	
Indoor Commercial Entertainment Facility (e.g., restaurant, tavern, wedding/concert venue, etc.)					C	C	C	
Special Event Venue (e.g., wedding barn, concert venue, etc.)	C	C						See Sec. 3.06(2)
Outdoor Theater	C					C	C	
Contractor Storage Yard	C					C	P	
Kennel, Type I	C	C	C	C	C	C	C	
Kennel, Type II	C				C	C	C	

## (3) TABLE OF PRINCIPAL USES (Continued...)

Type of Use	AG/F	REC	R-1	R-2	CMU	GC	IC/LI	Notes:
<b>COMMERCIAL USES (Continued)</b>								
Commercial Storage Facility					C	C	C	
Commercial Radio/TV Broadcast Studio	C	C	C	C	C	C	C	
Adult Entertainment/Adult-Oriented Establishment							C	See Sec. 3.06(3)
Commercial Trucking Establishment					C	C	C	
Lumber/Building Supply Yard						C	C	
Passenger Bus Terminal						C	C	
Home Occupation-Major	C	C	C	C	C			See Sec. 3.06(1)(b)
Home Occupation-Minor	P	P	P	P	P			See Sec. 3.06(1)(a)
<b>INSTITUTIONAL USES</b>								
Places of Worship	P	P	P	P	C	P	C	
Cemetery	P	P	P	P				
School/College/University	C		C	C	C	C	C	
Public/Private Park	P	P	P	P	P	P	P	
Municipal Building	P	P	C		P	P	P	
Social Clubs/Lodges		C			C	P	P	
Funeral Home					C	P		
Institutional Residential	C				C	C		
Community Living Arrangement	C		C	C	C			
Library/Museum					C	C		



(3) TABLE OF PRINCIPAL USES (Continued...)

Type of Use	AG/F	REC	R-1	R-2	CMU	GC	IC/LI	Notes:
<b>INDUSTRIAL USES</b>								
Asphalt/Concrete Plant	C						C	
Temporary Concrete/Asphalt Plant	C	C				C	C	
Nonmetallic Mining	C						C	See Sec. 3.08(1)
Solid Waste Facility (e.g., Landfill)	C	C					C	
Bulk Storage of Fuel Products							C	
Manufacturing, Assembly, Processing						C	C	
Salvage Yard	C						C	
Wastewater Treatment Plant	C	C					C	
Slaughterhouse						C	C	
Warehouse							C	
<b>MISCELLANEOUS USES</b>								
Airports	C						C	
Private Airstrips/Landing Fields	C	C						
Animal Shelters/Pounds	C					C	C	
Utility Installation-Major	C	C	C	C	C	C	C	
Utility Installation-Minor	P	P	P	P	P	P	P	
Mobile Communication Tower	C/P	C/P	C/P	C/P	C/P	C/P	C/P	See Sec. 8
Solar Energy System, Small-Scale	P	P	P	P	P	P	P	See Sec. 14
Solar Energy System, Mid-Scale	C	C			C	C	C	See Sec. 14
Solar Energy System, Large-Scale	C							See Sec. 14
Wind Energy System, Small	C	C	C	C	C	C	C	See Sec. 15
Wind Energy System	C							See Sec. 15

**FOOTNOTES:**

1. Only allowed on lots/parcels which are not part of a major subdivision (i.e., County, State, Condominium, Planned Unit Development, or Conservation Plat) recorded after the effective date of this Ordinance.

**2.06      ACCESSORY USES.** Accessory uses are permitted in all zoning districts. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of Sec. 4.08, accessory structures.

**2.07      TEMPORARY USES AND STRUCTURES.**

- (1) Uses and structures which are conducted or placed on a lot for not more than 10 days total, including not more than 7 consecutive days, in a calendar year and which involves the assembly of 100 or less individuals at any one time shall be known as temporary uses/structures and may be conducted or placed in any zoning district. All temporary uses and structures conducted or placed on a lot within a calendar year count toward the allowed number of days. Uses or structures which are conducted or placed for more than the allowed number of days or involve the assembly of more than 100 individuals at any one time shall be regarded as principal or accessory uses or structures and regulated accordingly.
- (2) Uses and structures which are directly associated with and incidental to a permitted construction project may be conducted or placed on a lot for more than the allowed number of days per sub. (1) above and shall be considered a temporary use or structure, provided the temporary use or structure is removed from the lot within 7 days of completion of the construction project or expiration of the building permit, whichever comes first.
- (3) Temporary uses and structures shall not require a regular zoning permit.
- (4) Temporary uses and structures shall meet all setback and yard requirements of Sec. 4.02(3) and 4.04 of this Ordinance.
- (5) Temporary uses and structures shall not involve the construction or alteration of any permanent structure.

**2.08      USES NOT LISTED**

- (1) **DETERMINATION OF USE CLASSIFICATION BY THE PLANNING AND ZONING COMMITTEE.** The Planning and Zoning Committee, upon referral and recommendation by the Building Inspector/Zoning Administrator, shall determine if a proposed use can be classified as one of the principal uses already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this Ordinance.
- (2) **UNCLASSIFIED USES.** A proposed use that cannot be classified as one of the principal uses shall be considered an unclassified use and shall be regulated as follows:

- (a) The Planning and Zoning Committee, upon referral and recommendation by the Building Inspector/Zoning Administrator, shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this Ordinance.
  - (b) If the Planning and Zoning Committee determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be so notified in writing.
- (3) After making a determination regarding an unclassified use, the Planning and Zoning Committee shall recommend an amendment to this Ordinance adding the previously unclassified use to the table of principal uses. The recommended ordinance amendment shall be adopted prior to consideration of an application for the previously unclassified use.

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## **SECTION 3 ADDITIONAL USE REQUIREMENTS**

**3.01 PURPOSE.** The purpose of these requirements is to minimize potential negative impacts from certain uses and to promote compatibility between particular uses and surrounding uses.

**3.02 APPLICABILITY.** In addition to complying with other regulations established in this Ordinance, these requirements must be met for each specific use. These requirements shall override any requirements which are described elsewhere in this Ordinance for the zoning districts, but only to the extent that they conflict with and are more restrictive than such requirements.

### **3.03 AGRICULTURAL USES**

#### **(1) AGRICULTURE**

(a) In the Residential-Large Lot (R-1), Residential-Small Lot (R-2), and Concentrated Mixed Use (CMU) Districts, the only agricultural activities that may be permitted are crop or forage production, beekeeping, floriculture, forest management and the keeping of chickens and ducks.

(b) In the Residential-Large Lot (R-1), Residential-Small Lot (R-2), and Concentrated Mixed Use (CMU) Districts, the keeping of chickens and ducks is subject to the following requirements:

- 1) Lots shall contain a minimum of 20,000 square feet.
- 2) Maximum of eight (8) total chickens and/or ducks are allowed. Male chickens (roosters) are prohibited. Hens and male ducks (drakes) are permitted.
- 3) Chickens and ducks shall be kept in an enclosure at all times. The enclosure includes the covered structure(s) and fenced area.
- 4) The enclosure shall be a minimum of 10 feet from any side or rear lot line, and completely in the rear yard of the principal structure. Setback shall be measured from fencing and structure(s).

### **3.04 RECREATIONAL USES**

#### **(1) CAMPING**

(a) Camping shall be permitted in legally established campgrounds without the issuance of a zoning permit.

- (b) Camping shall be permitted on a parcel or lot, outside of a legally established campground, without the issuance of a zoning permit, subject to the following requirement(s):
  - 1) Such camping shall not exceed 30 days in a calendar year.
- (c) Camping on a lot during construction of a single family detached or two-family residence shall be allowed, subject to the following:
  - 1) A zoning permit for a single family detached or two-family residence has been secured and a slab, crawlspace, or foundation for the single family detached or two-family residence has been installed.
  - 2) A zoning permit which authorizes such camping has been secured.
  - 3) An approved on-site waste disposal system, designed to accommodate the single family residence, has been installed on the property prior to the placement, erection, and/or use of the camping unit to serve as a means of sanitary waste disposal for the users of the camping unit.
  - 4) The camping activity shall cease upon the completion of the single family detached or two-family residence on the property.
  - 5) Renewal permits shall only be issued when substantial progress toward completion of the single family detached, or two-family residence is demonstrated during the previous year.

### **3.05 RESIDENTIAL USES**

#### **(1) MULTI-FAMILY RESIDENCE**

- (a) Multi-family residences shall only be allowed on parcels or lots served by public water and sewer.

#### **(2) ACCESSORY DWELLING UNIT**

- (a) Not more than one (1) accessory dwelling unit shall be permitted per lot.
- (b) Accessory dwelling units may be attached to or detached from the single family residence.
- (c) Accessory dwelling units shall comply with the setbacks as required for principal structures.

- (d) Maximum floor area for accessory dwelling units shall be provided per Sec. 4.07 of this Ordinance.
  - (e) A minimum of one (1) off-street parking space shall be provided in addition to the required parking spaces for the single family residence and any other use(s) on the property requiring off-street parking per Section 5 of this Ordinance.
  - (f) Accessory dwelling units may only be permitted after the foundation for the primary residence has been completed (i.e., concrete slab and/or foundation walls).
  - (g) Occupancy of the accessory dwelling unit shall not be allowed until an occupancy certificate, pursuant to Sec. 11.02 of this Ordinance, is obtained for the primary residence.
  - (h) Accessory dwelling units are subject to the requirements for short term rentals in sub. (4).
  - (i) Accessory dwelling units shall not be conveyed or separated in ownership from the primary residence on the lot.
  - (j) Accessory dwelling units shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation (i.e., living area, bedroom, kitchen, and bathroom).
- (3) MANUFACTURED HOME COMMUNITY AND MANUFACTURED / MOBILE HOME
- (a) Manufactured home communities shall only be allowed on parcels or lots served by public water and sewer.
  - (b) Manufactured/mobile homes shall only be allowed within a legally established Manufactured Home Community.
- (4) SHORT TERM RENTALS (STR)
- (a) County License. Prior to the establishment of an STR, the operator shall obtain a license from the Marathon County Health Department and maintain such license for the life of the use or until the department no longer requires such license.

- (b) State License. Anyone who maintains, manages, or operates an STR for more than 10 nights each year is required to obtain a tourist rooming house license from the Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP).
  - (c) Type of Dwelling. An STR shall only occur within a single-family detached residence or accessory dwelling unit.
  - (d) Conditional Use Permit. All STR structures require a one-time Conditional Use Permit. A Conditional Use Permit shall be transferable between property owners.
  - (e) Residency requirement. The operator or owner of an STR shall maintain the single family detached residence as their primary residence during the time period when rooms are offered.
  - (f) Exterior character of the dwelling unit. The exterior appearance of the building shall not be altered from its single-family appearance. Signage shall conform with the standards identified in the Conditional Use Permit. However, the sign shall not exceed four (4) Square feet in size.
  - (g) Food preparation. No food preparation or cooking shall be allowed in guest rooms. Food preparation or cooking shall only be allowed in kitchens.
  - (h) Meals. Meals shall only be offered to overnight guests.
  - (i) Maximum stay. Rentals shall not exceed 29 consecutive days. Rental activity shall be limited to 180 days within any consecutive 365-day period.
  - (j) Required inspection for public safety. Before the issuance of any Conditional Use Permit, an inspection of the residential structure shall occur by the Town's Building Inspector. All STR rooms for rent shall be UDC (Uniform Dwelling Code) compliant. Inspections may be required every five years at a minimum, by discretion of the Town.
  - (k) Parking. All vehicle parking (homeowners and renters) shall occur on site. No on-street parking shall be permitted.
- (5) ACCESSORY RESIDENCE
- (a) Accessory residences shall be subject to the regulations herein and shall not be regulated as single-family detached residences, two-family residences, multifamily residences, or accessory dwelling units.



- (b) Accessory residences may be attached or detached dwelling units.
- (c) The setbacks shall be the required setbacks for principal structures.
- (d) One parking space shall be provided for each residential unit.
- (e) Minimum and maximum floor area for accessory residences shall be provided per Sec. 4.07 of this Ordinance.
- (f) Accessory residences shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation (i.e., living area, bedroom, kitchen, and bathroom).

### **3.06 COMMERCIAL USES**

#### **(1) HOME OCCUPATIONS**

- (a) HOME OCCUPATION-MINOR. A home occupation-minor use shall comply with the following performance standards:
  - 1) The use of the dwelling unit, its attached garage, and/or an accessory building on the same parcel as the dwelling unit for the home occupation minor shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof.
  - 2) The home occupation-minor shall be conducted by the resident(s) of the dwelling unit on the property. Other persons may be employed by the home occupation, but no more than one non-resident shall work on the premises.
  - 3) A home occupation-minor may be conducted in a dwelling unit, its attached garage, and/or an accessory building on the same parcel as the dwelling unit. The total floor area dedicated to the home occupation minor shall be no more than 25% of the floor area of the dwelling unit.
  - 4) Such use shall not involve any outdoor storage or display of any products, materials, equipment, dumpsters, or machinery used in conjunction with the home occupation-minor.

- 5) A maximum of one on-site vehicle and one trailer bearing business insignia or used in conjunction with the home occupation-minor may be stored outdoors, and visible from rights-of-way and neighboring properties. Any additional on-site vehicle(s) or trailer(s) bearing business insignia or used in conjunction with the home occupation-minor shall be stored indoors or shall not be visible from the rights-of-way and neighboring properties.
  - 6) The home occupation-minor shall not include the conduct of retail, wholesale, or personal/professional service business on the premises, except for the sale of products or services produced by the home occupation-minor.
  - 7) No equipment or process shall be used in such home occupation-minor which creates a nuisance due to noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates audible or visual interference in any radio or television receivers off the premises.
  - 8) Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with a home occupation minor shall not exceed five (5) per week.
- (b) HOME OCCUPATION-MAJOR. A home occupation-major use shall comply with the following performance standards:
- 1) The home occupation-major shall be conducted by the resident(s) of the dwelling unit on the property. Other persons may be employed by the home occupation, working on or off-site.
  - 2) If located in a dwelling unit, the home occupation-major shall occupy no more than 50 percent of the floor area of the dwelling unit. If located in accessory buildings, the home occupation-major shall occupy no more than 100 percent of the floor area of the dwelling unit. If located in both the dwelling unit and accessory buildings, the total floor area dedicated to the home occupation-major shall not exceed 100 percent of the floor area of the dwelling unit.

- 3) Such use shall not involve any outdoor display of any products offered for sale or produced on the premises in conjunction with the home occupation-major. Outdoor storage of products, materials, equipment, dumpsters, or machinery used in conjunction with the home occupation shall be permitted if the outdoor storage areas are provided with fencing or vegetative screening so that such storage is not visible from public rights-of-way nor neighboring properties. The total area of outdoor storage of products, materials, equipment, dumpsters, or machinery used in conjunction with the home occupation shall not exceed 100 percent of the floor area of the dwelling unit.
- 4) A maximum of one on-site vehicle and one trailer bearing business insignia or used in conjunction with the home occupation-major may be stored outdoors, and visible from rights-of-way and neighboring properties. Any additional on-site vehicle(s) or trailer(s) bearing business insignia or used in conjunction with the home occupation-major shall be stored indoors or shall not be visible from the rights-of-way and neighboring properties.
- 5) The home occupation-major shall not include the conduct of retail, wholesale, or personal/professional service business on the premises, except for the sale of products or services produced by the home occupation-major.

(2) SPECIAL EVENT VENUE

- (a) The number of special events shall not exceed six (6) per calendar year. Any single event shall not exceed three (3) consecutive days.
- (b) The parcel of land containing the special event venue shall directly abut a public road.
- (c) Access to such facility shall only be taken from a public road.
- (d) Off-street parking shall be established in compliance with Section 5 of this Ordinance, except the parking area is not required to be paved with concrete, asphalt, or gravel. There shall be no on-street parking associated with the special event venue.
- (e) Buildings and structures associated with special event venues shall be located a minimum of 200 feet from any off-premise residential structures existing at the time of establishment of the special event venue.
- (f) Special event venues shall be located on a parcel of at least 10 acres.

(3) ADULT ENTERTAINMENT/ADULT ORIENTED ESTABLISHMENT

(a) Separation Requirements. No adult entertainment/adult oriented establishment use shall be permitted:

- 1) Within 500 feet of any other existing adult entertainment/adult oriented establishment use, and/or
- 2) Within 1,000 feet of any residentially zoned district (including Residential-Large Lot/R-1, Residential-Small Lot/R-2, and Concentrated Mixed Use/CMU districts), or any of the following residentially related uses:
  - a) Churches, monasteries, chapels, synagogues, convents, rectories, religious article, or religious apparel stores;
  - b) Schools up to and including the 12th grade, including their adjunct play areas; and
  - c) Public playgrounds, public swimming pools, public parks, and public libraries.

(b) Measurement of Distances. For the purposes of this section spacing distances shall be measured as follows:

- 1) From all property lines of any adult entertainment/adult oriented establishment use;
- 2) From the outward line of the boundary of all residential zoning districts;
- 3) From all property lines of any residential-related use as enumerated in subsection (a)2)a) through c) above.

**3.07 INSTITUTIONAL USES (NONE)**

**3.08 INDUSTRIAL USES**

(1) NONMETALLIC MINING

(a) General Requirements. Mining of nonmetallic minerals and the processing for manufacture of materials incidental to such extraction and the erection of buildings and the installation of equipment and machinery are subject to the following requirements:

- 1) Aerial Photograph and Map.

- a) The boundary of the affected parcel and any adjacent parcel, pipelines, railroads, streams, utilities, and wetlands on the proposed extraction site and any adjacent parcel.
- b) The name of the owner of each adjacent parcel and the location of all structures within 300 feet of the proposed mine site.
- c) The proposed location, extent, and depth of the intended sand, gravel, and rock excavation, showing the setback distances.
- d) The proposed location of any ponds, sediment basins, and stockpiles showing the setback distances.
- e) The surface drainage and estimated depth to groundwater.

2) Operational Information.

- a) The duration of any applicable lease.
- b) The estimated date that operations will commence and terminate.
- c) Anticipated hours of operation.
- d) The proposed primary travel routes to transport material to and from the site.
- e) A description of the excavation and processing equipment to be used.
- f) A description of measures to be taken to screen or buffer the operation from view from any adjacent residential parcel.
- g) A description of measures to be taken to control dust, noise, and vibrations from the operation.

3) Operation.

- a) All blasting must be done by a state licensed and certified blaster, who must have a certificate of liability or proof of liability insurance.
- b) All excavation equipment must be constructed, maintained, and operated in such a manner as to eliminate, as practicable, dust, noise, or vibration that might adversely affect or injure any person living in the vicinity of the operation.

- c) Any excavation access road must have and be maintained with a dustless surface.
  - d) Operations must be conducted in such a manner that any water runoff from the operation does not adversely affect any adjacent parcel.
  - e) All equipment and temporary structures, such as stone crusher, conveyor, or screener, must be removed from the site within 90 days of the termination of extraction operations.
- 4) Setback Requirements.
- a) The excavation must be setback at least 100 feet from any existing occupied structure other than the owner's.
  - b) All operations shall be at least 50 feet from the centerline of any right-of-way and 10 feet from any property line unless there is a written agreement between adjoining owners both of whom hold valid nonmetallic mining permits under which they both agree to mine up to their common property line. Mining up to or into the right-of-way may be authorized where it is determined by the unit of government having jurisdiction over the road that such mining would be beneficial.
  - c) All accessory uses such as offices and parking areas shall be at least 75 feet from any right-of-way or property line.
- 5) Nonmetallic mining shall comply with the terms of Marathon County Nonmetallic Mining Reclamation Code, Chapter 21, General Code of Ordinances.
- 6) All nonmetallic mining shall be required to provide for the proper closure and reclamation of the extraction site to an agricultural use.
- 7) Nonmetallic mining activity and operation shall be consistent with Wisconsin Statute, Chapter 91, Farmland Preservation, 91.46(6)

### **3.09 MISCELLANEOUS USES (NONE)**

## SECTION 4 GENERAL REQUIREMENTS

**4.01 COMPLIANCE.** All development shall comply fully with the requirements of this Section.

### **4.02 DISTRICT REQUIREMENTS.**

(1) Developments shall meet the minimum requirements for the applicable district shown in the tables in sub. (3).

(2) HOW TO USE TABLE OF DISTRICT REQUIREMENTS.

**Figure 4-1: How to Use Table of District Requirements**

Zoning Districts	Individual Lot Requirements			Setbacks (ft.)				
	Min. Lot Area	Min. Lot Width (ft.)	Max. Impervious Surface Ratio (% lot coverage)	Front	Side (Principal)	Side (Accessory)	Rear (Principal)	Rear (Accessory)
AG/F Agricultural/Forestry District	1 acre	150	25	25	20	20	50	20
REC Recreational District	1 acre	150	25	25	20	20	50	20
R-1 Residential-Large Lot District	40,000 sq. ft.	150	30	25	10	10	50	10
R-2 Residential-Small Lot District	20,000 sq. ft.	100	30	25	10	5	25	5
CMU Concentrated Mixed Use District	6,000 sq. ft.	60	75	10	5	3	5	3
GC General Commercial District	1 acre	150	45	25	10	10	20	20
IC/LI Intensive Commercial/Light Industrial District	1 acre	150	60	25	10	10	20	20

Refers to the minimum size for an individual lot shown in acres or square feet.

Refers to the minimum width of a lot (see "Lot Width" definition).

Refers to the minimum allowable distance between a front lot line and a structure. Also see s. 4.04, Setbacks from Roads.

Refers to the minimum allowable distance between a rear lot line and a principal or accessory structure.

Refers to the maximum percentage of a lot that may be covered with impervious surfaces (e.g., buildings, decks, pavements, gravel, etc.)

Refers to the minimum allowable distance between a side lot line and a principal or accessory structure.

(3) TABLE OF DISTRICT REQUIREMENTS

Zoning Districts	Individual Lot Requirements			Setbacks (ft.)				
	Min. Lot Area	Min. Lot Width (ft.)	Max. Impervious Surface Ratio (% lot coverage)	Front	Side (Principal)	Side (Accessory)	Rear (Principal)	Rear (Accessory)
AG/F Agricultural/Forestry District	1 acre	150	25	25	20	20	50	20
REC Recreational District	1 acre	150	25	25	20	20	50	20
R-1 Residential-Large Lot District	40,000 sq. ft.	150	30	25	10	10	50	10
R-2 Residential-Small Lot District	20,000 sq. ft.	100	30	25	10	5	25	5
CMU Concentrated Mixed Use District	6,000 sq. ft.	60	75	10	5	3	5	3
GC General Commercial District	1 acre	150	45	25	10	10	20	20
IC/LI Intensive Commercial/Light Industrial District	1 acre	150	60	25	10	10	20	20

NOTE: Unless specifically exempted by this Ordinance, all structures shall also comply with the requirements of Sec. 4.04, setbacks from roads.



#### **4.03 LOT REQUIREMENTS.**

- (1) No lot shall hereafter be created which does not meet the minimum width and area requirements of this Ordinance. No lot shall be so reduced that it fails to meet any density, dimensional, or other requirement of this Ordinance.
- (2) LOT OF RECORD REQUIRED. Every building hereafter erected, structurally altered, or relocated shall be placed on a lot of record.
- (3) ACCESS TO ROAD.
  - (a) Except as provided in sub. (c), no lot shall hereafter be created which does not have direct access to and abut a public road.
  - (b) For lots created prior to the effective date of this ordinance, as described and recorded in the Marathon County Register of Deeds, no building shall hereafter be placed or constructed on said lot if the lot does not have direct access to and abut a public or private road.
    - 1) The property owner shall be responsible for securing such access.
    - 2) In the event any lot which was created prior to the effective date of this Ordinance does not have direct access to a public road or a private road, the owner or their authorized representative shall, at their sole expense, construct and dedicate to the Town a road meeting the geometric design standards set forth in §82.50, Wis. Stats., and Chapter Trans 204, Wis. Admin. Code. The road shall also meet the requirements set forth in Sec. 6.01, town roads, of this Ordinance.
  - (c) Exception to Road Access Requirements.
    - 1) Lots not intended for building or construction purposes may be created without direct access to and abutting a public road, provided the lot is created via certified survey map (CSM) or subdivision plat and a non-buildability statement is included on the face of the CSM or plat and access to the lot is provided by an ingress/egress easement to a dedicated public road.
      - a) The ingress/egress easement shall be a minimum of 33 feet wide. A 66 foot wide ingress/egress easement may be required by Marathon County in accordance with the Marathon County General Code of Ordinances.

- (4) In any district, more than one (1) building housing a principal use may be erected on a single lot, except as follows:
  - (a) Only one (1) single family residence and one (1) accessory dwelling unit shall be permitted on a single lot.
  - (b) Only one (1) duplex shall be permitted on a lot.
  - (c) Only one (1) manufactured home shall be permitted on a lot, unless the lot is authorized as a manufactured home community.
- (5) LOTS CREATED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE. Lots which were created before the effective date of this Ordinance shall be considered building sites provided they meet the criteria established in Sec. 4.03(3)(b) and both subs.(a) and (b) below:
  - (a) They are of record in at least one of the following forms to establish the lot's date of creation:
    - 1) A recorded land subdivision or certified survey map on file in the Marathon County Register of Deeds Office showing the lot in its present form.
    - 2) A lot of record by means of a deed or land contract on file in the Marathon County Register of Deeds Office and which predates the effective date of this Ordinance.
    - 3) A recorded condominium plat.
  - (b) Minimum lot requirements for lots created prior to the effective date of this Ordinance. A legally-created lot or parcel that met minimum area and width requirements when created but does not meet current lot size requirements may be used as a building site if the following apply:
    - 1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or deed; and
    - 2) The substandard lot or parcel is developed to comply with all other ordinance requirements.

- (6) Lots which qualify as building sites as provided in sub. (5) above may be enlarged through acquisition of adjacent property but need not comply with the provisions of Sec. 4.02(3), table of district requirements. Any such lots which have been enlarged through land acquisition or combining of separate parcels into a single legal description shall not be thereafter reduced or rearranged except in compliance with Sec. 4.02, district requirements.

#### **4.04 SETBACKS FROM ROADS.**

Setbacks from public roads and railroad rights-of-way shall be measured from the road or railroad right-of-way. Setbacks from private easement roads shall be measured from the described easement as recorded in the Marathon County Register of Deeds or, in the case of an easement that does not have a legal description, setbacks shall be measured from the nearest point on the edge of the traveled way.

##### **(1) ROAD CLASSIFICATIONS:**

- (a) Class A: All State and federal highways are hereby designated as Class A highways.
- (b) Class B: All County trunk highways are hereby designated as Class B highways. For the purpose of this Ordinance any road will be considered as a County trunk after it has been placed on the County trunk system by the County Board and approved by the State Department of Transportation.
- (c) Class C: All town roads, public streets and highways not otherwise classified are hereby designated Class C highways.

##### **(2) SETBACKS:**

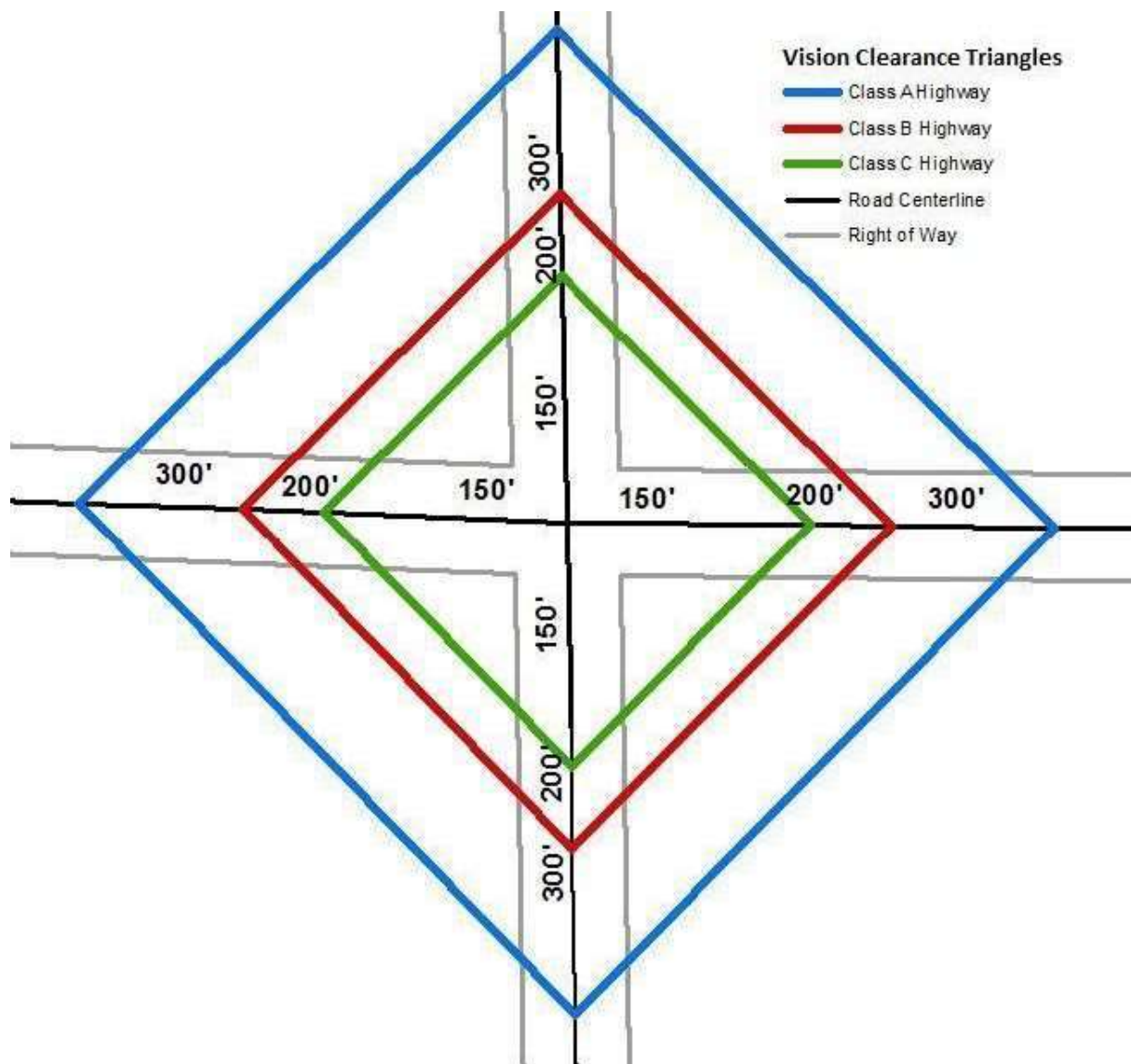
- (a) Class A Highways. Except as provided in subs. (e), (f), (g), and (i), the minimum setback for all structures fronting Class A highways shall be 110 ft. from the centerline of the right-of-way and 50 feet from the edge of the right-of-way, whichever distance is greater, except that for any freeway or divided Class A highway the setback distance shall be 100 feet from the right-of-way line.
- (b) Class B Highways. Except as provided in subs. (e), (f), (g), and (i), the minimum setback for all structures fronting Class B highways shall be 75 feet from the centerline of the right-of-way and 42 feet from the edge of the right-of-way, whichever distance is greater.
- (c) Class C Highways. Except as provided in subs. (e), (f), (g), and (i), the minimum setback for all structures fronting Class C highways shall be 63 feet from the centerline of the right-of-way and 30 feet from the edge of the right-of-way, whichever distance is greater.

- (d) Private Easement Roads and Railroad Right-of-Ways. Except as provided in subs. (e), (f), (g), and (i), the minimum setback for all structures fronting private easement roads or railroad rights-of-way, except private easement roads serving only one (1) lot, shall be 30 feet from the described easement or right-of-way. No setback shall be required from private easement roads which serve only one (1) lot. If the width of the private easement road is described by plat, survey, deed or similar document recorded in the Marathon County Register of Deeds, the setback shall be measured from the edge of the described easement as recorded in the Marathon County Register of Deeds. If the width of the private easement road or access easement is not so described, then the setback shall be measured from the nearest point on the edge of the traveled way.
- (e) Concentrated Mixed Use District. Except as provided in subs. (f), (g), and (i), the minimum setback from roads for all structures in the Concentrated Mixed Use District shall be 25 feet from the right-of-way line.
- (f) Commercial Structures. All commercial structures greater than 35 feet in height shall be 1.1 times the height of the structure from the right-of-way line.
- (g) Setback Reduction.
  - 1) Where each side of the proposed building location is occupied by an adjacent principal building located closer to the road than the required setback and located within 200 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setbacks of the adjacent principal buildings, except in no case shall the required road setback be less than 10 feet from the right-of-way.
  - 2) Where one side of the proposed building location is occupied by an adjacent principal building located closer to the road than the required setback and located within 200 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setback of the adjacent principal building and the setback required for that particular road.
  - 3) Setback reduction does not apply to commercial structures greater than 35 feet in height.

(h) Vision Clearance Triangle

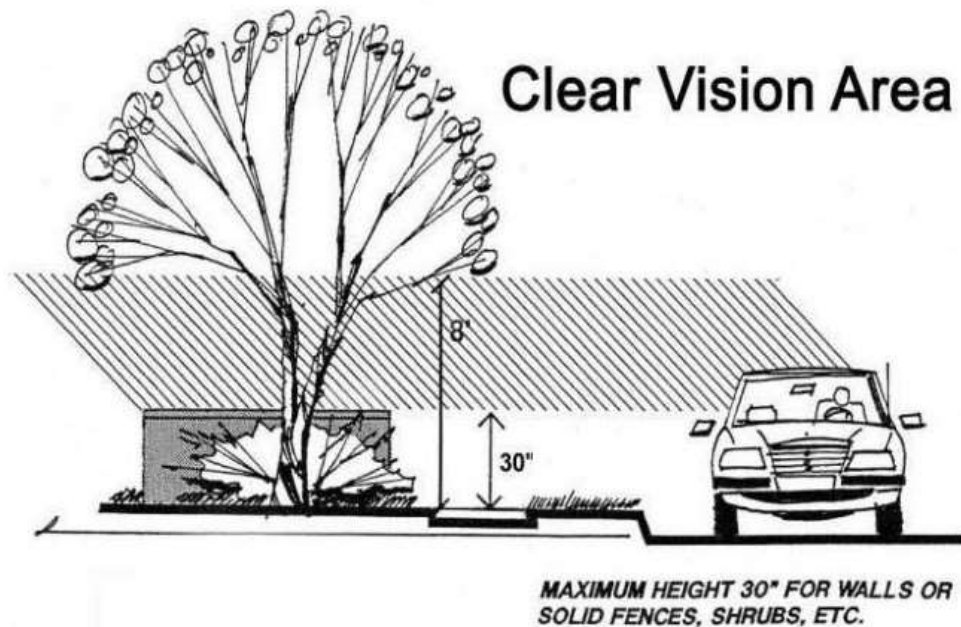
- 1) In each quadrant of every public street intersection or street railroad intersection, there shall be a vision clearance triangle bounded by the street centerlines and a line connecting points on them, as follows:
  - a) Class A Highways: 300 feet
  - b) Class B Highways: 200 feet
  - c) Class C Highways: 150 feet

**Figure 4-2: Vision Clearance Triangle**



- 2) Within a vision clearance triangle, no structure or object of natural growth shall be constructed, maintained, or permitted between a height of 30 inches and eight (8) feet above the elevation of the street or highway grade at the centerline, except as exempted in sub. (i).

**Figure 4-3: Clear Vision Area**



- (i) Exemptions. The following structures shall be permitted within the required setbacks from roads and vision clearance triangles, provided they do not violate any other provisions of this Ordinance:
  - 1) Open Fences, provided they are not located within a public right-of-way.
  - 2) Petroleum and gas transmission lines, telephone, telegraph, cable television, and power transmission poles and lines and portable equipment both above and below ground that is readily removable in its entirety. Additions to and replacement of all such structures may be made, provided the owner will file with the Town Board an agreement in writing that the owner will move or remove all new construction, additions, and replacements erected after the adoption of this chapter at their expense, when necessary to the public interest (i.e., highway construction, airport, sewer and water lines, etc.)
  - 3) Underground structures not capable of being used as foundations for future prohibited over-ground structures.

- 4) Signs placed by the public authorities for the guidance or warning of traffic.
- 5) Structures which are not buildings, and which are less than 6 inches above preconstruction grade, including but not limited to sidewalks, driveways, patios, and at-grade decks.
- 6) Outdoor lighting installations provided these items are not located within a public rights-of-way.
- 7) Structures such as ramps and landings, lifts, or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist.
- 8) Overhanging eaves and gutters, provided they extend not more than 2 feet into the required setback and are not located within a public right-of-way.

#### **4.05 HEIGHT REQUIREMENTS.**

- (1) HEIGHT LIMITATION. Except as provided below and in subs. (2) and (3), no building or structure shall exceed 35 feet in height above the finished grade elevation.
- (2) EXEMPTIONS. The following shall be exempted from the height requirements of this Section:
  - (a) Architectural projections such as: spires; belfries; parapet walls; domes; chimneys; and cupolas.
  - (b) Agricultural structures such as: barns; silos; and grain storage structures.
  - (c) Special structures such as: mechanical/elevator penthouses; grain elevators; observation/lookout towers on public property; utility and telecommunication poles, towers, masts, and associated appurtenances; windmills; cooling towers; and stacks.
- (3) Public or quasi-public facilities such as churches, schools, hospitals, sanitoriums, monuments, libraries, and government offices and stations may be erected to a height of 60 feet, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet in height.

**4.06 FRONT, REAR, AND SIDE YARDS.** Except as dictated by Sec. 4.04, setbacks from roads, the following shall apply to front, rear, and side yards:

- (1) **HOW MEASURED.** The yard distances shall be measured from the nearest portion of the structure, except that the first 2 feet of overhanging eaves and gutters of buildings shall not be included where the yard requirement exceeds 5 feet.
- (2) **COMMERCIAL STRUCTURES.** All commercial structures greater than 35 feet in height shall be 1.1 times the height of the structure from the front, rear, and side lot lines.
- (3) **EXEMPTIONS.** The following structures are permitted in front, rear, and side yards provided they do not violate any other provision of this Ordinance:
  - (a) Structures which are not buildings, and which are less than 6 inches above preconstruction grade, including but not limited to driveways, patios, and at grade decks.
  - (b) Fences, provided they are not located within a public right-of-way or vision clearance triangle. Open fences are permitted in the vision clearance triangle, provided they are not located within a public right-of-way.
  - (c) Public utility poles, lines, and related equipment without permanent foundations.
  - (d) Signs, as provided by Section 7 of this Ordinance.
  - (e) Outdoor lighting installations provided these items are not located within a public right-of-way.
  - (f) Structures such as ramps and landings, lifts, or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist.
- (4) **APPLICABILITY TO FUNCTIONAL APPURTENANCES.** Any functional appurtenances to a principal building, such as decks, stairways, and balconies, which are attached to the principal building shall comply with the yard requirements for principal structures.



#### **4.07 FLOOR AREA REQUIREMENTS.**

- (1) Except as specified in subs.(2) through (5), the minimum floor area for one-story dwelling units in all districts shall be 1,000 square feet, and the minimum floor area for split-level, two-story and bi-level dwelling units shall be 1,500 square feet.
- (2) For multi-family residences, the minimum floor area for each dwelling unit shall be 600 square feet.
- (3) For accessory dwelling units, the maximum floor area shall be less than 1,000 square feet.
- (4) For manufactured/mobile homes, the minimum floor area shall be 500 square feet.
- (5) For accessory residences, the minimum floor area shall be 600 square feet. The maximum floor area shall be 100% of the floor area of the nonresidential use in which the accessory residence serves or 3,000 square feet, whichever is less.

#### **4.08 ACCESSORY STRUCTURES.** Accessory structures are permitted subject to the following:

- (1) PERMIT REQUIRED. Accessory structures, including shipping containers used for accessory storage, shall require a regular zoning permit except:
  - (a) Minor structures such as:
    - 1) Birdhouses
    - 2) Yard light poles
    - 3) Birdbaths
    - 4) Doghouses (housing dogs which are licensed as the personal pets of the residents of the property)
    - 5) Playhouses/treehouses
    - 6) Noncommercial fuel storage tanks and pumps
    - 7) Clothes line poles
    - 8) Lawn ornaments
    - 9) Flag poles
    - 10) Mailboxes
    - 11) Garbage containers
    - 12) Ice fishing shanties and hunting stands/blinds
    - 13) School bus waiting shelters
    - 14) Farm livestock hutches
    - 15) Firewood storage structures with no more than three sides and which are less than or equal to 48 square feet and six feet in height.
  - (b) Fences.

- (2) Accessory structures shall be located on the same lot as the principal use to which it is accessory.
- (3) Accessory structures shall not be permitted until its associated principal structure or use is present or under construction, except that one (1) accessory structure may be permitted prior to the erection or establishment of its associated principal structure or use in all districts except for the Residential-Large Lot (R-1) and Residential-Small Lot (R-2) Districts, provided the following requirements are met:
  - 1. The maximum floor area of the accessory structure shall be 2400 square feet or less.
  - 2. Water and/or sanitary waste disposal service to the accessory structure is prohibited.
  - 3. Commercial business activities, storage for commercial businesses, and rental storage in accessory structures constructed prior to its principal structure/use are prohibited, unless such commercial activity/use is allowed and properly permitted on the subject property.
  - 4. The subject parcel shall contain at least the minimum lot area for the subject parcel's zoning district as specified in Section 4.02(3), Table of District Requirements.
  - 5. Applicant shall provide written description of the proposed use of the building with the zoning permit application. A condition of approval describing the nature of the authorized use of the building shall be attached to the zoning permit. *\*Section 4.08(3) Updated 09-11-2023*

(4) SHIPPING CONTAINER REQUIREMENTS

- (a) A zoning permit is required for the placement of a shipping container on a property for accessory storage use.
- (b) Shipping containers used for accessory storage shall only be permitted in the Agricultural/Forestry (AG/F), Recreational (REC), General Commercial (GC), and Intensive Commercial/Light Industrial (IC/LI) Districts.
- (c) Shipping containers used for accessory storage shall be prohibited in the Residential-Large Lot (R-1), Residential-Small Lot (R-2), and Concentrated Mixed Use (CMU) Districts.

- (d) Shipping containers shall be solid color and shall be earth-tone color or the same or similar color as the principal building on the lot.
  - (e) Lettering, wording and advertising on shipping containers shall be prohibited.
  - (f) There shall be no more than two (2) shipping containers permitted on a lot or parcel unless a conditional use permit is issued by the Town Board for additional shipping containers.
  - (g) The use of shipping containers as a principal structure or dwelling shall be prohibited.
- (5) ITEMS PROHIBITED AS ACCESSORY STRUCTURES. Such items as, but not limited to:
- (a) Boats
  - (b) Truck bodies
  - (c) Manufactured homes
  - (d) Buses
  - (e) Railroad cars
  - (f) Trailers
  - (g) Campers

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## **SECTION 5 PARKING, LOADING, AND ACCESS/DRIVEWAY REQUIREMENTS**

### **5.01 PURPOSE AND APPLICABILITY**

- (1) **PURPOSE.** The intent of this Section is to prevent or alleviate the congestion of the public streets and promote the safety and welfare of the public by establishing minimum requirements for off-street parking and loading according to the use of the property, and to promote safety and convenience for people by requiring that parking areas and driveways be located and constructed according to good standards for visibility, accessibility and safety. It is the responsibility of property owners to provide adequate parking to meet their specific needs.
- (2) **APPLICABILITY.**
  - (a) The requirements of this Section shall apply to all uses other than agricultural uses.
  - (b) Except for agricultural uses, all uses hereafter established, expanded, changed in use to create a need for ten percent (10%) greater parking capacity, reduced in size, or alteration to existing surfaces shall provide off-street parking and loading space in accordance with the standards set forth in this Section. Alteration means adding asphalt or concrete to a gravel parking lot or parking space or removing asphalt or concrete from a parking lot or parking space and exposing the gravel base course and repaving of such area but does not include seal coating or lining/stripping.

### **5.02 OFF-STREET PARKING REQUIREMENTS**

- (1) **ACCESS.** Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide.
- (2) **DIMENSIONS.** The Minimum Dimensions of each parking space shall be 9 feet by 18 feet, except for properly signed spaces provided for use by handicapped persons.
- (3) **PARKING SPACES FOR HANDICAPPED PERSONS**
  - (a) Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate handicapped persons, and these shall be clearly marked as such.
  - (b) Handicapped stalls shall be located in close proximity to the principal entrance(s).

(c) Parking spaces shall be designed in accordance with the state and federal building code and, as a minimum, shall meet the Federal ADA standards.

(d) Handicap ramps shall meet the Federal ADA standards.

(4) LOCATION.

(a) Parking Spaces shall be on the same lot as the Principal Use or on an adjoining lot under the same ownership as the lot containing the use it serves.

(b) Adjoining lots used to provide required off-street parking shall be located in a Concentrated Mixed Use (CMU), General Commercial (GC), or Intensive Commercial/Light Industrial (IC/LI) district.

(c) Except as provided in (d), no parking space shall be located closer than 5 feet from a property line or public right-of-way.

(d) No parking stall, except in residential districts, shall be closer than 25 feet to a Residential District lot line or a street right-of-way opposite a Residential District.

(5) DESIGN STANDARDS

(a) All parking lot development or expansion of existing parking lots that need to accommodate more than ten (10) parking stalls shall be subject to development plan design standards as identified below:

1) Drainage. All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties. Onsite storm drainage shall be provided in accordance with the State Plumbing Code.

2) Protection Devices Barriers, curbing, or wheel stops shall be installed and so located as to prevent any portion of a vehicle from projecting beyond property lines, into any landscaping and screening, or into a pedestrian space. Such barriers, curbs or wheel stops shall be constructed and anchored to prevent their dislocation.

3) Surfacing. Parking areas, including stalls and accessways, shall be either concrete or asphalt. Parking areas designed solely for heavy duty vehicle (e.g., semi-truck, garbage truck, dump truck, passenger bus, etc.) traffic and parking may provide a gravel surface under the following conditions:

- a) The entrance must be asphalt or concrete for at least the first twenty-five (25) feet from the right-of-way, except only asphalt shall be allowed within the road right-of-way.
- b) The gravel must be periodically graded and maintained in a dust free manner, free of debris, weeds and other plant materials.
- c) The street adjoining the driveway must be free of gravel from the parking lot.

4) Landscaping.

- a) Parking areas containing 10 or more spaces which adjoin residential lots shall be visually screened from the residential lots with a solid wall, fence, or evergreen planting of equivalent visual density, or other effective means, built and maintained to a minimum height of 4 feet in height.

(6) MAINTENANCE

- (a) Parking Lot Conditions. The owner of property used for off-street parking shall maintain such area in good condition without holes and free of all weeds, standing water, trash, abandoned or junk vehicles and other debris.
- (b) Lighting. Parking lot and loading space lighting fixtures shall be of a full cutoff type to avoid light spilling over onto adjacent properties and public rights-of-way. Compliance with this requirements shall be supported by a photometric lighting study completed by a qualified individual or firm.
- (c) Striping. All parking areas shall be striped to delineate parking stall locations.
- (d) Maneuvering. All parking and loading spaces shall be designed to provide safe maneuvering to occur within the property line.
- (e) Snow storage. Snow storage must be provided on-site or shall be removed from the site and properly disposed of in a timely fashion. Snow storage shall be prohibited in a public road or railroad right-of-way.

(7) NUMBER OF PARKING SPACES REQUIRED.

- (a) Except as provided in sub. (b), the minimum number of off-street parking spaces to be provided shall be in accordance with Table 5-1.
- (b) Exceptions.

- 1) Multiple Uses on a Lot. In developments involving the establishment or addition of two or more uses on one lot or parcel, shared parking arrangements shall be encouraged, provided it can be shown that the number of spaces can meet the parking needs of the multiple establishments. Shared parking agreements and cross-access easements may be required as part of approval. The Planning & Zoning Committee may allow a reduction of required parking spaces below the requirements described in Table 5-1, without a variance, if the applicant or property owner can prove:
  - a) Peak demands for individual uses on the lot or parcel do not coincide, or
  - b) The same parking space can simultaneously serve both uses.
- 2) The Planning & Zoning Committee may allow a reduction of required parking spaces below the requirements described in Table 5-1, without a variance, if the applicant or property can prove, through submittal of a detailed parking analysis/study completed by a qualified individual/firm, that the subject use will not warrant the minimum number of parking spaces described in Table 5-1.
- (c) Uses not enumerated. In the case of uses specifically not listed in Table 5-1, the minimum number of parking spaces shall be determined by the Planning & Zoning Committee based upon requirements for similar uses.

(TABLE 5-1, MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS, BEGINS ON NEXT PAGE)



Table 5-1: Minimum Off-Street Parking Space Requirements	
Type of Use	Minimum Required Off-Street Parking Spaces
<b>RECREATIONAL USES</b>	
Indoor Recreation	1 space per 200 sq. ft. of useable floor area
Indoor Shooting Range	
<b>RESIDENTIAL USES</b>	
Single Family Detached Residence	2 spaces per dwelling unit
Two-Family Residence (Duplex)	
Multi-Family Residence (3+ Units)	
Mobile/Manufactured Home	
Short Term Rental	2 spaces plus 1 space per rental room
Boardinghouse	1 space per bedroom or sleeping room
<b>COMMERCIAL USES</b>	
Hotel/Motel	1 space per rental room plus 1 space per 3 employees during peak shifts
Artisan Gallery/Studio	1 space per 200 sq. ft. of useable floor area
Retail	
Personal Service Establishment	
Professional Office/Service Establishment	
Financial Institution (e.g., bank, credit union)	
Medical/Dental Facility/Clinic	
Veterinary Clinic	
Restaurant/Tavern	
Winery/Brewery	
Bakery	
Group Day Care Center	
Automobile Sales/Service	
Recreational Vehicle Sales/Service	
Gas Station/Carwash	
Farm Implement Sales/Service	
Indoor Commercial Entertainment Facility (e.g., concert venue, bowling alley, etc.)	
Special Event Venue (e.g., wedding barn, concert venue, etc.)	
Indoor Theater	
Contractor Storage Yard	
Kennel	

Table 5-1: Minimum Off-Street Parking Space Requirements (Continued)	
Commercial Radio/TV Broadcast Studio	1 space per employee during peak shifts
Adult Entertainment/Adult-Oriented Establishment	1 space per 200 sq. ft. of useable floor area
Commercial Trucking Establishment	1 space per employee during peak shifts
Lumber/Building Supply Yard	
Home Occupation-Major	1 space per 200 sq. ft. of useable floor area
Home Occupation-Minor	
Type of Use	Minimum Required Off-Street Parking Spaces
<b>INSTITUTIONAL USES</b>	
Places of Worship	1 space per 3 persons permitted at maximum capacity
School/College/University	1 space per 200 sq. ft. of useable floor area
Municipal Building	
Social Clubs/Lodges	1 space per 3 persons permitted at maximum capacity
Funeral Home	
Institutional Residential	0.5 spaces per bed
Community Living Arrangement	
Library/Museum	1 space per 200 sq. ft. of useable floor area
Post Office	
<b>INDUSTRIAL USES</b>	
Sawmill/Planing Mill	1 space per employee during peak shifts
Asphalt/Concrete Plant	
Solid Waste Facility (e.g., Landfill)	
Bulk Storage of Fuel Products	
Manufacturing, Assembly, Processing	
Salvage Yard	
Wastewater Treatment Plant	
Slaughterhouse	
Warehouse	
<b>MISCELLANEOUS USES</b>	
Animal Shelters/Pounds	1 space per employee during peak shifts

***NOTE:** Useable floor area excludes hallways, bathrooms, utility or storage areas, and any areas not accessible to the general public.*

### **5.03     LOADING REQUIREMENTS**

- (1) Any use which requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.
- (2) The loading and unloading space shall be separate from any parking aisle or parking spaces unless delivery or pickup activities are scheduled for hours when the parking area is not in use.

### **5.04     ACCESS/DRIVEWAY REQUIREMENTS**

- (1) Every use shall have access to a public or private road. However, property owners have the responsibility of securing the access.
- (2) No direct access shall be permitted to an existing or proposed public right-of-way without the permission of the entity maintaining access control over that public right-of-way.
- (3) For all uses, except Agricultural Uses, no more than 2 driveways per lot shall be permitted.
- (4) DRIVEWAY WIDTH.
  - (a) For all Residential Uses, access driveways shall be at least 15 feet wide and not more than 24 feet wide.
  - (b) Access driveways for all other uses, except Agricultural Uses, shall be at least 20 feet wide and not more than 35 feet wide. Such drives may be reduced to 10 feet wide if they are enter-only or exit-only drives.
- (5) SETBACK.
  - (a) Except as provided in (b) below, all access driveways shall be placed such that the driveway edge nearest to a neighbor's lot line is at least 5 feet from the neighbor's lot line, unless driveways are shared by adjoining property owners.
  - (b) No access driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street right-of-way opposite a residential district.
  - (c) All primary access driveways serving R-1, R-2, CMU, GC, & IC/LI lots shall be either concrete or asphalt, except only asphalt shall be allowed within the road right-of-way.

(6) LOCATION.

- (a) Access drives shall be located opposite median crossovers, where present.
- (b) At road intersections, the midpoint of access driveways shall be located at least 100 feet from the point of intersection of the road edges. For lots existing prior to the effective date of this Ordinance which cannot meet this provision, one access driveway shall be permitted.

## **SECTION 6 SUPPLEMENTAL REQUIREMENTS**

### **6.01 TOWN ROADS**

- (1) **PURPOSE.** The purpose of these regulations is to establish minimum standards for town roads in the Town of Ringle, and to establish procedures for the acceptance of town roads in the Town of Ringle.
- (2) **APPLICABILITY.** These regulations shall apply to all town roads and streets in the Town of Ringle.
- (3) **PUBLIC ROAD ACCEPTANCE AND CONSTRUCTION STANDARDS**
  - (a) **Petition/Submittal.**
    - 1) The property owner must present a state plat or certified survey map, as may apply, with the appropriate language for acceptance of the road by the town and in conformity with the relevant requirements of Wisconsin State Statute Chapter 236.
    - 2) The property owner must also present a plan for the proposed road. This plan may be a map or sketch of the proposed road but must be prepared by a professional engineer registered in the State of Wisconsin and must be prepared in conformity with the relevant requirements of Wisconsin State Statutes Chapters 82 through 86.
    - 3) The state plat or certified survey map, as well as the plan for the road, must be reviewed and approved by an engineer who has been selected by the Town Board.
  - (b) **Design Standards.**
    - 1) **Right-of-Way Width.** The right of way shall be four rods (66 feet) wide.
    - 2) **Circulation.** All necessary turn-arounds and cul-de-sacs shall be determined by an engineer who has been selected and approved by the Town Board.
    - 3) **Road Bed and Base.** The road bed and base shall depend on whether the road is on poorly-drained or well-drained soil, as determined by an engineer who has been selected and approved by the Town Board upon review of soil maps and on-site inspection. The road base and breaker run shall be Base Aggregate Dense and Breaker Run supplied and constructed

in accordance with the State of Wisconsin Standard Specifications for Highway and Structure Construction Sections 301, 305, and 311. Requirements for testing within those Sections shall not apply, and the Town Board or their selected engineer will specify the required evidence, tests, and testing frequency.

a) Roads on Well-Drained Soil.

1. 10 inches of 1.25 inch Base Aggregate Dense road base material shall be utilized.

b) Roads on Poorly-Drained Soil.

1. 10 inches of breaker run, and 8 inches of 1.25 inch Base Aggregate Dense road base material shall be utilized, with geotextile or geogrid to be placed in areas under the breaker run. The geotextile and geogrid shall be in accordance with the State of Wisconsin Standard Specifications for Highway and Structure Construction Section 645 and shall be approved by the Town Board or their selected engineer.

4) Roadway Widths and Surface.

- a) There must be a 26 foot road bed with 22 feet of blacktop.
- b) Blacktop asphalt shall be a minimum of 3 ½ inches thick with proper finishing.
- c) The gravel road shall be allowed to settle for one season prior to applying asphalt blacktop, or for a period of time determined by an engineer who has been selected and approved by the Town Board.

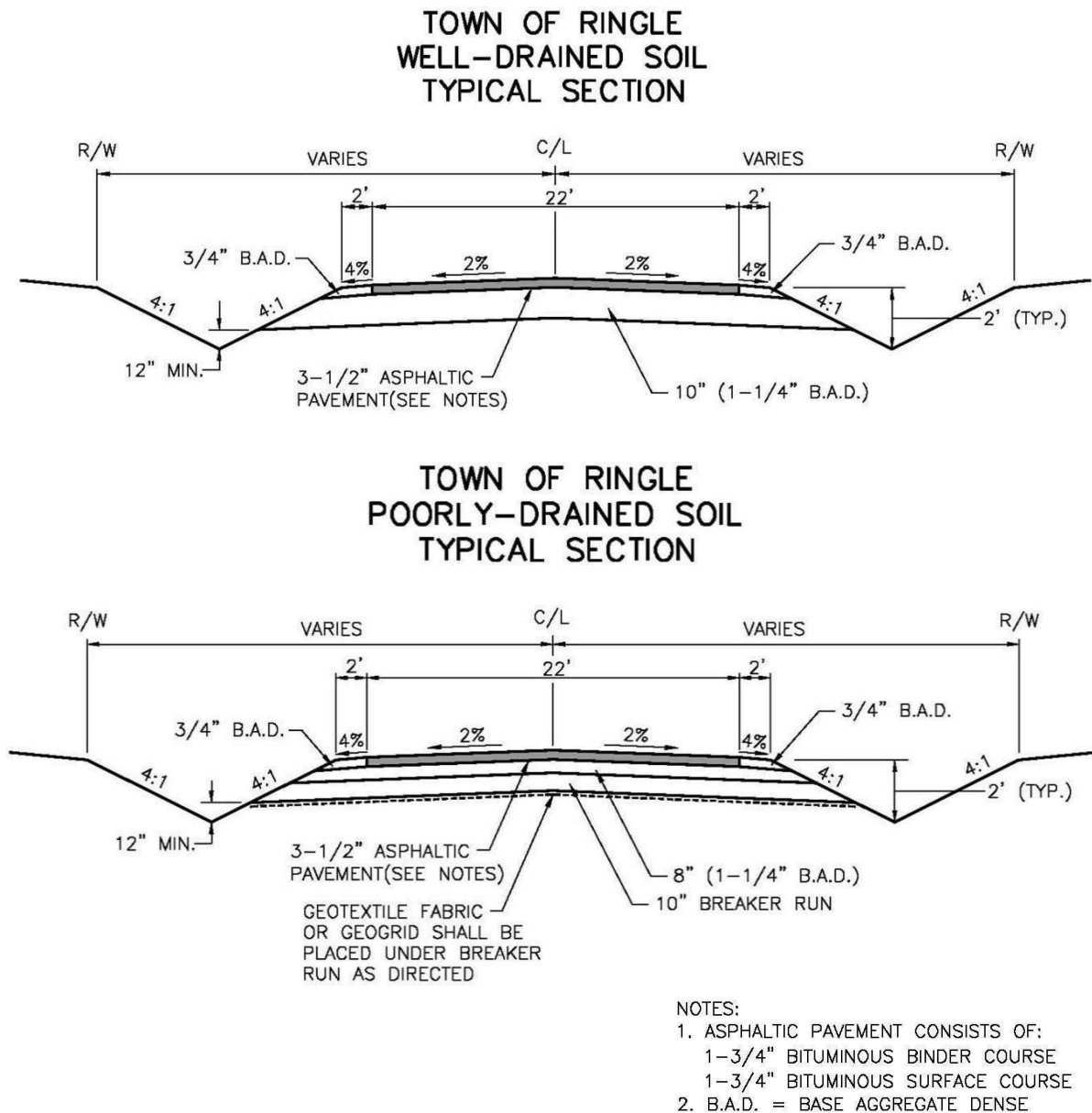
5) Drainage. All necessary ditching and culverts for proper drainage shall be designed by the owner/developer's engineer and submitted to the Town for approval. The drainage plans shall be reviewed and approved by an engineer who has been selected and approved by the Town Board.

6) Site Stabilization.

- a) Placement of topsoil and seed on all disturbed ditch side slopes and placement of ¾ inch Base Aggregate Dense for shouldering to protect the stability of the road and to prevent erosion shall be required. This work shall be completed within 10 days after completion of the asphalt paving or as approved by the Town Board.

## 7) Typical Road Sections

**Figure 6-1: Typical Road Sections**



8) Increased Standards.

- a) The Town Board may determine that a road be constructed to specifications beyond minimum standards for reason of volume of traffic, type of traffic or soil conditions. Cost of construction beyond minimum standards shall be borne by the developer/owner where higher standards are necessitated by the owner/developer's project. In other cases, cost of construction beyond minimum standards shall be borne by the Town.

(c) Development Agreement.

- 1) Town Board shall determine if a development agreement is required.
- 2) Financial Assurance. If a development agreement is required by the Town, the following items shall be completed at the time the development agreement is executed:
  - a) File a bond, certificate of deposit, irrevocable letter of credit, or certified check with the Town, in such form as is acceptable to the Board and approved by the Town attorney.
    - 1. The bond, certificate of deposit, irrevocable letter of credit, or certified check shall be in amount equal to 125% of the estimated cost of the required improvements as determined by an engineer who has been selected and approved by the Town Board or by an independent consultant if deemed appropriate by the Town Board.
    - 2. This deposit shall guarantee that proposed improvements will be completed according to Town Specifications by the Developer or its contractors no later than 18 months from the date that the application is approved or, where staging is permitted, that each stage will be completed by the date specified in the installation and completion schedule.
    - 3. Such security shall be held by the Town and either released or used in the manner specified in this Ordinance.
    - 4. The provision of security by the applicant shall not release the applicant from its obligations under the development agreement nor prejudice the right of the Town to recover the full cost of completion of the improvements if the applicant fails to complete the same.



(d) Acceptance.

- 1) Site preparation and gravel road (road bed and base) must be completed prior to acceptance if a development agreement is required.
- 2) Upon acceptance, the Town will assume all necessary maintenance of the Town Road.

## **6.02 OUTDOOR STORAGE OF JUNK, CERTAIN VEHICLES AND RECREATIONAL EQUIPMENT**

### **(1) DEFINITIONS**

- (a) **Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers:** Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.
- (b) **In the Open:** Land which may be viewed from public streets or adjoining property.
- (c) **Junk:** Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Town property values, health, safety or general welfare.
- (d) **Motor Vehicle:** As defined in § 340.01(35), Wis. Stats.
- (e) **Recreation Equipment:** Boats, canoes, boat and utility trailers, mobile homes, campers, off highway vehicles, snowmobiles, and similar recreational equipment.
- (f) **Unlicensed Motor Vehicles, Truck Bodies, Tractors or Trailers:** Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

(2) STORAGE OF INOPERABLE VEHICLES, ETC.

(a) Restricted . No person shall accumulate, store or allow more than 2 disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property in the Town for a period exceeding 10 days.

(b) Exceptions.

1) In the Agricultural/Forestry (AG/F) and Recreational (REC) districts:

a) The storage of idle or operable farm equipment (i.e., vehicles, implements of husbandry, trailers, or parts thereof) typically used for agriculture or agricultural-related uses.

b) The storage of operable antique or collector agricultural equipment.

2) Legally established businesses engaged in vehicle, tractor, or trailer sales or repair may retain a maximum of 5 disassembled, inoperable, junked, or wrecked vehicles, tractors, or trailers, including vehicles under repair, in the open.

3) Legally licensed and established salvage yards and solid waste facilities under the terms of this Ordinance.

(3) STORAGE OF UNLICENSED VEHICLES, ETC.

(a) Restricted. No person shall accumulate, store or allow more than 2 unlicensed motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property in the Town for a period exceeding 10 days.

(b) Exceptions.

1) The storage of idle or operable farm equipment (i.e., vehicles, implements of husbandry, trailers, or parts thereof) typically used for agriculture or agricultural-related uses.

2) Legally established businesses engaged in the sale, repair or storage of such unlicensed vehicles, truck bodies, tractors, or trailers.

3) Legally licensed and established salvage yards and solid waste facilities under the terms of this Ordinance.

- 4) Garden tractors and mowers may be stored in the rear yard not less than 10 feet from any property line.
- (4) **STORAGE OF JUNK PROHIBITED.** No person, except legally licensed and established solid waste facilities and salvage yards under the terms of this Ordinance, shall accumulate, store or allow any junk outside of any building on any public or private real estate located in the Town.
- (5) **STORAGE OF RECREATIONAL EQUIPMENT REGULATED.** No person shall store any recreational equipment on any street right-of-way or within the front yard, including the driveway, for a period exceeding 10 days during the offseason of the subject recreational activity.

### **6.03 FIREARMS, WEAPONS, AND BOW HUNTING**

#### **(1) DEFINITIONS**

- (a) **Bow hunting:** The act of pursuing wild game during an open season as designated by the Wisconsin Department of Natural Resources with the proper license to do so with traditional bow, compound bow or crossbow equipment.
- (b) **Deer drive:** An attempt to move deer, by one or more hunters (drivers) walking together through an area, to another hunter or group of hunters who are prepared to shoot deer that are moved toward them by the drivers.
- (c) **Firearm:** Any handgun, long rifle or shotgun that uses gunpowder, black powder or black powder substitute for muzzleloaders in any manner to discharge a projectile.
- (d) **Hunting:** The act of pursuing wild game during an open season as designated by the Wisconsin Department of Natural Resources with the proper license to do so.
- (e) **Law enforcement:** Any person employed by the State of Wisconsin, or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.
- (f) **Other weapon:** Any paintball gun, pellet gun, airsoft gun, bow and crossbow, but not firearms.
- (g) **Paintball gun:** Any handgun or long rifle designed to discharge projectiles containing a paint or ink-type substance.

- (h) **Pellet gun:** Any weapon which uses a spring mechanism or compressed air to discharge a projectile and is considered a dangerous weapon within the scope of this chapter.
- (i) **Permission of the landowner:** Written or verbal permission to discharge either firearms or other weapons on the land from the property owner.
- (j) **Practice range:** An area of land designed and designated for use of weapons for target practice where the projectile used will not leave the limits of the property on which the range is established.
- (k) **Target practice:** Utilizing firearms or other weapons to engage and fire at targets. Targets are limited to inanimate objects made of paper, plastic, vinyl, Styrofoam or any other man-made substance and are designed for use during the act of target practice.

## (2) DISCHARGE REQUIREMENTS

- (a) The discharge of firearms and other weapons on or over any public roadway, or within 50 feet of the center of any roadway, is prohibited.
- (b) Any projectile discharged from a firearm or other weapon shall not travel beyond the boundary of the parcel from which it is launched.
- (c) The discharge of firearms is prohibited within 100 feet of any building or structure devoted to human occupancy without the permission of the landowner or occupant.
- (d) The discharge of firearms or other weapons shall only occur on a property for which permission of the landowner has been obtained.
- (e) The discharge of firearms and other weapons on any Town-owned land is prohibited, except lands that are described below with the following regulations:
  - 1) Tax Parcel Identification No. 072-2809-281-0999 (Brickyard Dr./State Highway 29; 30.73 acres)
  - 2) Tax Parcel Identification No. 072-2809-222-0996 (Oakley Dr.; 40 acres)

- 3) Arrowhead Estates Park; Tax Parcel Identification No. 072-2809-1950022 (Arrowhead Trl.; 18.29 acres)
  - a) Only bow hunting is allowed in Arrowhead Estates Park. The discharge of firearms in Arrowhead Estates Park is prohibited.
- (f) Where hunting on Town-owned land is permitted, the following regulations must be followed.
  - 1) Any cutting of trees, brush, lanes, or trails is prohibited.
  - 2) Permanent tree stands, permanent ladders or nailed-on or screw-in steps affixed to any tree are prohibited.
  - 3) Private property boundaries must not be crossed in order to pursue or retrieve game without the permission of the landowner.
- (g) Target practice with any firearm or the establishment of any outdoor practice range for any firearm is permitted only as follows:
  - 1) On a parcel having an area of five or more acres. Minimum parcel size may be reduced with site plan approval.
  - 2) Under conditions where the projectile used will not leave the parcel upon which the range is located.
  - 3) Any practice range that existed on July 16, 2013 may continue to operate as a practice range at that location notwithstanding any expansion of, or enhancement or improvement to, the practice range in accordance with §895.527, Wis. Stats.
- (h) Target practice with any other weapon or the establishment of any practice range for other weapons is permitted only as follows:
  - 1) On a parcel having an area of 20,000 square feet or larger.
  - 2) Where the target has a backstop constructed of such material so as to ensure that the projectile shall come to a complete stop after penetrating the target.
  - 3) Under conditions where the projectile used will not leave the parcel upon which the weapon is discharged.

- (i) The provisions of this chapter relating to firearms and other weapons do not apply to the following:
  - 1) Law enforcement personnel, as defined in § 165.85(2)(c), Wis. Stats., when said personnel are performing their official duties or during the conduct of an official training session.
  - 2) Indoor shooting ranges permitted under the terms of this Ordinance.
- (j) The discharge of other weapons inside a building with the permission of the landowner.

## **SECTION 7 SIGNS**

### **7.01 PURPOSE**

- (1) The purpose of this Section is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display. These regulations recognize the need to protect the safety and welfare of the public, the need for well-maintained and attractive sign displays within the community, the need for adequate business identification, advertising and communication, and the protection of first amendment rights of free expression.
- (2) Signs not expressly permitted as being allowed by right or by permit under this Section, by specific requirements in another portion of the Town of Ringle Code of Ordinances or other applicable law, are prohibited.
- (3) The regulations included in this Section are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, leased by, on behalf of, or as specifically directed or order by, federal, state, local governments and government agencies, in the furtherance of authorized government operations or activities within the public right-of-way.

### **7.02 INTENT**

- (1) It is the intent of this Section to permit the erection and use of signs visible from public rights-of-ways, provided the signs are in conformity with this Section, designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety and are legible, readable, and visible in the circumstances in which they are used, and respectful of the reasonable rights of other advertisers whose messages are displayed.

### **7.03 AUTHORIZATION**

- (1) These regulations authorize the use of signs visible from public rights-of-way, provided the signs are:
  - (a) Compliant with this Section.
  - (b) Designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety.
  - (c) Legible, readable, and visible in the circumstances in which they are used.
  - (d) Respectful of the reasonable rights of other advertisers whose messages are displayed.

#### **7.04 COMPLIANCE AND PERMIT REQUIRED**

- (1) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conformance with the provisions of this Section and a sign permit, unless otherwise exempted from sign permit requirements under this Section.

#### **7.05 GENERAL REQUIREMENTS**

- (1) No signs or billboards shall be permitted in any district except as specifically permitted herein.
- (2) No sign, including all components, shall be erected within the vision clearance triangle of any road intersection.
- (3) No sign shall be illuminated by any source of light that is not shielded to prevent glare or illumination of residential property other than that of the sign owner; nor shall the glare or any light source be so directed as to impair the safety of moving vehicles.
- (4) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- (5) Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape.
- (6) No signs, except of a public nature normal to public rights-of-ways, shall be permitted within any public right-of-way.
- (7) Flashing signs are prohibited other than official signs authorized by the appropriate granting authority of railroad or traffic control.
- (8) External illumination of signs shall be by a steady, stationary light source static in color; shielded; and directed either downward or solely at the sign.
- (9) All signs shall meet the lighting and video display requirements of Sec. 7.08(3).
- (10) No sign shall contain moving or rotating mechanical parts.



## **7.06 SIGN PERMIT**

- (1) **PERMIT REQUIRED.** It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Town of Ringle without first obtaining a sign permit for each sign from the Zoning Administrator as required by this Section. Permits shall not be required for the following:
  - (a) A change of copy of any sign, nor for the repainting, cleaning and other normal maintenance and repair of the sign and sign structure.
  - (b) Exempted signs as listed below.
- (2) **APPLICATION FOR A PERMIT.** Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Town, and shall contain or have attached thereto the following information:
  - (a) **Location:** Name, address, and telephone number of the applicant; location of building, structure, or lot to which or upon which the sign is to be attached or erected.
  - (b) **Responsible Parties:** Name of person, firm, corporation, or association erecting the sign.
  - (c) **Consent:** Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
  - (d) **Elevation:** A scaled elevation drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
  - (e) **Plan:** A scaled site plan drawing indicating the location and position of such sign in relation to nearby buildings or structures.
  - (f) **Other Permits:** Copies of any other permits required and issued for said sign.
  - (g) **Additional Information:** Additional information as may be required by the Town Planning & Zoning Committee.

- (h) Surety: An applicant, before the permit is granted, may be required to execute a surety bond in a sum to be fixed by the Town Board, and it shall be of a form and type approved by the Town Attorney, indemnifying the municipality against all loss, cost, damages, or expense incurred or sustained by or recovered against the municipality by reason of the erection, construction, or maintenance of such sign.

(3) PERMIT REVIEW.

- (a) The Zoning Administrator shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign when the permit application is properly made, all appropriate fees have been made, and the sign complies with the appropriate laws and regulations. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit.
  - (b) If the sign permit is denied, the Zoning Administrator shall provide written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.
  - (c) A sign permit shall become null and void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.
- (4) PERMIT FEE. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. Any costs associated with a third party consultant hired by the Town for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.
- (5) INDEMNIFICATION. By applying for a sign permit, all persons engaged in the erection and maintenance of the sign, including the applicant, shall indemnify, defend, and hold harmless the Town, its officers, agents, and employees from and against any and all third party claims arising out of the installation or maintenance of the sign, or otherwise related to the sign.

## **7.07 EXEMPTIONS**

- (1) The following signs are permitted in all zoning districts without a permit subject to the following regulations:
  - (a) Municipally erected traffic and parking signs.

- (b) Government and other official signs.
- (c) Official notices posted by public officers or employers in the performance of their duties.
- (d) Signs located within the interior of any building or structure which are not visible from the public right-of-way.
- (e) Seasonal, holiday, or other temporary decorations.
- (f) Flags that have been adopted by the federal, state, or local government.
- (g) Signs and sign supporting structures that cannot be seen from a public or private roadway right-of-way, public property, or navigable water.
- (h) Truck, bus, trailer or other vehicles, while operating in the normal course of business which is not primarily the display of signs.
- (i) A sign carried by a person.
- (j) Real Estate Signs not exceeding sixteen (16) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. Real Estate signs shall not be illuminated. Larger signs require a sign permit.
- (k) Name, home occupation, and warning signs not exceeding sixteen (16) square feet in area located on the premises. Home occupation signs shall not be illuminated.
- (l) Bulletin boards for public, charitable or religious institutions not exceeding thirty-two (32) square feet in area located on the premises.
- (m) Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (n) Temporary signs or banners up to a maximum of six (6) months.

## 7.08 STANDARDS

### (1) CONSTRUCTION, MAINTENANCE, AND REPAIR STANDARDS.

- (a) All signs shall be maintained in a safe condition and good repair at all times.
- (b) The construction, erection, safety and maintenance of all signs shall comply with all applicable town standards and regulations including but not limited to applicable state fire, building, and electrical codes.
- (c) Permanent signs shall be fabricated on and of materials that are of good quality and good durability. Wood shall be treated to prevent deterioration. Letters, figures, and characters shall be securely attached to the sign structure.
- (d) Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.

### (2) MEASUREMENT STANDARDS.

#### (a) Sign Face Area.

- 1) Sign area shall be measured as the entire surface area of a sign display face upon which copy could be placed; or, if no background or frame, the total area of the smallest rectangle or rectangles that can encompass all words, letters, figures, emblems, and any other element of the sign's message. When a sign has more than one display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign face area.
- 2) Two-face signs. Sign area of two-face signs shall be measured only on one face of the sign, except that when the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all faces of such sign shall be considered in calculating the sign area.

#### (b) Sign Height.

- 1) The sign height shall be the vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure.

(3) ILLUMINATION AND VIDEO DISPLAY.

- (a) No sign shall be illuminated by any source of light that is not shielded to prevent glare or illumination of residential property other than that of the sign owner; nor shall the glare or any light source be so directed as to impair the safety of moving vehicles.
- (b) Internal illumination, including neon lighting, must be static in intensity and color.
- (c) External illumination shall be by a steady, stationary light source static in color; shielded; and directed either downward or solely at the sign.
- (d) Flashing signs are prohibited other than official signs authorized by the appropriate granting authority of railroad or traffic control.
- (e) Video display signs may be incorporated within or used as signs in compliance with the following restrictions:
  - 1) The sign must be located on the site of the use identified or advertised by the sign.
  - 2) Video display signs shall only be permitted in commercial, industrial or agricultural zoning districts.
  - 3) The sign area of the video display signs shall be no greater than 50 percent of the attached or free-standing sign area.
  - 4) Video display signs shall not be utilized as a stand-alone sign and shall be incorporated into or attached to a primary business/quasi-public identification sign so that separation between the two signs is limited to one foot.
  - 5) The sign must not exceed a maximum illumination of 5,000 nits (candles per square meter) during daylight hours and a maximum of 500 nits (candles per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
  - 6) Video display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the time period of one-half hour before sunset and one half-hour after sunrise.

- 7) No sign shall conflict with the visibility of any traffic signal as determined by a qualified traffic engineer.
- 8) Video display sign messages shall not change more than six times per minute.
- 9) Messages shall not repeat in intervals of less than 4 seconds nor have a single animation that last longer than 10 seconds. Individual static messages may last longer than ten seconds.
- 10) Audio speakers or any form of pyrotechnics are prohibited in association with video display signs.
- 11) No video display sign shall be located within 100 feet or directly face a residentially-zoned property.
- 12) No video display sign shall be located within 100 feet of another video display sign.

(4) SETBACKS

- (a) All signs, including all components, shall be set back a minimum of 5 feet from any property line or right-of-way line.
- (b) No sign, including all components, shall be erected within the vision clearance triangle of any road intersection.

(5) ABANDONED SIGNS.

- (a) No sign in the Town shall be abandoned by the owner. Any sign not properly and reasonably maintained by the owner shall be removed by the owner within 30 days of receipt of a written notice from the Town. Failure to remove an abandoned sign, plus any foundation, within that period shall cause the Town to remove the sign after an additional 10-day written notice is mailed to the owner. Removal expenses will be charged to the owner of the sign or to the owner of the land where the sign is located. In the event removal costs are unpaid, they may be charged against the property as a special charge.

**7.09 SIGNS PERMITTED IN AGRICULTURAL/FORESTRY (AG/F),  
RECREATIONAL (REC), CONCENTRATED MIXED USE (CMU), GENERAL  
COMMERCIAL(GC) AND INTENSIVE/LIGHT INDUSTRIAL (IC/LI) DISTRICTS**

- (1) TOTAL SIGNAGE. Each individual business is limited to a total of two (2) signs. This includes wall signs, projecting signs, freestanding signs, and roof signs, but excludes interior window signs, awning signs, portable signs, and off premise/directional signs.
- (2) SIGN TYPES:
  - (a) Wall signs, subject to the following:
    - 1) Wall signs include lettering and images painted directly onto the exterior surface of the building.
    - 2) Wall signs shall not extend more than 12 inches outside a building's wall surface.
    - 3) Wall signs shall not exceed 300 square feet in area for each sign.
    - 4) Wall signs shall not extend above the building's roof line.
  - (b) Projecting signs, subject to the following:
    - 1) Projecting signs fastened to, suspended from, or supported by structures shall not extend more than 6 feet into any required yard and shall not be less than 10 feet from all side lot lines.
    - 2) Projecting signs shall not extend above the building's roof line.
    - 3) Projecting signs shall not be less than 10 feet above any sidewalk or pedestrian walkway, nor less than 15 feet above any driveway or alley.
    - 4) Projecting signs shall not exceed 40 square feet in area per sign face.
  - (c) Freestanding signs, subject to the following:
    - 1) Freestanding signs shall not exceed 200 square feet in area.
    - 2) Freestanding signs shall not exceed 25 feet in height.
  - (d) Roof Signs, subject to the following:
    - 1) No more than one roof sign is permissible on any lot.

- 2) Roof sign shall not exceed 10 feet in height above the roof or parapet.
  - 3) Roof sign shall not extend beyond the building upon which it is located.
  - 4) Roof sign shall not exceed 200 square feet in area.
- (e) Window signs, subject to the following:
- 1) Window signs shall be placed only on the inside of commercial buildings.
  - 2) Window signs shall not exceed 25% of the glass area of the pane upon which the sign is displayed.
- (f) Awning signs, subject to the following:
- 1) Awning signs shall be applied only on the surface of the awning and limited to no more than 25% of the awning surface area.
- (g) Portable signs, subject to the following:
- 1) Portable signs shall not exceed 16 square feet in area.
  - 2) Portable signs shall not exceed 6 feet in height.

#### **7.10 SIGNS PERMITTED IN RESIDENTIAL-LARGE LOT (R-1) AND RESIDENTIAL-SMALL LOT (R-2) DISTRICTS**

(1) SIGN TYPES:

- (a) Subdivision entry signs, subject to the following:
- 1) Subdivision entry signs shall contain only the name of the subdivision or development.
  - 2) Subdivision entry signs shall be placed outside of the road right-of-way.
  - 3) At any entrance to a residential subdivision, there shall be no more than 2 subdivision entry signs identifying such subdivision.
  - 4) Subdivision entry signs shall not exceed 32 square feet in area.
  - 5) Subdivision entry signs shall not exceed 7 feet in height.



(b) Home Occupation signs, subject to the following:

- 1) A maximum of 1 wall sign advertising a home occupation shall be permitted on a lot.
- 2) Home occupation signs shall be located on the premises in which the home occupation is established.
- 3) Home occupation signs shall not exceed 16 square feet in area.
- 4) Home occupation signs shall not extend above the building's roof line.
- 5) Home occupation signs shall not be illuminated.

#### **7.11 ELECTION CAMPAIGN SIGNS**

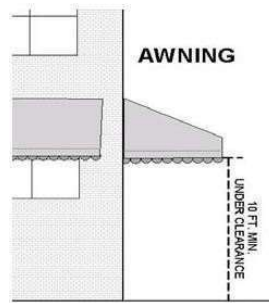
- (1) Election campaign signs may be allowed in any district without a permit provided that permission shall be obtained from the property owner, renter or lessee; and provided that such sign shall not be erected prior to the election campaign period as defined in Sec. 12.04, Wis. Stats., and removed within seven (7) days following the election.

#### **7.12 NONCONFORMING SIGNS**

- (1) Any sign located in the Town of Ringle as of the date of adoption or amendment of this Section that does not conform to the provisions of this Section as adopted or amended is a legal, nonconforming sign if the sign was legally constructed prior to the date of adoption or amendment of this Section.
- (2) A sign loses its legal, nonconforming status if one of the following occurs:
  - (a) The sign is structurally altered in any way (other than normal maintenance and repair) that makes the sign less compliant with the requirements of this Section than it was before the alteration.
  - (b) The sign is relocated.
  - (c) The sign is abandoned.
  - (d) The permitted or conditional use associated with the sign changes.
- (3) A nonconforming sign can be reconstructed to its former state if it is destroyed by wind, vandalism, fire, ice, or flood.

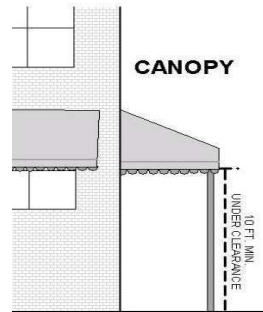
**7.13 SIGN DEFINITIONS.** For the purposes of clarification, discussion and permit review, the following definitions shall apply to this Ordinance.

- (1) **Animated sign:** Any sign that utilizes movement, change of lighting, or electronic lettering to depict action, create messages, or special effects.
- (2) **Awning:** A roof-like shelter projecting from and supported wholly by the exterior wall of a building and constructed of non-rigid materials on a supporting framework. See the following graphic.
- (3) **Awning sign:** A sign incorporated into or attached to an awning or canopy.

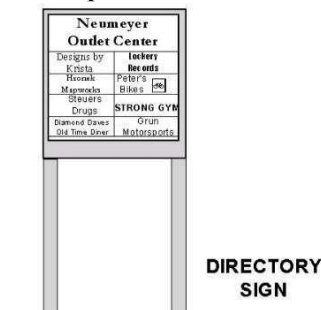


- (4) **Billboard sign:** A sign which directs attention to a business, product, service, or activity not conducted, sold, or offered upon the premises where such sign is located. Also termed "off-premises advertising sign."
- (5) **Bulletin board sign:** A permanently anchored sign with changeable letters used to indicate upcoming events or programs, typically in association with a church, park, school, or other institutional building.
- (6) **Business flags:** A wall-mounted flag made of a durable fabric that contains graphics limited to business name, logo and advertising used to promote products and services for the premises.
- (7) **Business sign:** A sign that identifies the business, product, service, or activity that is sold or offered upon the premises where such sign is located. A business sign may be a wall sign, a free-standing sign, marquee sign, projecting sign, or other type of sign.

- (8) **Canopy:** A structure, other than an awning, made of non-rigid material on a supporting framework attached to a building and supported by the ground. See the following graphic.

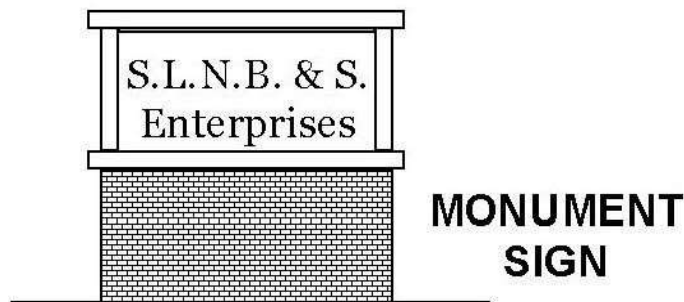


- (9) **Changeable copy sign:** Any on premise sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Such sign shall not include any sign considered to be an animated sign. A reader board sign is to be considered a changeable copy sign.
- (10) **Directional sign:** A sign which serves primarily to direct people to the location of a place, area, or activity.
- (11) **Directory sign:** A sign which serves as a common or collective identification for a group of businesses or occupations operating on the same property or planned development. See the following graphic.



- (12) **Flags:** Flags, symbols, or crests of nations or any organization of nations, states, and cities, fraternal, religious, and civic institutions.
- (13) **Flashing sign:** An illuminated sign, the illumination of which is not kept constant in intensity at all times when in use.
- (14) **Freestanding sign:** Any sign supported by uprights, poles, or braces placed upon the ground or a sign placed directly on the ground and not attached to any building. Freestanding signs include, but are not limited to, monument, pylon, and portable signs.

- (15) **Illuminated sign:** A sign having characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as a part of the sign.
- (16) **Logo:** A name, symbol, or trademark or a company or establishment encompassed in one individual graphic.
- (17) **Marquee sign:** A permanent roof-like structure or canopy of rigid materials supported by and extended from the façade of a building.
- (18) **Monument sign:** A type of freestanding sign where at least three-fourths of the horizontal length of the sign is permanently fixed to a decorative base, the full horizontal length of which is anchored to the ground. See the following graphic.



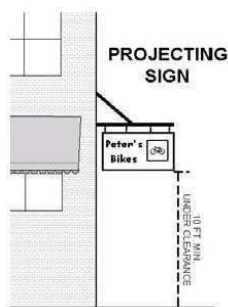
- (19) **Multiple message signs:** A "billboard sign" or "off premise advertising sign" which automatically changes message or copy electronically or by the movement or rotation of panels or slats. This includes, but is not necessarily limited to, signs known as tri-vision billboards, electronic variable message signs, and digital billboards.
- (20) **Nameplate sign:** A sign which states the name and/or address of the occupant of the lot where the sign is located.
- (21) **Nit:** A luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.
- (22) **Political sign:** A sign which announces a candidate as seeking public political office and/or which conveys political issues and expressions of noncommercial individual speech.
- (23) **Portable sign:** A type of temporary sign designed to be moved from one location to another and which is not permanently attached to the ground, sales display device, or structure. Portable signs include, but are not limited to:
  - (a) Signs with chassis or support constructed without wheels.

(b) Signs designed to be transported by trailer or wheels.

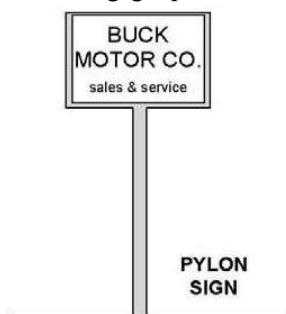
(c) Menu- and sandwich-board signs.

(d) Signs mounted or painted on a vehicle for advertising purposes, parked and visible from the public right-of-way (except for signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business).

- (24) **Projecting sign:** A sign which is attached to a building or structure and extends more than 18 inches beyond the line of the building or structure or that part of the building or structure to which it is attached. See the following graphic.



- (25) **Pylon sign:** A type of freestanding sign erected on shafts, posts, walls, or piers that are solidly affixed to the ground and not attached to a building. A pylon sign shall be considered as one sign though it may have two or more faces. See the following graphic.

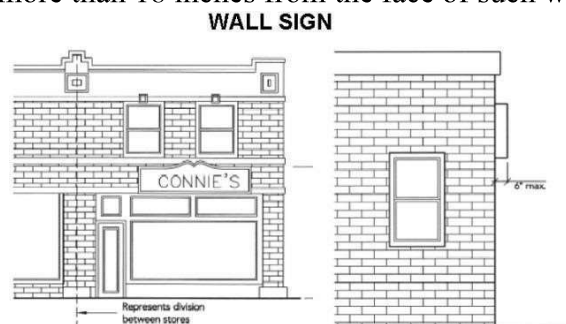


- (26) **Revolving or rotating sign:** Any sign or portion of a sign which moves in a revolving 360-degree motion.

- (27) **Roof sign:** A sign which is mounted on the roof of a building or which projects above the top of the wall of a building with a flat, gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

- (28) **Sandwich board:** A movable temporary sign that is self-supporting, A-shaped and freestanding with only two visible sides that are situated adjacent to a business, typically on a sidewalk.

- (29) **Sign:** A name, identification, description, display, illustration, or device which is affixed to or mounted on a building, a structure, or the ground and which directs attention to an object, product, place, activity, person, institution, organization, or business. The term "sign" includes sign supports.
- (30) **Sign area:** See Sec. 7.08(2)(a).
- (31) **Sign face:** The surface of the sign upon, against, or through which the message of the sign is exhibited.
- (32) **Sign structure:** A structure, including the supports, uprights, bracing, and framework that supports or is capable of supporting a sign.
- (33) **Temporary sign:** Any sign, balloon, banner, blimp, flag, free-standing sign, pennant, poster, reader board, or advertising display which is intended to be displayed for a limited period of time.
- (34) **Video display sign:** An on premise sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement; the presentation of pictorials or graphics displayed in a progression of frames, which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or band of light, or expanding or contracting shapes.
- (35) **Wall sign:** A sign which is attached to or painted on the wall of a building, with the sign face in a plane parallel to the plane of the building wall and extending no more than 18 inches from the face of such wall. See the following graphic.



- (36) **Window sign:** Any sign, lettering, pictures, symbols, or combination thereof designed to communicate information about a business, product, service, or activity which is placed upon a window and meant to be visible from the exterior of the building. See the following graphic.

**WINDOW SIGN**



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## SECTION 8 MOBILE TOWER SITING REGULATIONS

**8.01 PURPOSE.** The purpose of this Section is to regulate: (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

**8.02 DEFINITIONS IN THIS SECTION.** Definitions in this Section are intended to be consistent with §66.0404, Wisconsin Statutes.

- (1) **Antenna:** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- (2) **Application:** An application for a permit under this Section to engage in an activity specified in sub. (2) (a) or a class 2 collocation.
- (3) **Building permit:** A permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision's building code.
- (4) **Class 1 collocation:** 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 but does need to engage in substantial modification.
- (5) **Class 2 collocation:** 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 modification.
- (6) **Collocation:** Class 1 or class 2 collocation or both.
- (7) **Distributed antenna system:** A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- (8) **Equipment compound:** An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- (9) **Existing structure:** A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

- (10) **Fall zone:** The area over which a mobile support structure is designed to collapse.
- (11) **Mobile service:** The meaning given in 47 USC 153 (33).
- (12) **Mobile service facility:** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.
- (13) **Mobile service provider:** A person who provides mobile service.
- (14) **Mobile service support structure:** A freestanding structure that is designed to support a mobile service facility.
- (15) **Permit:** A permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:
  - (a) A class 1 collocation.
  - (b) A class 2 collocation.
  - (c) The construction of a mobile service support structure.
- (16) **Political subdivision:** A city, village, town, or county.
- (17) **Public utility:** The meaning given in §196.01 (5), Wis. Stats.
- (18) **Search ring:** A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (19) **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 200 feet or less, increases the overall height of the structure by more than 20 feet.
  - (b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent 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 20 feet or more, unless a larger area is necessary for collocation.
  - (d) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

- (20) **Support structure:** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- (21) **Utility pole:** A structure owned or operated by an alternative telecommunications utility, as defined in §196.01 (1d), Wis. Stats.; public utility, as defined in §196.01 (5), Wis. Stats.; telecommunications utility, as defined in §196.01 (10), Wis. Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in §182.017 (1g) (cq), Wis. Stats.; for video service, as defined in §66.0420 (2) (y), Wis. Stats.; for electricity; or to provide light.

### **8.03 SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES**

#### **(1) APPLICATION PROCESS**

- (a) A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.
- (b) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - 1) The name and business address of, and the contact individual for, the applicant.
  - 2) The location of the proposed or affected support structure, including a Site Plan in a graphic scale not greater than 1 inch=200 feet, showing at a minimum the following: (a) the location of each proposed or affected support structure, parking area, driveway, and other improvement on the lot with the distance from each lot line indicated; (b) the location of the minimum setback lines; (c) the location of all nonparticipating dwelling units and the distance from each proposed or affected support structure indicated; (d) the location of existing public and private roads and highways adjacent to the lot. Two (2) copies of the Site Plan shall accompany the application.
  - 3) The location of the proposed mobile service facility shall also be included on the Site Plan under (b) 2) above.

- 4) 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.
  - 5) An explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search 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.
- (c) A permit application will be provided by the town upon request to any applicant.
- (d) If an applicant submits to the town an application for a permit to engage in an activity described in this Sec. 8.03, which contains all of the information required under this Section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (e) Within 90 days of its receipt of complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
- 1) Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this Section, zoning ordinances.
  - 2) Make a final decision whether to approve or disapprove the application.
  - 3) Notify the applicant, in writing, of its final decision.
  - 4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Sec. 8.03 (1) (b) 5).

- (g) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
- (h) Fee. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. (Note: Maximum fee shall not exceed limitations established per §66.0404, Wis. Stats.).

## **8.04 CLASS 1 COLLOCATION**

### **(1) APPLICATION PROCESS**

- (a) A conditional use permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.
- (b) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  - 1) The name and business address of, and the contact individual for, the applicant
  - 2) The location of the proposed or affected support structure, including all requirements of Sec. 8.03 (1) (b) 2).
  - 3) The location of the proposed mobile service facility shall also be included on the Site Plan pursuant to (b) 2) above.
  - 4) A construction plan which describes the proposed modifications 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.
- (c) A permit application will be provided by the town upon request to any applicant.
- (d) If an applicant submits to the town an application for a permit to engage in an activity described in this Sec. 8.04, which contains all of the information required under this Section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall

notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (e) Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
  - 1) Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this Section, zoning ordinances.
  - 2) Make a final decision whether to approve or disapprove the application.
  - 3) Notify the applicant, in writing, of its final decision.
  - 4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
- (g) Fee. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. (Note: Maximum fee shall not exceed limitations established per §66.0404, Wis. Stats.).

## **8.05 CLASS 2 COLLOCATION**

### **(1) APPLICATION PROCESS**

- (a) A zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the zoning permit.
- (b) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

- 1) The name and business address of, and the contact individual for, the applicant.
  - 2) The location of the proposed or affected support structure, including all requirements of Sec. 8.03 (1) (b) 2).
  - 3) The location of the proposed mobile service facility shall also be included on the Site Plan pursuant to (b) 2) above.
- (c) A permit application will be provided by the town upon request to any applicant.
- (d) A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject under the town ordinances.
- (e) If an applicant submits to the town an application for a permit to engage in an activity described in this Sec. 8.05, which contains all of the information required under this Section, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (f) Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
- 1) Make a final decision whether to approve or disapprove the application.
  - 2) Notify the applicant, in writing, of its final decision.
  - 3) If the application is approved, issue the applicant the relevant permit.
  - 4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (g) Fee. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. (Note: Maximum fee shall not exceed limitations established per §66.0404, Wis. Stats.).

**8.06 REQUIREMENTS.** The following requirements apply to all permits issued under this Section.

- (1) **SURETY FOR DECOMMISSIONING.** For any conditional use permit issued under this Section, the Town Board may require an applicant to provide a surety in the amount of up to \$20,000 prior to the issuance of a permit and maintain the surety as current throughout the duration of the permit to insure the performance of permittee and owner of decommissioning under Sec. 8.06 (2). Such amount is deemed to be completely neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the town which fall into disuse.
- (2) **DECOMMISSIONING.** Notwithstanding the fact that a permit granted under this Ordinance is not limited in duration, a mobile service support structure and mobile service facilities out of service for a continuous six (6) month period are deemed abandoned. In that case, the Zoning Administration may issue a Notice of Abandonment to the permittee or owner. The owner shall remove the mobile service structure and mobile service facilities within 90 days of the Notice of Abandonment. Such removal includes, but is not limited to, removal of all above ground structures and improvements; removal of all foundation, pads, underground electrical wires, fencing, and reclaim the site to a depth of four (4) feet below the surface of the ground. This decommissioning shall be secured by a surety pursuant to Sec. 8.06 (1).
- (3) **CONSTRUCTION.** Any construction authorized under this Ordinance shall comply with the applicable federal, state, county and town building codes.
- (4) **LIGHTING.** Any lighting of a structure shall be designed to cause the least disturbance.
- (5) **SPACE FOR TOWN.** The town board may require as a condition of approval the agreement of the facility owner to provide space on or near the structure for the use of or by the town at the fair market value rate, except as prohibited in Sec. 66.0404 (4)(w), Wis. Stats.
- (6) **SITE SECURITY AND ACCESS.** Any structure or facility site shall be secured with a chain link fence at least eight (8) feet high, with three strands of barbed wire on top, with a locked gate so as not to be accessible by the general public. Only signs pertaining to equipment information, identity of operator or warning shall be located on any structure or facility. A minimum of two (2) parking spaces and a driveway constructed pursuant to the requirements of Section 5 of this Ordinance shall be provided at a facility site.



(7) **SETBACK/FALL ZONE REQUIREMENTS.**

- (a) The setback or fall zone requirement for mobile service support structures is the height of the structure.
- (b) If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required above, that setback or fall zone does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

**8.07 APPEAL**

- (1) Any party aggrieved by the final decision of the town board under Sec. 8.03, 8.04, or 8.05 may bring an action in Marathon County, Wisconsin circuit court.

**8.08 SEVERABILITY**

- (1) The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such holding shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

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## **SECTION 9 NONCONFORMING**

- 9.01 APPLICABILITY.** The provisions of this Section shall apply to uses, structures, and lots that legally existed as of the effective date of this Ordinance, but that become nonconforming as the result of application of this Ordinance to them or from reclassification of the property under any subsequent amendments to this Ordinance.
- 9.02 PURPOSE.** It is the general policy of the Town of Ringle to allow nonconforming uses, structures, or lots to continue to exist and to be put to productive use. However, it is also the general policy of the town to bring as many aspects of such nonconformities into conformance with this Ordinance as is reasonably practicable, all subject to the limitations of this Section. The limitations of this Section are intended to recognize the interests of property owners in continuing to use their property but to reasonably control expansions, reestablishment of discontinued uses, and the reestablishment of nonconforming buildings and structures that have been substantially destroyed.
- 9.03 AUTHORITY TO CONTINUE.** Nonconformities shall be allowed to continue in accordance with the requirements of this Section.
- 9.04 REPAIRS AND MAINTENANCE.** Repairs and normal maintenance required to keep nonconforming uses and structures in a safe condition shall be permitted, provided that no alterations shall be made except those allowed by this Section or required by law or ordinance.
- 9.05 NONCONFORMING USES.** Nonconforming uses shall be subject to the following standards:
- (1) ENLARGEMENT AND EXPANSION.
    - (a) A nonconforming use may be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Ordinance, provided that the expansion is approved by the Town Board after a public hearing before the Planning & Zoning Committee.
    - (b) All enlargements, increases, and extensions of a nonconforming use shall not exceed 50% of the area that the nonconforming use occupied as of the effective date of this Ordinance.
  - (2) DISCONTINUANCE. If a nonconforming use is discontinued for a period of 12 consecutive months or more, any use of the property thereafter shall be in conformance with regulations and provisions set by this Ordinance for the district in which such property is located.

(3) **DAMAGE OR DESTRUCTION.**

- (a) If any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity, the structure and nonconforming use may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements.

**9.06 NONCONFORMING STRUCTURES**

- (1) Nonconforming Structures may be repaired, maintained, renovated, rebuilt, or remodeled, subject to building code and other applicable requirements.
- (2) Additions to or extensions of nonconforming structures beyond the existing building envelope are permitted provided that such additions or extensions comply with all the provisions of this Ordinance.
- (3) A nonconforming structure that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements.
  - (a) The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable State or Federal requirements.
  - (b) Any reconstruction shall commence within 12 months of the date of damage or destruction, unless an extension is granted by the Planning & Zoning Committee.

**9.07 NONCONFORMING LOTS**

- (1) **DEVELOPMENT PERMITTED.** A nonconforming lot may be developed and used for any use permitted in the district in which the lot is located.
- (2) **LAND DIVISION.** A nonconforming lot shall not be reconfigured or divided which would increase the degree of nonconformity(ies).

## **SECTION 10 ADMINISTRATION**

### **10.01 ORGANIZATION**

- (1) The administration and enforcement of this Ordinance is hereby vested in offices of the Town as follows:
  - (a) Building Inspector/Zoning Administrator
  - (b) Town Planning Commission
  - (c) Board of Appeals
  - (d) Board of Supervisors

### **10.02 BUILDING INSPECTOR/ZONING ADMINISTRATOR**

- (1) The Building Inspector/Zoning Administrator and such deputies or assistants that have been, or shall be, duly appointed by the Town Board is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance.
- (2) DUTIES AND POWERS. The Building Inspector/Zoning Administrator shall possess the following duties and powers:
  - (a) Interpret, administer, and enforce this Ordinance as a representative of the Town.
  - (b) Maintain records of this Ordinance including, but not limited to maps, amendments, conditional uses, variances, appeals, applications, permits, and certificates.
  - (c) Provide to the public the necessary permit application forms and variance and appeals forms. Assist the public in preparing permit applications and variance and appeal petitions.
  - (d) Conduct inspection of buildings, structures, and uses of land to determine compliance with the terms of this Ordinance.
  - (e) Issue or deny all zoning permits, as necessary.
  - (f) Issue or deny all certificates of occupancy, as necessary.
  - (g) Issue or deny all sign permits, as necessary.
  - (h) Issue or deny all wrecking permits, as necessary.

- (i) Suspend or revoke permits/certificates and/or issue cease and desist orders upon noncompliance with the terms of the permit/certificate and/or this Ordinance.
- (j) Investigate all alleged violations of this Ordinance and give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises.
- (k) Report uncorrected violations to the Town Attorney and assist the Town Attorney in the prosecution of ordinance violations.
- (l) Access premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance. If, however, the Building Inspector/Zoning Administrator is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Chapter 66.122, Wis. Stats.
- (m) Forward to the Town Planning Commission all applications for conditional uses and for amendments to this Ordinance.
- (n) Forward to the Board of Appeals all applications for appeals, variances, and other matters on which the Board of Appeals is required to pass under this Ordinance.
- (o) Attend meetings of the Planning and Zoning Committee, Town Board, and Town Zoning Board of Appeals on an as-needed basis.
- (p) Assist in giving all legal notices required by State Statutes or this Ordinance.
- (q) Recommend to the Planning and Zoning Committee any amendments necessary to make the operation of this Ordinance more effective.
- (r) Make referrals and recommendations to the Planning and Zoning Committee and Town Board in accordance with this Ordinance.

### **10.03 TOWN PLANNING AND ZONING COMMITTEE**

- (1) The Planning and Zoning Committee, as defined herein and as established in Chapter 62.23, Wis. Stats., is the Planning and Zoning Committee referred to in this Ordinance.

- (2) **MEMBERSHIP.** The Planning and Zoning Committee shall consist of five (5) members of which one (1) may be a Town Board member and four (4) citizen members, who are not otherwise Town officials. Planning and Zoning Committee members shall be appointed by the Town Chairman and confirmed by the Town Board.
- (a) **Terms.** Terms shall be for staggered three-year periods. All committee members appointed to take the place of a resigning or expiring term member, shall assume the term previously assigned to the member that is leaving, maintaining the same term termination date and length of term. No member may be elected to serve more than three successive full terms in addition to the unexpired term he or she fills. Former members who have served three successive terms may be reappointed after a minimum of one year's absence from the committee or if no person can be found to take the nomination, the Town Board may vote to allow the former member to sit for another three-year term. The committee may vote to reduce the terms of newly appointed members, and of sitting members with their agreement, in order to ensure that roughly equal numbers of members' terms end in each year. All full terms shall commence January 1 and terminate December 31 of the year in which the term ends. *\*Updated 02-13-2023*
- (b) **Chairman.** Chairman shall be designated by the Town Board Chairman.
- (c) **Alternates.** A minimum of one but up to two alternate members shall be appointed by the Town Board Chairman for a term as define in 10.03 (2) (a) and shall act only when a regular member is absent or refuses to vote due to conflict of interest.  
*\*Updated 02-13-2023*
- (d) **Secretary.** Secretary shall be the Town Clerk, or a Planning and Zoning Committee member appointed by the Planning and Zoning Committee Chairman.
- (e) **Staff.** The Building Inspector/Zoning Administrator and any other staff or Town officers shall attend all meetings for the purpose of providing technical assistance when requested by the Commission.
- (f) **Oaths of Office.** Official Oaths shall be taken by all members in accordance with Chapter 19.01 and 60.31, Wis. Stats., within five (5) days of receiving notice of their appointment.
- (g) **Vacancies.** Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (3) **DUTIES AND POWERS.** The Planning and Zoning Committee shall discharge the following duties under this Ordinance:

- (a) Hear all applications for conditional uses and amendments to this Ordinance and report said findings and recommendations to the Town Board in the manner prescribed in this Section for Amendments and Conditional Uses;
- (b) Prepare and recommend to the Town Board for adoption of a Comprehensive Plan for the Town, and from time to time to recommend amendments as it may deem appropriate.
- (c) Be enabled to promote Town planning.
- (d) Make reports and recommendations, per §62.23(4), Wis. Stats., relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- (e) Receive from the Zoning Administrator their recommendations as related to the effectiveness of this Ordinance and report its conclusions and recommendations to the Town Board not less frequently than once a year.
- (f) For itself, its members and employees, in the performance of their duties, enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under §66.0119, Wis. Stats., or other court-issued warrant.
- (g) To hear and decide all other matters as delegated by the Town Board.

#### **10.04 BOARD OF APPEALS**

- (1) The Board of Appeals, as defined herein and as established in Chapter 62.23, Wis. Stats., is the Board of Appeals referred to in this Ordinance.
- (2) **MEMBERSHIP.** The Board of Appeals shall consist of five members appointed by the Town Chairman and confirmed by the Town Board.
  - (a) **Terms.** Terms shall be for staggered three-year periods. All committee members appointed to take the place of a resigning or expiring term member, shall assume the term previously assigned to the member that is leaving, maintaining the same term termination date and length of term. No member may be elected to serve more than three successive full terms in addition to the unexpired term he or she fills. Former members who have served three successive terms may be reappointed after a minimum of one year's absence



from the committee or if no person can be found to take the nomination, the Town Board may vote to allow the former member to sit for another three-year term. The committee may vote to reduce the terms of newly appointed members, and of sitting members with their agreement, in order to ensure that roughly equal numbers of members' terms end in each year. All full terms shall commence January 1 and terminate December 31 of the year in which the term ends. *\*Updated 02-13-2023*

(b) Chairman. Chairman shall be designated by the Town Chairman.

(c) Alternates. A minimum of one but up to two alternate members shall be appointed by the Town Board Chairman for a term as define in 10.03 (2) (a) and shall act only when a regular member is absent or refuses to vote due to conflict of interest.  
*\*Updated 02-13-2023*

(d) Secretary. Secretary shall be the Town Clerk, or a Planning and Zoning Committee member appointed by the Planning and Zoning Committee Chairman.

(e) Staff. The Building Inspector/Zoning Administrator and any other staff or Town officers shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

(f) Oaths of Office. Official Oaths shall be taken by all members in accordance with Chapter 19.01 and 60.31, Wis. Stats., within five (5) days of receiving notice of their appointment.

(g) Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(3) DUTIES AND POWERS. The Board of Appeals shall have the following powers:

(a) Appeals. To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

(b) Variances. To hear and decide applications for variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship. The spirit and purposes of this Ordinance shall be observed, and the public safety, welfare, and justice secured. Use variances shall not be granted.

- (4) REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

## **SECTION 11 PROCEDURES AND ENFORCEMENT**

### **11.01 ZONING PERMITS**

- (1) **APPLICABILITY.** Unless specifically exempted in this Ordinance, zoning permits certifying that any use, structure, or site complies with the provisions of this Ordinance shall be required in the following instances:
  - (a) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof, except:
    - 1) Signs; However, many types of signs require a sign permit. Refer to Section 7, Signs.
    - 2) Structures which are less than six (6) inches in height above preconstruction grade elevation.
  - (b) Establishment or expansion of any accessory or principal use, except uses permitted as conditional uses.
- (2) **APPLICATIONS.**
  - (a) Every application for a zoning permit shall be submitted to the Zoning Administrator on forms furnished by the Town of Ringle and shall include the following information:
    - 1) Names and Addresses. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor,
    - 2) Signature of the property owner or agent.
    - 3) Tax parcel number, deed, legal description or other identifier of the subject property.
    - 4) Statement concerning the proposed structure or use of the site.

- 5) An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing the following:
    - a) Boundaries, dimensions, and area of the subject site.
    - b) The spatial relationship of the subject site to abutting public roads and rights-of-way, private roads, easements, and navigable waters.
    - c) The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and rights-of-way, private roads, property lines, existing and proposed wells and sanitary waste disposal systems, and the ordinary high water mark of navigable waters.
    - d) Location of proposed or existing road access points, parking and loading areas, and driveways.
  - 6) Building plans including all floor plans and at least 2 elevation views.
  - 7) Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this Ordinance.
  - 8) Water supply and sewage disposal. Satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided shall be submitted.
- (b) Fee. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. Any costs associated with a third-party consultant hired by the Town for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.
  - (c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by the Town of Ringle have been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.
- (3) PERMIT ISSUANCE OR DENIAL.
- (a) Upon the Zoning Administrator's determination that the proposed use or structure complies with the provisions of this Ordinance, a zoning permit shall be issued.

- (b) The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance and any conditions attached to the permit.
  - (c) An application for a use or structure not in conformity with the provisions of this Ordinance shall be denied a zoning permit and the reasons for denial shall be stated.
  - (d) No permit shall be issued for uses or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.
- (4) EXPIRATION.
- (a) Zoning Permits to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this Ordinance.
  - (b) Except as sub.(5) applies, regular zoning permits for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of a zoning permit shall be considered a violation of this Ordinance
- (5) RENEWAL.
- (a) If construction has commenced prior to the expiration of a regular zoning permit, but is not completed prior to such expiration, a 12 month renewal regular zoning permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the Zoning Administrator upon a finding that progress had been made during the previous year toward completion of the structure. If a 12 month period passes without evidence of progress towards completion, the Zoning Administrator shall advise the Planning & Zoning Committee of same, and the Planning & Zoning Committee may call a public hearing on the matter and may impose a completion schedule.
- (6) BUILDING PERMITS REQUIRED. In addition to a zoning permit, a building permit may be required as per the Wisconsin Uniform Dwelling Code and Commercial Building Code.

## **11.02 OCCUPANCY CERTIFICATES**

### **(1) APPLICABILITY.**

- (a) No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a certificate of occupancy has been issued by the Building Inspector/Zoning Administrator.
- (b) No change in a use, other than that of a permitted use to another similar permitted use, shall be made until a certificate of occupancy has been issued by the Building Inspector/Zoning Administrator.

### **(2) Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this Ordinance.**

### **(3) APPLICATION FOR OCCUPANCY CERTIFICATE.** Every application for a zoning permit shall be deemed to be an application for an occupancy certificate. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.

### **(4) ISSUANCE OF OCCUPANCY CERTIFICATE.**

- (a) No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector/Zoning Administrator to be in conformity with the plans and specifications upon which the zoning permit was based.
- (b) Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises.
- (c) The occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than 14 days after the Building Inspector/Zoning Administrator is notified in writing that the building or premises is ready for occupancy.

- (d) Upon written request from the owner, the Building Inspector/Zoning Administrator shall issue an occupancy certificate for any building or premises existing at the time of adoption of this Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the applicable provisions of this Ordinance.

### **11.03     CONDITIONAL USE PERMITS**

#### **(1)     APPLICABILITY.**

- (a) A conditional use permit shall be required for the establishment of each use listed as a conditional use in Sec. 2.05 of this Ordinance.
- (b) A conditional use permit shall be required for the siting and construction of any new mobile service support structure and facilities and class 1 collocations as described in Section 8 of this Ordinance.
- (c) Expansions, changes to, or substitution of conditional uses shall be subject to review and approval by the Planning and Zoning Committee in accordance with this Section.
- (d) Expansion of a use permitted as a conditional use shall require a conditional use permit, except that the minor expansion of a building housing a use permitted as a conditional use which will not increase the scale or intensity of that use and will not increase the floor area of that building shall only require a zoning permit.

#### **(2)     APPLICATION**

- (a) Application. Applications for Conditional Use Permits shall be made to the Zoning Administrator on forms furnished by the Town of Ringle. The application shall contain facts and information, other than merely personal preferences or speculation, directly pertaining to the conditions and requirements relating to the conditional use, including the required information and plans as indicated on the application form furnished by the Town of Ringle.
- (b) Fee. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. Any costs associated with a third-party consultant hired by the Town for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.

- (c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by the Town of Ringle have been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.
- (3) PUBLIC HEARING. A public hearing shall be held by the Planning and Zoning Committee after a Class 2 public notice has been given. The public hearing shall occur at a regularly scheduled Planning and Zoning Committee meeting within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant. At the public hearing, any party may appear in person or by agent or attorney. The applicant has the burden of proof and must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.
- (4) REVIEW AND APPROVAL
  - (a) Review and Approval.
    - 1) The Planning and Zoning Committee and Town Board shall review the site plans, landscape plans, 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) The Planning and Zoning Committee, within thirty (30) days of the public hearing, make a report and recommendation of approval or denial of the Conditional Use Permit with any conditions it may deem appropriate to the Town Board, unless the time is extended by agreement with the applicant. In making its decision, the Planning and Zoning Committee shall keep written record of findings relative to the standards for considering a Conditional Use application.
    - 3) The Town Board shall, within thirty (30) days of Planning and Zoning Committee action, act to approve or deny the Conditional Use Permit, unless the time is extended by agreement with the applicant. If an application for a conditional use permit is not acted upon finally by the Town Board within thirty (30) days of Planning and Zoning Committee action, the conditional use permit shall be deemed to have been approved, unless the time is extended by agreement with the applicant.



- 4) The Planning and Zoning Committee and Town Board action/decision to approve or deny the conditional use permit must be supported by substantial evidence.
- 5) An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this Ordinance and conditions established by the town relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.
- 6) If the application is denied, the reasons for denial shall be stated in the decision.

(b) Basis of Approval or Denial

- 1) The Planning and Zoning Committee and Town Board shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. The Planning and Zoning Committee and Town Board action/decision to approve or deny the conditional use permit must be supported by substantial evidence.
- 2) To aid in the review and decision-making regarding the proposed conditional use, the Planning and Zoning Committee and Town Board shall evaluate the following specific criteria, as applicable, but shall not be limited thereto:
  - a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the health, safety, and general welfare of the Town and of the immediate area in which such use would be located.
  - b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity nor adversely affect property values in the area.
  - c) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surround property for uses allowed in the district.
  - d) Adequate utilities, access, drainage, and/or other necessary facilities have been or are being provided.

- e) Adequate measures have been or will be taken to provide ingress and egress and the proposed project will not adversely affect traffic flow and congestion on public streets.
- f) The conditional use is consistent with the Town of Ringle Comprehensive Plan or any other officially adopted town plan.
- g) The conditional use conforms to the applicable regulations of the district in which it is located.

(c) Conditions.

- 1) The Town Board may, in approving an application for a conditional use permit, impose such conditions and requirements that it determines are required to prevent or minimize adverse effects from the proposed conditional use on other properties in the neighborhood and on the general health, safety, and welfare of the Town
- 2) All such conditions placed on a Conditional Use shall be:
  - a) Consistent with the general purpose or intent of this Ordinance.
  - b) Based upon substantial evidence, defined as 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; and
  - c) Measurable, to the extent practical.

(5) EXPIRATION, DURATION, AND TRANSFER

- (a) Expiration. All conditional use permits shall expire 12 months from the date of authorization by the Town Board where the Town Board determines that no action has commenced to establish the authorized use.
- (b) Duration. A conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. The Town Board may, at its discretion, grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a reevaluation of the use via a public hearing before the Planning and Zoning Committee and approval by the Town Board.

- (c) Transfer. Subsequent owners of the property are generally allowed to continue the use, subject to conditions and requirements imposed on the original conditional use permit.
- (6) REVOCATION OF CONDITIONAL USE PERMIT. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Town Board or should the use, or characteristics of the use, be changed without prior approval by the Town Board, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a permit as set forth in this Ordinance.
- (7) RESUBMISSION OF CONDITIONAL USE APPLICATION. Only one application per use per parcel can be submitted every 12 months. *\*Added 09-112023*

#### **11.04 SIGN PERMITS**

Refer to Section 7, Signs, for Sign Permit requirements and procedures.

#### **11.05 WRECKING PERMITS**

- (1) PURPOSE. To orderly maintain records of the removal of structures within the Town, ensure proper disposal of demolition materials, ensure proper abandonment of private on-site wastewater treatment systems (POWTS) and private wells, and to provide technical assistance to property owners.
- (2) APPLICABILITY. Wrecking permits shall be required in the following instances:
  - (a) Wrecking, demolition, razing, or removal of any principal or accessory building, structure, or part thereof, except:
    - 1) Structures which are less than six (6) inches in height above preconstruction grade elevation.
- (3) APPLICATIONS.
  - (a) Every application for a wrecking permit shall be submitted to the Zoning Administrator on forms furnished by the Town of Ringle and shall include the following information:
    - 1) Names and Addresses. Names and addresses of the applicant, property owner, and contractor.

- 2) Signature of the applicant and property owner or agent.
  - 3) Address, tax parcel number, deed, legal description or other identifier of the subject property.
  - 4) Date in which the demolition will occur and time period of demolition.
  - 5) An accurate site plan which produces a clearly legible drawing, showing the building(s), structure(s), or part(s) thereof being wrecked, demolished, razed, or removed:
  - 6) Verification that:
    - a) All utilities having service connections with the building or structure of the work to be done will be notified.
    - b) All connections such as meters and regulators will be removed or sealed and plugged in a safe manner.
    - c) All rubble, rubbish, and other debris from any work or construction site will be removed promptly so as to safeguard against health, safety, and welfare of the public.
    - d) All rubble, rubbish, and other debris will be hauled to a site that is either a licensed solid waste disposal facility or will otherwise allow the deposit of such materials under all state, county, and town laws, ordinances, and regulations.
  - 7) A description of how the site will be reclaimed.
  - 8) Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this Ordinance.
- (b) Fee. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. Any costs associated with a third-party consultant hired by the Town for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.

- (c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by the Town of Ringle have been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.
- (4) PERMIT ISSUANCE OR DENIAL.
  - (a) Upon the Zoning Administrator's determination that the proposed wrecking, demolition, razing, or removal of building(s), structure(s), or part(s) thereof complies with the provisions of this Ordinance, a wrecking permit shall be issued.
  - (b) The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance and any conditions attached to the permit.
- (5) EXPIRATION.
  - (a) Wrecking permits shall expire 12 months from date of issuance if no action has commenced wreck, demolish, raze, or remove the building, structure or part thereof.
- (6) MARATHON COUNTY PERMIT REQUIRED. In addition to a wrecking permit from the Town, a Marathon County Demolition Permit may be required to be obtained per the Marathon County Shoreland, Shoreland-Wetland, and Floodplain Code.

## **11.06 AMENDMENTS**

- (1) APPLICABILITY. The Town Board may, from time to time on its own motion or on petition, amend, supplement or change this Ordinance, including the Official Zoning Map.
- (2) INITIATION OF AMENDMENT. Amendments may be proposed by the Town Board, the Planning and Zoning Committee or by any interested person or organization.
- (3) ZONING TEXT AMENDMENT APPLICATION
  - (a) All applications for proposed text amendments to this Ordinance shall be made to the Zoning Administrator. The complete application shall be comprised of all of the following:

- 1) Existing Ordinance Text: A copy of the portion of the current ordinance which is proposed to be amended;
  - 2) Proposed Ordinance Text: A copy of the proposed amendment;
  - 3) Written Justifications: As an optional requirement, the applicant may wish to provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Town of Ringle Comprehensive Plan and the purpose of this Ordinance.
- (b) Fee. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. Any costs associated with a third-party consultant hired by the Town for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.
- (c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by the Town of Ringle have been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.

(4) ZONING MAP AMENDMENT APPLICATION

- (a) All applications for proposed amendments to the Official Zoning Map shall be made to the Town Zoning Administrator. The complete application shall be comprised of all of the following:
- 1) Map of Property: A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current tax records of the Town of Ringle. The map shall clearly indicate the current zoning of the subject property and all property on the map. The map shall be at a scale, which is not less than one inch equals 800 feet. All lot dimensions of the subject property, graphics scale, and a north arrow shall be provided;
  - 2) Location Map: A map, such as the Future Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole.

- 3) Written Justifications: As an optional requirement, the applicant may wish to provide written justification for the proposed amendment consisting of the reasons why the applicant believes the proposed Official Map amendment is in harmony with the Town of Ringle Comprehensive Plan and the purpose of this Ordinance.
- (b) Fee. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. Any costs associated with a third-party consultant hired by the Town for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.
- (c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by the Town of Ringle have been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.
- (5) PUBLIC HEARING. A public hearing shall be held by the Planning and Zoning Committee on each application for an amendment after a Class 2 public notice has been given. The public hearing shall occur at a regularly scheduled Planning and Zoning Committee meeting within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant. The hearing shall be conducted, and a record of such proceedings shall be preserved in such manner as the Planning and Zoning Committee shall by rule prescribe from time to time.
- (6) NOTIFICATION TO MARATHON COUNTY AND ADJOINING MUNICIPALITY. Not less than 10 days before the hearing, a copy of the notice shall be provided to the office of the Marathon County Zoning Administrator and the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.
- (7) FINDINGS OF FACT AND RECOMMENDATION OF THE PLANNING AND ZONING COMMITTEE.
  - (a) Within 30 days after the close of the hearing on a proposed amendment, the Planning and Zoning Committee shall make written findings of fact and shall submit same together with its recommendations to the Town Board, unless the time is extended by agreement with the applicant. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning and Zoning Committee shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- 1) Existing use of property within the general area of the property in question.
  - 2) The zoning classification of property within the general area of the property in question.
  - 3) The suitability of the property in question to the uses permitted under the existing zoning classifications.
  - 4) The trend of development, if any, in the general area of the property in question, including changes if any which have taken place since the day the property in question was placed in its present zoning classification.
- (b) The Planning and Zoning Committee shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is consistent with the adopted comprehensive plan and is in the public interest.
- (8) ACTION BY THE TOWN BOARD.
- (a) The Town Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Planning and Zoning Committee on the proposed amendment.
  - (b) The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment, signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the area of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be granted except by a favorable vote of majority of all the members of the Town Board.
  - (c) If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application and recommendations are received by the Town Board from the Planning and Zoning Committee, it shall be deemed to have been approved, unless the time is extended by agreement with the applicant.
  - (d) No proposed amendment shall be approved or denied if such decision is inconsistent with the adopted comprehensive plan.



## **11.07 VARIANCES**

- (1) The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in specific instances hereinafter set forth, where the Board of Appeals makes findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
- (2) APPLICATION AND NOTICE OF HEARING.
  - (a) An application for a variance shall be filed with the Zoning Administrator using forms furnished by the Town of Ringle. Such application shall include the following:
    - 1) Name and address of the property owner and petitioner (if different).
    - 2) Signature of petitioner.
    - 3) Location of property involved in the petition.
    - 4) Proposed use or structure in question, including a site plan showing the preferred arrangement for which the variance is sought.
    - 5) Section(s) of this Ordinance from which a variance is requested.
    - 6) Details as to the narrowness, shallowness, shape, topography, or other characteristics of the land or the physical conditions applying to the building, structure, use or intended use which make it not merely inconvenient but extremely difficult, if not impossible, to comply with the provisions of the Ordinance.
    - 7) A statement that the conditions detailed above are unique to this property and are not generally existing on other properties in the same zoning district.
    - 8) A statement that the unnecessary hardship was not caused by the applicant nor by any persons still having an interest in the property.
  - (b) Fee. All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. Any costs associated with a third-party consultant hired by the Town for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.

- (c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by the Town of Ringle have been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.
- (3) PUBLIC HEARING. A public hearing shall be held by the Board of Appeals on each application for a variance after a Class 2 public notice due notice to the parties in interest has been given. The public hearing shall occur at a regularly scheduled Board of Appeals meeting within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant. At the public hearing, any party may appear in person or by agent or attorney. The applicant has the burden of proof and must demonstrate that the application satisfies all findings outlined in Sec. 11.07(4) of this Ordinance. The hearing shall be conducted, and a record of such proceedings shall be preserved in such manner as the Board of Appeals shall by rule prescribe from time to time.
- (4) FINDINGS. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds by the preponderance of evidence presented that all the following facts and conditions exist and so indicates such in the minutes of its proceedings. The burden of proof, at all times, remains with the applicant to establish that the proposed variance satisfies the following findings:
  - (a) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the District in which the development is located. No variance shall have the effect of permitting a use in any District that is not a stated Permitted Use or Conditional Use in that particular District.
  - (b) Unnecessary Hardship. No variance shall be granted unless compliance with the provisions of this Ordinance cause an unnecessary hardship. Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions “unnecessarily burdensome”.
  - (c) Unique Property Limitations. No variance shall be granted unless there are unique physical limitations of the lot or parcel that do not apply generally to other properties in the same District and the granting of the variance would not be of so general or recurrent nature as to suggest that this Ordinance should be changed.

- (d) No Harm to Public Interest. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
  - (e) Economic Hardship and Self–Imposed Hardship. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
  - (f) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same District and same vicinity.
- (5) **DECISION.** The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, Building Inspector, Planning and Zoning Committee, and Town Board, unless the time is extended by agreement with the applicant.
- (6) **REVIEW BY COURT OF RECORD.** Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

## **11.08 APPEALS**

- (1) Appeals concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the Zoning Administrator within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Zoning Administrator. Such appeals and applications shall include the following:
- (a) Name and Address of the appellant or applicant and all abutting and opposite property owners of record.
  - (b) Plat of Survey prepared by a registered land surveyor.
  - (c) Additional Information as may be required by the Board of Appeals.

- (2) **FEE.** All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors. Any costs associated with a third-party consultant hired by the Town for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.
- (3) **PUBLIC HEARING.** A public hearing shall be held by the Board of Appeals on each appeal after a Class 2 public notice due notice to the parties in interest has been given. The public hearing shall occur at a regularly scheduled Board of Appeals meeting within 45 days after receipt of an appeal, unless the time is extended by agreement with the applicant. At the public hearing, any party may appear in person or by agent or attorney. The hearing shall be conducted, and a record of such proceedings shall be preserved in such manner as the Board of Appeals shall by rule prescribe from time to time.
- (4) **DECISION.** The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, Building Inspector, Planning and Zoning Committee, and Town Board, unless the time is extended by agreement with the applicant.
- (5) **REVIEW BY COURT OF RECORD.** Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

**11.09 PUBLIC HEARINGS.** When public hearings are required by this Ordinance or by Wisconsin Statutes, the following shall apply:

- (1) **NOTICE FOR PUBLIC HEARINGS.**
  - (a) Notice of any public hearing which the Planning and Zoning Committee or Board of Appeals is required to hold shall be given by publishing a Class 2 notice in accordance with Ch. 985, Wis. Stats. The notice shall specify the time and place of such hearing.
  - (b) If the public hearing involves a petition for a zoning amendment, a copy of the notice shall be provided to the office of the Marathon County Zoning Administrator and the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

- (c) If the public hearing involves a variance or an appeal before the Board of Appeals, the Board of Appeals shall also give due notice to the parties in interest.

*Commentary: As a matter of practice, in addition to the parties identified in pars. (b) and (c), an earnest effort will be made to give due notice to the applicant or their agent and to the property owners (as recorded in the Marathon County Real Property Listing Office) of all lands located within 300 feet of any part of the parcel or parcels included in the conditional use permit application, zoning amendment application, variance application, or appeal. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing nor any decision of the Planning and Zoning Committee or Board of Appeals.*

- (2) PUBLIC HEARING PROCEDURES. The Town Board may adopt any formal or informal public hearing procedures.
- (3) SPECIAL MEETINGS. An applicant for a conditional use, zoning amendment, variance, or appeal may request a special meeting by the Planning and Zoning Committee or Board of Appeals to review and/or conduct a public hearing on said application. The decision to grant a request for a special meeting shall be at the sole discretion of the chairperson of the Planning and Zoning Committee or Board of Appeals, as applicable. All fees and costs associated with holding the special meeting and conducting the public hearing, including any public hearing notice publication costs, shall be the responsibility of the applicant and shall be paid in full by applicant at least one (1) week prior to the special meeting.

## **11.10 FEE SCHEDULE**

- (1) PUBLISHING. Fees for zoning permits, occupancy certificates, conditional uses, sign permits, wrecking permits, zoning amendments, variances, appeals, or other requests before the Town shall be required to defray the cost of administration, map preparation, inspections, public notices, and record keeping. The Town Board shall, upon recommendation of the Planning and Zoning Committee, establish a Fee Schedule by resolution, and the Fee Schedule shall be published and made available through the Town Clerk. The said Fee Schedule may be updated from time to time upon recommendation of the Planning and Zoning Committee and by resolution of the Town Board.
- (2) DOUBLE FEES. A double fee shall be charged by the Town if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance, nor from prosecution for violation of this Ordinance.

- (3) **THIRD-PARTY CONSULTATION/ASSISTANCE.** Any costs associated with a third-party consultant hired by the Town for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.

#### **11.11 PENALTIES**

- (1) Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance, shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail of Marathon County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

## SECTION 12 DEFINITIONS

### 12.01 DEFINITIONS

- (1) For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning.
  - (a) Words used in the present tense in this Ordinance include the future.
- (2) The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.
- (3) The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive.
- (4) Any words not defined in this Ordinance shall be presumed to have their customary dictionary definitions.
- (5) Definitions relating to signs are located in Sec. 7.13 of this Ordinance.

### 12.02 WORDS AND PHRASES DEFINED

- (1) The following words, phrases, and terms whenever they occur in this Ordinance, shall be interpreted as herein defined.

**Accessory Dwelling Unit:** A residential dwelling unit located on the same lot as a “Single-Family Detached Residence”, either as part of the same building as the “Single-Family Detached Residence” or in a detached building. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Accessory Residence:** Residential dwelling unit or units accessory to a nonresidential use on the same lot or building site that provide(s) living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the nonresidential use.

**Accessory Structure:** A structure which is incidental or subordinate to the principal structure on the same parcel and may be desirable but not necessary for the use of the parcel as permitted by this Code.

**Accessory Use:** A use customarily incident and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.

**Active Outdoor Public Recreation:** All outdoor land uses located on public property or public easement that accommodates active recreational activities. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses open to the public, and similar land uses.

**Adult Entertainment/Adult-Oriented Establishment:** Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specific sexual activities or specified anatomical areas, or the removal of articles of clothing to appear totally nude or to display a nude genital area or female nude breasts. Also, an adult bookstore having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, videocassettes, CDs, SD cards, flash drives, internet connection, magazines or other periodicals that are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specific anatomical areas, and in conjunction therewith have facilities for the presentation of adult-oriented films, movies or live performances, for observation by patrons.

**Agriculture:** Any of the following activities conducted for the purpose of producing an income, livelihood, or for purposes related to any type of hobby farm:

- Crop or forage production
- Keeping farm animals/livestock
- Beekeeping
- Nursery, sod, or Christmas tree production
- Maple syrup production
- Floriculture
- Aquaculture
- Fur farming
- Forest management
- Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program. Also includes an activity that is an integral part of, or incidental to, an agricultural use. Such use shall not entail on-site retail sales or services.

**Agricultural-Related Use:** A facility, whether or not located on a farm, which has at least one of the following as a primary and not merely incidental purpose:

- Providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms
- Storing, processing, or handling raw agricultural commodities obtained directly from farms
- Slaughtering livestock, including seasonal processing of wild game such as deer and bear, provided such facility does not exceed 20,000 square feet in total floor area.
- Marketing livestock to or from farms
- Processing agricultural by-products or wastes received directly from farms.
- Agri-tourism.



Examples of such uses include, but are not limited to, agricultural implement sales, storage, and/or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities (except those accessory to an agricultural use); commercial dairies; food processing facilities; licensed farm auction operations; canning and other food packaging facilities; wineries/breweries/distilleries in which the agricultural products used for production are grown primarily on the site or on an adjacent property in common ownership; greenhouses and garden centers; orchard stores; agricultural waste and by-product disposal facilities (except those accessory to an “Agricultural Use”); farms regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar events; sawmills; de-barking operations; chipping facilities; and livestock veterinary clinics. Not included within this land use category are plants intended to convert agricultural products to energy on a largescale basis, Sales of Farm and Forestry Products, landscape contractors, and/or any other separately listed land use.

**Airport:** Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tiedown areas, hangars, and other necessary buildings and open spaces.

**Alley:** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

**Alteration:** A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.

**Animal Shelters/Pounds:** A place and/or building, or portion thereof, that is used for the keeping and rehabilitation of lost or abandoned household animals for future re-homing.

**Artisan Gallery/Studio:** A building or portion thereof used for the preparation, display, and sale of individually crafted artwork, photography, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven sections, and related items.

**Asphalt/Concrete Plant:** A permanent establishment devoted to the mixing and/or preparation of asphalt or concrete for construction project off-site.

**Bakery:** An establishment in which baked goods are made for wholesale or retail sale. A bakery may include retail sale and display of products produced on-site.

**Basement:** That portion of a building the floor-line of which is below lot grade and the ceiling of which is not more than five feet above lot grade.

**Board of Appeals:** Means a body designated by the legislative body to hear appeals from land use decisions and variances from the terms of this Ordinance.

**Boardinghouse:** Any place of lodging, other than a hotel or motel, where sleeping accommodations are offered, with or without meals, for compensation for 5 or more non-tourist or non-transient persons, but not exceeding 20 persons.

**Building:** Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

**Building, Accessory:** A subordinate or supplemental building, the use of which is incidental to that of the principal building on the same lot or incidental to the use of the premises on which it is located.

**Building, Principal:** A non-accessory building used for the protection of goods or chattels in which a principal use of the premises on which it is located is conducted.

**Building Height:** The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

**Bulk Storage of Fuel Products:** An establishment in which large quantities of liquid or gaseous fuel is stored, which may include storage for the purpose of wholesale or retail sale.

**Campground:** Any parcel or tract of land, owned by a person, the state, or a local government, which is used for the purpose of providing campsites for non-permanent overnight use by four or more camping units or for non-permanent overnight use by one to three camping units if the parcel or tract of land is represented as a campground. Note: Represented as a campground means to advertise using media, a sign, or a symbol.

**Camping:** The use of any parcel or tract of land for the purpose of temporary overnight sleeping accommodations.

**Cemetery:** A place and/or building, or portion thereof, which is used or is intended for burial purposes. Accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

**Class 2 Public Notice:** The publication of a legal notice in a newspaper likely to give notice in the area or to the person affected, requiring two (2) insertions which must be published once each week for consecutive weeks, the last of which shall be at least one week before the act or event, unless otherwise specified by law. (See Chapter 985, Wis. Stats.)

**Closed Construction:** Any building, building component, assembly or system manufactured in such a manner that it cannot be inspected before installation at the building site without disassembly, damage or destruction. (See §101.71(1), Wis. Stats.)

**Club:** An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

**Commercial Radio/TV Broadcast Studio:** A place and/or building, or portion thereof, in which broadcast studios and offices related to commercial radio/TV broadcasts are located.

**Commercial Riding Stable:** Any establishment where horses are kept for commercial riding or recreation. This term includes establishments in which the boarding of horses and/or riding opportunities are provided for compensation or a fee.

**Commercial Storage Facility:** A place and/or building, or portion thereof, that is divided into individual spaces and that is used or is intended as individual storage units that are rented, leased, or owned. The term includes a tract of land used to store vehicles, campers, boats, and the like that are not for sale or trade.

**Commercial Trucking Establishment:** A place and/or building, or portion thereof, which is used or is intended for storage of freight for routing or reshipment.

**Community Garden:** An area for cultivation and related activities divided into one or more plots to be cultivated by more than two operators or members, as a principal land use of a property. The Community Garden may be the sole principal use of the property or may be a second principal use on a property. Does not include personal gardens for cultivation of crops for home consumption on the site or on an adjacent property in common ownership as the personal residence.

**Community Living Arrangement:** A place and/or building, or portion thereof, that is used for community living arrangements for adults, as defined in Wis. Stats. § 46.03(22); community living arrangements for children, as defined in Wis. Stats. § 48.743(1); foster homes, as defined in Wis. Stats. § 48.02(6); or adult family homes, as defined in Wis. Stats. § 50.01 (1) (a) or (b).

- Community Living Arrangement for Adults per Wis. Stats. § 46.03(22): *A community based residential facility, as defined in s. 50.01 (1g).*
  - Community-Based Residential Facility per s. 50.01 (1g): *A place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident.*
- Foster Homes per Wis. Stats. § 48.02(6): *Any facility that is operated by a person required to be licensed by s. 48.62 (1) and that provides care and maintenance for no more than 4 children or, if necessary to enable a sibling group to remain together, for no more than 6 children or, if the department promulgates rules permitting a different number of children, for the number of children permitted under those rules.*
- Adult Family Homes per Wis. Stats. § 50.01 (1) (a) or (b):
  - (a) *A private residence to which all of the following apply:*

1. *Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings.*
  2. *The private residence was licensed under s. 48.62 as a home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.*
- (b) A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.*

**Conditional Use:** A use allowed under a conditional use permit. Specifically, a use whose nature, character, or circumstance is so unique or so dependent upon specific conditions that predetermination of permissibility by right is not practical, but which may be permitted on a case-by-case basis subject to the conditional use permit procedure

**Contractor Storage Yard:** An establishment which is used for the storage of construction vehicles, equipment, and materials for contractors. This use may include ancillary professional offices, showrooms, and workspaces. Examples include plumbers, heating and air conditioning contractors, excavators, carpenters, painting contractors, wastewater treatment system contractors, electricians, well drillers, and similar uses.

**Development:** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewerage disposal systems or water supply facilities.

**District:** A designated area of the Town for which the regulations governing the use of the land and buildings are uniform.

**Duplex:** See Two Family Residence.

**Dwelling:** A structure, or portion thereof, which is used or intended to be used as residential living quarters.

**Family:** One or more persons each related to the other by blood, marriage, or adoption, who are living together in a single dwelling and maintaining a common household. A family includes any domestic servants and not more than one gratuitous guest residing with said family.

**Family Day Care Home:** A dwelling licensed as a day care center by the Wisconsin Department of Health and Family Services where care is provided for not more than eight (8) children. (See §66.1017, Wis. Stats.)

**Farm:** An area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property. This includes fur farms in which the animals are housed and fed under artificial conditions.

**Feedlot:** A feedlot shall be determined to be any of the following facilities, when they are a business and means of livelihood:

- (1) Any tract of land or structure wherein any type of fowl or the byproducts thereof are raised in close quarters for sale at wholesale or retail.
- (2) Any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

**Floor Area:** The gross horizontal areas of the several stories within the outer lines of the exterior walls of a building or from the centerline of party walls; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways and unenclosed porches, or terraces.

**Funeral Home:** An establishment, occupied by a professional licensed mortician, with facilities for burial preparation or cremation and funeral services.

**Fur Farm:** Any property comprising land or building or both, used for the purpose of raising or harboring fur bearing animals, including those defined in Chapter 29.627, Wis. Stats., and also including chinchillas and other fur bearing animals, whether the animals are kept for breeding or slaughtering or pelting purposes.

**Gas Station/Carwash:** A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels. The term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels.

**Grade:** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Grading:** The physical disturbance of the ground by the addition, removal, or re-distribution of soil.

**Group Day Care Center:** A land use in which licensed persons and facilities provide child care services for nine or more children, such as day care centers, pre-schools, and nursery schools.

**Home Occupation – Major:** A moderate impact economic activity conducted in conjunction with a residence, where the principal use of the lot is the residence of the person conducting the economic activity. See Sec. 3.06(1).

**Home Occupation – Minor:** A low to moderate impact economic activity conducted entirely within a dwelling unit, its attached garage, and/or an accessory building on the same parcel as the dwelling unit, where the principal use of the lot is the residence of the person conducting the economic activity. See Sec. 3.06(1).

**Hotel/Motel:** A building in which board and lodging are provided to the transient public for compensation.

**Implements of Husbandry:** A self-propelled or towed vehicle that is manufactured, designed or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. (See §340.01(24)(a) & (b), Wis. Stats.)

**Improvement:** Any building, structure, place, work of art, or other object constituting the physical betterment of real property, or any part of such betterment, including street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets and trees.

**Indoor Commercial Entertainment:** All uses that provide entertainment services entirely within an enclosed building, or where outdoor entertainment facilities are present, the land area of such facilities is not greater than 15 percent of the gross floor area indoors. Indoor Commercial Entertainment uses often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, brewpubs, taverns, theaters, health or fitness centers, other indoor private recreation centers, training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, indoor shooting ranges, pool halls, concert venues and wedding halls.

**Institutional Residential:** A place and/or building, or portion thereof, that is used for senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes, convents, monasteries, dormitories, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be Community Living Arrangements under Wis. Stats. §62.23.

**Lot:** A continuous parcel of land, not divided by a public right-of-way, occupied or intended to be occupied by a principal structure or use and the accessory structures or uses permitted thereto, and sufficient in size to meet the lot width and lot area provisions of this Ordinance.

**Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

**Lot Line:** A line bounding a lot which divides one lot from another lot or from a street or road.

**Lot Line, Front:** The lot line nearest to the centerline of the public or private road from which the lot takes access, except that for essentially rectangular lots abutting cul de sacs, the front lot line shall be that lot line which is generally parallel and closest to the centerline of the access road.

**Lot Line, Rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot of Record:** Any lot, the description of which is properly recorded with the Marathon County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

**Lot Width:** The shortest distance between side lot lines, measured at/through both of the following locations:

- (1) At the intersection of the side lot lines with the public road right-of-way or private road easement; and
- (2) Through the midpoint of the lot. The midpoint of the lot shall be the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line.

**Kennel, Type I:** Any place or dwelling wherein or whereon more than two (2) dogs over the age of 6 months are kept or housed. This term does not include commercial kennels, boarding kennels, dog motels, dog training establishments, veterinary clinics/animal hospitals, animal grooming establishments, or pet shops.

**Kennel, Type II:** Any place, dwelling, or establishment wherein or whereon more than two (2) dogs over the age of 6 months are kept for breeding, sale, or sporting purposes, or where boarding care is provided for compensation. This term includes commercial kennels, boarding kennels, dog motels, and dog training establishments. This term does not include veterinary clinics/animal hospitals, animal grooming establishments, or pet shops.

**Library/Museum:** A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale; or an institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

**Living Quarters:** A building or a portion of a building which provides, as a minimum, an area equipped or furnished for sleeping purposes, or those finished portions of a building in which normal residential activities occur.

**Lumber/Building Supply Yard:** A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses) and the like. The term does not include hardware stores, concrete plants, asphalt mixing plants or any facility that manufactures building materials and offers them for retail sale on the premises.

**Major Subdivision:** See “Subdivision, Major”.

**Manufactured Home:** A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425. (See § 101.91(2)(am), Wis. Stats.)

**Manufactured Home Community:** Any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. “Manufactured home community” does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm. (See §101.91(5m), Wis. Stats.)

**Manufacturing, Assembly, Processing:** An industrial establishment in which the primary purpose is for manufacturing, assembly, and/or processing of raw materials or individual parts by hand or machinery for the purpose of wholesale distribution.

**Minor Subdivision:** See “Subdivision, Minor”.

**Mobile Communication Tower:** An existing or new structure that supports or can support a mobile service facility or radio/TV broadcast facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

**Mobile Home:** A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. “Mobile home” includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. (See §101.91(10), Wis. Stats.)

**Modular Home:** Any structure or component thereof which is intended for use as a dwelling and:

1. Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or



2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer. Modular home" does not mean any manufactured home or any building of open construction which is not subject to par. 2 above. (See § 101.71(6), Wis. Stats.)

**Multi-Family Residence:** A single structure with three or more individual attached dwelling units, including “rental apartments,” condominium buildings with 3+ units each, townhouses, and row houses. Each dwelling unit may take access from a shared entrance or hallway or from a private, individual exterior doorway.

**Municipal Building:** A place and/or building, or portion thereof, that is used or is intended for a government office or facility. Examples include Town hall, public works/highway garages, publicly-owned community centers and the like.

**Nonconforming Structure:** Any 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.

**Nonconforming Use:** Any building or land lawfully occupied by a use at the effective date of this Chapter or amendment thereto which does not conform after the passage of this Chapter or amendment with the use requirements of the district in which it is situated.

**Nonmetallic Mining:** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; topsoil and related processes such as crushing, screening, scalping, dewatering and blending.

**Noxious Matter:** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic wellbeing of individuals. This may include, but is not limited to asbestos, silicon, silica, radon, fumes, odor, smoke, chemicals, fuel, oil, lead, solvents, waste, and hazardous substances.

**Occupancy Certificate:** An official written document, issued by the Zoning Administrator, which certifies that the use or structure complies with all applicable provisions of this Ordinance and the zoning permit, sign permit, or conditional use permit issued for that use or structure.

**On-Site Agricultural Retail:** The sale of agricultural products grown primarily on the site or on an adjacent property in common ownership, on a year-round basis or requiring the construction and maintenance of permanent structures, except that packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) may be produced off-site. Includes permanent or seasonal dining establishments, wineries/breweries, and bakeries in which products are grown, processed, prepared, and served on the same farm.

**Open Construction:** Any building, building component, assembly or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage or destruction. (See § 101.71(7), Wis. Stats.)

**Open Fence:** A fence whose entire length is not greater than 50% opaque and whose individual elements or sections are also not greater than 50% opaque.

**Outdoor Commercial Recreation:** All outdoor land uses located on private property that accommodates passive or active recreational activities for a fee. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas, picnic areas, picnic shelters, gardens, fishing areas (including commercial fishing ponds), play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses open to the public, and similar land uses. Not included within this land use category are private conservancy lands restricted against further development and/or any other separately listed land use.

**Outdoor Shooting Range:** Any parcel or tract of land which is designed and operated for the use and discharge of firearms, not within an enclosed building, for compensation, a fee, or membership fee.

**Outdoor Theater:** A place and/or building, or portion thereof, that is used or intended for dramatic performances or the showing of motions pictures outdoors.

**Parking Lot:** A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobile or other vehicles or storage for the purpose of repair or wrecking.

**Passenger Bus Terminal:** Any establishment for the storage or parking of commercial passenger vehicles or where commercial passenger vehicles pick up and discharge fare-paying passengers, with or without accessory business offices.

**Passive Outdoor Public Recreation:** All recreational land uses located on public property or a public easement that involves passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular “Active Outdoor Public Recreation” land use, picnic areas, picnic shelters, gardens, fishing areas (not including commercial fishing ponds), and similar land uses. Also includes private conservancy lands restricted against further development.

**Permitted Use:** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

**Person:** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

**Places of Worship:** A place and/or building, or portion thereof that is used or is intended as a place where persons regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, mosques, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

**Principal Structure:** The primary structure on a parcel of land where the Principal Use occurs.

**Principal Use:** The Permitted Use or Conditional Use that fulfills the primary function the parcel.

**Private Airstrips/Landing Fields:** A facility providing takeoff, landing, and storage for private air transportation vehicles.

**Professional Office/Service Establishment:** Exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples include professional services, banks, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics/animal hospitals, animal grooming establishments, barber shops, and beauty shops.

**Property Lines:** The lines bounding a lot, as defined herein.

**Public/Private Park:** A place and/or building, or portion thereof, that is used or is intended for recreational activities, relaxation, leisure, or ornament, and/or kept in its natural state, and for use by the general public or by a homeowners' association.

**Recreation Camp:** An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.

**Retail:** The sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

**Road, Private:** A thoroughfare which affords principle means of access to abutting property, but which has not been dedicated to the public and/or subject to public easements.

**Road, Public:** A thoroughfare which affords principle means of access to an abutting property which has been dedicated to the public and/or subject to public easements.

**Roadside Stand:** The sale of agricultural products grown exclusively on the site or on an adjacent property in common ownership, on a year-round or seasonal basis or requiring the construction and maintenance of permanent structures, except that packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) may be produced off-site. Not included within this land use category are permanent or seasonal dining establishments, wineries/breweries, and bakeries. The area dedicated to retail sales and display of agricultural products shall not exceed 200 square feet in total floor area.

**Salvage Yard:** Any land or structures used for a salvaging operation including but not limited to the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of more than 2 disassembled, unlicensed, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

**School/College/University:** A place and/or building, or portion thereof, which is used or is intended for use as a preschool, elementary, junior high, high school, vocational school, college, or university.

**Setback:** The minimum horizontal distance between the existing or proposed property lines, street, road, or highway to a structure or use.

**Short Term Rental (STR):** A single family residential structure that offers overnight accommodations for a daily fee that also serves as a primary residence of the operator or owner. An STR includes bed & breakfast establishments, rental vacation home by owner or other similar overnight private rental accommodations for fewer than 29 consecutive days.

**Sign Definitions:** See Sec. 7.13 of this Ordinance.

**Single Family Detached Residence:** A detached residential building designed for or occupied exclusively by one family and surrounded by open space or yards and which is not attached to any other dwelling by any means. This term includes modular homes and site-built homes constructed on permanent foundations and which meet the minimum floor area requirements of this Ordinance. This term excludes manufactured homes and mobile homes, except double-wide manufactured homes constructed on permanent foundations and which meet the minimum floor area requirements of this Ordinance are considered single family detached residences.

**Slaughterhouse:** An establishment in which animals are butchered for a fee for wholesale or retail sale (except those permitted as an “Agricultural-Related Use”).

**Social Clubs/Lodges:** A place and/or building, or portion thereof, that is used for the assembly of private, hunting/conservation, or civic clubs or organizations for meetings and special events.

**Solid Waste Facility:** Any use dedicated to the collection, storage, processing, and/or disposal of solid wastes as defined by Wis. Stats. § 289.01(33), organic materials for composting or for offsite energy production, and/or materials for recycling.

**Special Event Venue:** An establishment which caters to the organized assembly of more than 100 individuals at any one time for special events. This use includes uses such as concert and wedding venues and similar events. This term does not include events sponsored by the Town of Ringle. This term does not include a property or establishment in which two (2) or less occasional auctions, weddings, funerals, family reunions, and other similar occasional private events involving the assembly of less than 500 individuals at any one time are held per calendar year. Any event, not sponsored by the Town of Ringle, which caters to the organized assembly of 500 or more individuals shall be considered a Special Event Venue use and shall comply with all applicable requirements of this Ordinance for a Special Event Venue.

**Story:** The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

**Street:** A public or private thoroughfare which affords a primary means of access to abutting property.

**Structure:** Anything constructed, erected, or manufactured and placed on or in the ground.

**Structural Alterations:** Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, footing, and piles.

**Subdivision, Major:** Any subdivision classified as a County, State, Condominium, Planned Unit Development, or Conservation Plat. *(See Section 18.013.02, General Code of Ordinances for Marathon County Chapter 18 Land Division and Surveying Code)*

**Subdivision, Minor:** Any subdivision classified as a certified survey map where:

- A. The act of division creates not more than 4 lots, outlots, parcels or building sites which are less than 10 acres in size; or
- B. The act of division of an outlot within a recorded subdivision plat into not more than 4 parcels or building sites without changing the original exterior boundaries of such lot or outlot.

*(See Section 18.013.02, General Code of Ordinances for Marathon County Chapter 18 Land Division and Surveying Code)*

**Temporary Asphalt/Concrete Plant:** A temporary establishment devoted to the mixing and/or preparation of asphalt or concrete for construction project on or off-site.

**Temporary or Seasonal Use:** A use which is conducted for a limited period of time within a calendar year.

**Temporary or Seasonal Structure:** A movable structure not designed for human occupancy which may be used for the protection of goods or chattels and which is erected for a limited period of time within a calendar year.

**Two Family Residence (Duplex):** A single structure containing two separate dwelling units, each unit having a private individual exterior access, and with no shared internal access within the building.

**Use:** The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Utility Installation-Major:** A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have moderate to high impact on neighboring property. This term includes energy production and transmission facilities. This term does not include private energy systems (e.g., residential, commercial, & industrial solar energy systems) which produce energy primarily for use on the same lot or parcel as the private energy system is located.

**Utility Installation-Minor:** A utility installation generally having low impact on neighboring property and include no structures above ground.

**Variance:** An authorization, granted by the Board of Appeals, to depart from the literal requirements of this Ordinance. Use variances shall be prohibited.

**Vehicle Sales and Service:** An establishment which is used for the sale, maintenance, service, and/or repair of vehicles.

**Vision Clearance:** A triangular space which permits an unobstructed view at the intersection of highways or streets with other highways, streets or roads or at the intersection of highways or streets with railroads.

**Warehouse/Distribution Center:** A place and/or building, or portion thereof, that is used for the storage of merchandise or commodities for commercial use off-site or wholesale/retail distribution.

**Wastewater Treatment Plant:** An establishment in which sewage is treated with chemical and/or biological means so that it is no longer harmful or dangerous to the environment.

**Winery/Brewery/Distillery:** An establishment where wine, beer, or liquor is produced for wholesale or retail sale. A winery/brewery/distillery may include retail sale and display of products produced on-site.

**Yard:** An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

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

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

**Yard, Side:** A yard extending along a side lot line from the front yard to the rear yard.

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## **SECTION 13: CITATION AND ENFORCEMENT AUTHORITY FOR THE TOWN OF RINGLE** \*Approved 10-09-2023

WHEREAS, it is the intent of the Town Board of Ringle to consolidate all previous ordinances related to citations, forms of citations, procedures for citations and enforcement authority, into one ordinance;

WHEREAS, the Town Board of the Town of Ringle has determined that it is necessary to create the appropriate enforcement authority for the Town to enforce the ordinances adopted by the Town Board;

WHEREAS, the Town Board has determined that the enforcement of the various ordinances of the Town should be made through the use of a citation that may be issued by a law enforcement officer or Town official.

NOW, THEREFORE, the Town Board of the Town of Ringle, Marathon County, Wisconsin do ordain as follows:

### **13.01. General penalty.**

- a. Except where a penalty is provided elsewhere, any person who shall violate any of the provisions of the ordinances of the Town shall, upon conviction, be subject to a penalty, which shall be as follows:
  1. First offense. Any person who shall violate any provision of any ordinance of the Town shall, upon conviction, forfeit not less than \$25.00 nor more than \$500.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
  2. Repeat offense. Any person found guilty of violating any ordinance or part of an ordinance of the Town who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction, forfeit not less than \$50.00, nor more than \$1,000.00 for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
  3. Costs. Any citation or civil action brought for a violation of the ordinance shall include costs of the prosecution, consistent with those set forth that year by the county.
- b. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

c. Other remedies:

1. The Town shall have any and all other remedies afforded by the state statutes including but not limited to commencing a civil action or seeking an injunction, in addition to the forfeitures and costs of prosecution described above. It shall not be necessary to prosecute a forfeiture before seeking an injunction or civil action.
2. Execution against the defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**13.02. Method of enforcement.**

The Ordinances may be enforced in any manner provided for by law including, but not limited to, commencing a civil action, issuing a citation, seeking an injunction or any other reasonable remedy allowed by law.

**13.03. Information contained in citation.**

The citation shall contain the following:

1. The name and address of the alleged violator.
2. Factual allegations describing the alleged violation.
3. The time and place of the offense.
4. The section of the ordinance violated.
5. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
6. The time at which the alleged violator shall appear for a pretrial, shall appear for a pretrial, and whether or not in person appearance is mandatory.
7. Amount of forfeiture and costs as designated yearly by the County.
8. A statement which in essence informs the alleged violator:
  - a. That a cash deposit based on the schedule established by section 5 may be made which shall be delivered or mailed to the Town Offices prior to the time of the scheduled court appearance.
  - b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.

- c. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
- d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- e. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subsection (7) has been read. Such statement shall be sent or brought with the cash deposit.
- f. Such other information as the Town deems necessary.

#### **13.04. Schedule of deposits.**

- a. The schedule of cash deposits shall be established for use with citations issued under this chapter by the Town Board.
- b. Deposits shall be made in cash, money order or check to the Town Clerk who shall provide a receipt therefor.

#### **13.05. Issuance of citation.**

- a. Law enforcement officer. Any law enforcement officer may issue citations authorized under this chapter.
- b. Town officials. The following Town officials may issue citations:
  - 1. Town Chairperson.
  - 2. Town Constable.
  - 3. Town Clerk.
  - 4. Building Inspector/Zoning Administrator
  - 5. Board of Appeals
  - 6. Board of Supervisors
  - 7. Fire Inspector
- c. Authority may be revoked by resolution.

#### **13.06. Procedure upon default by violator.**

Wis. Stats. § 66.0113(3), relating to violator's options and procedure on default, is hereby adopted and incorporated in this section by reference.

### **13.07. Nonexclusivity of Ordinance provisions for enforcement.**

- a. Other ordinance. Adoption of this Ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- b. Other remedies. The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

### **13.08. Overdue Forfeitures.**

- a. Denial of license or permit. Pursuant to the authority of Wis. Stats. § 60.00(3) & 66.0115 and for purposes of collecting overdue ordinance forfeitures, no license or permit that may be issued by the Town, shall be issued to a person having an unpaid and/or overdue forfeiture resulting from a violation of the Ordinances of the Town, or has delinquent fees, taxes, or assessments due and owing to the Town.
- b. Municipal reciprocity. No license or permit shall be issued to a person having an unpaid overdue forfeiture resulting from a violation of an ordinance of any municipality in the county that is party to a reciprocal agreement with the Town.
- c. Exceptions. The issuance of a license or permit shall not be refused to a person who is appealing the imposition of a forfeiture or is applying for a dog license under Wis. Stats. § 174.07.

### **13.09. Procedure for Ordinance Violations.**

- a. Town Receives a complaint, verbal or written.
- b. Appropriate Town official listed in 13.05 above will speak with complainant.
- c. Appropriate Town official listed in 13.05 above will speak with alleged violator to attempt to resolve the issue without further action, date shall be given for resolution to be completed.
- d. If problem is not resolved by date specified, the complaint shall be presented at the Town Board meeting, along with a report from the responding Town Official, for Town Board determination of whether or not citation(s) should be issued.

### **13.10. Prosecution of Code Violations.**

Except as otherwise provided by law, actions concerning violation of Ordinances which are in conformity with state criminal laws shall be referred to the County District Attorney. The Town Attorney shall prosecute all alleged violations of the Ordinances, not criminal in nature.

### **13.11. Inability to Pay Forfeiture.**

Persons who are financially unable to pay forfeitures imposed upon them shall not be imprisoned. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether or not such income or assets are subject to garnishment, lien, attachment by creditors or execution.

### **13.12. Citation Form:**

Whereas, the Town of Ringle desires to update the citation form previously introduced in Ordinance #2015-1, said form shall be amended as follows, said format may vary but contents must remain:

Citation Number:

You are Notified to Appear for a Pretrial on:

Date:

Time:

Location:

In person appearance is / is not required.

\*\*\*\*Failure to appear will result in a default entry of No Contest and the forfeiture along with the Costs will be owed.

Name:

Address:

Telephone Number:

Time and Date of Offense:

Factual allegations Describing violation:

Location where alleged violation occurred:

Amount of Forfeiture:

Amount of Prosecution Costs:

Ordinance that was Violated:

Date Citation Issued:

Citation issued by:

Attempted resolution before citation:

- A. Full payment (forfeiture plus costs) may be made and mailed, or delivered, to the Town of Ringle Offices prior to the time of the above scheduled pretrial. If paying before the pretrial **sign where indicated below and return this form along with your payment.**
- B. If payment is made prior to the above scheduled pretrial, no appearance is necessary unless you are subsequently summoned.
- C. If payment is made and you do not appear in court, you will be deemed to have entered a plea of no contest.
- D. If the plea of no contest is not accepted, a separate summons will be issued commanding you to appear in Court to answer the complaint.

I have read and understand points A-D above. \_\_\_\_\_

Individual Cited

Date

### **13.13. Effective date.**

This revised ordinance shall be effective upon adoption and publication in accordance with state law.

### **13.14 Severability.**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of this Ordinance that can be given effect without the invalid or unconstitutional provision or application.

### **13.15 Conflicts.**

All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

### **13.16. Authorization.**

Town personnel are hereby authorized and directed to make all changes to the Code of the Town of Ringle necessary to reflect this amendment.

## SECTION 14     SOLAR ENERGY SYSTEMS    \*Approved 09-09-2024

**14.01 PURPOSE.** The purpose of this Section is to adopt and incorporate requirements of Section 66.0401 of the Wisconsin Statutes, and to establish Town regulations for the installation, construction, operation, and use of all solar energy systems in the Town of Ringle, Marathon County, Wisconsin. This Section is also intended to preserve and protect the public health and safety, to not significantly increase the cost of the solar energy system or significantly decrease its efficiency, and to allow for an alternative system of comparable cost and efficiency.

**14.02 DEFINITIONS.** The following words, phrases, and terms whenever they occur in this Section shall be interpreted as herein defined.

- (1)     **Agrivoltaics:** A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.
- (2)     **Battery Energy Storage System:** A system of battery devices that enable energy from renewables, like solar and wind, to be stored and then released when customers need power most.
- (3)     **Community Solar Garden:** A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Also referred to as shared solar.
- (4)     **Grid-Intertie Solar Energy System:** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
- (5)     **Microgrid(s):** A self-sufficient energy system that serves individual or multiple buildings and/or a discrete geographic footprint, such as a college campus, medical center, business center or neighborhood. Microgrids must be local, independent, and intelligent. Microgrids may include the use of Battery Energy Storage Systems
- (6)     **Passive Solar Energy System:** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- (7)     **Photovoltaic System:** A solar energy system that converts solar energy directly into electricity.
- (8)     **Renewable Energy Easement, Solar Energy Easement:** An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, consistent with Wis Statutes 700.35.

- (9) **Roof-mount:** A form of building-mounted solar energy system in which solar panels are mounted on a rack that is fastened to or ballasted on a structure's roof. Roof-mount systems are accessory to the principal use.
- (10) **Roof Pitch:** The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
- (11) **Solar Access:** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
- (12) **Solar Carport:** A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.
- (13) **Solar Collector:** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.
- (14) **Solar Daylighting:** Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.
- (15) **Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- (16) **Solar Energy System (SES):** A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. "Solar Energy Systems" are further defined in this Section, but exclude the following which are permitted accessory uses in all districts:
  - a) Solar powered light fixtures that are ground or wall mounted.
  - b) Solar powered electric fences.
- (17) **Solar Energy System, Large Scale (100MW+):** A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system is the principal land use for a parcel(s) generating 100MW or more and will require approval by the Wisconsin Public Service Commission. Generally, such systems are approximately 700+ acres in area.
- (18) **Solar Energy System, Mid-Scale (30kW to 100MW):** A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A mid-scale solar energy system is the principal land use for a parcel(s) generating between 30kW to 100MW and does not require approval by the Wisconsin Public Service Commission. Generally, such systems are approximately 9,000 square feet to less than 700 acres in area.



- (19) **Solar Energy System, Small-Scale (Less than 30kW):** A privately owned solar energy system that converts sunlight into electricity for the primary purpose of providing power to structures and facilities on the same site. A small-scale solar energy system is an accessory land use for a parcel(s) generating less than 30kW and does not require approval by the Wisconsin Public Service Commission. A small-scale SES may be ground-mounted or building mounted. Generally, such systems are less than 9,000 square feet in area.
- (20) **Solar Energy System, Building-Integrated:** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
- (21) **Solar Energy System, Building-Mounted:** A form of small-scale SES considered as an accessory use which consists of the installation of equipment mounted on a building or incorporated into exterior building materials that uses sunlight to produce electricity or provide heat or water to a building: These systems require a building permit that shall be reviewed and issued by the Building Inspector.
- (22) **Solar Energy System, Ground-Mounted:** A form of small-scale SES mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses depending on its scale classification.
- (23) **Solar Hot Air System (*also referred to as Solar Air Heat or Solar Furnace*):** A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall.
- (24) **Solar Hot Water System:** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
- (25) **Solar Mounting Devices:** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
- (26) **Solar Resource:** A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year and can be measured in annual watts per square meter.
- (27) **Solar Energy System, Existing:** A solar energy system lawfully existing at the time of the adoption or amendment of this ordinance may be continued even if such a system does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of Article IV Nonconformities of this ordinance shall apply.

**14.03 PERMIT REQUIRED.** No solar energy system shall be installed or constructed, and no existing or previously approved solar energy system may be expanded in the Town of Ringle without a Zoning Permit or Conditional Use Permit granted pursuant to this Section and Sections 11.01 or 11.03 of this Ordinance, as applicable. The applicability of this ordinance section is shown in Table 14.1.

**Table 14.1: Summary of Permit Requirements**

Permit Requirement	Solar Energy Systems (SES)					Wind Energy Systems	
	Small Scale (30 KW OR LESS).		Mid Scale SES ( < 100 MW AND > 30 KW)		Large Scale SES (100 MW+)	Small Scale Wind Energy System (≤300 kW)	Large Scale Wind Energy System (> 300 kW)
	Ground Mounted	Building Mounted	Ground Mounted	Building Mounted	Ground Mounted		
Zoning Permit	<b>X</b> (administrative)	<b>X</b> (administrative)	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Marathon County shoreland / floodplain zoning permit (if required)	<b>X</b>		<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>
Building Permit	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Conditional Use Permit			<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Site Plan Submittal	<b>X</b> (administrative)	<b>X</b> (administrative)	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Written Agreement with Fire Department	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Development Agreement					<b>X</b>	<b>X</b>	<b>X</b>

- (1) **LARGE-SCALE SES (100 MW+).** Must be approved by the Wisconsin Public Service Commission. Local restrictions on Large-Scale Solar Energy Systems may be limited as they may be affected by State Statute provisions, project details, and necessary Wisconsin Public Service Commission project approvals. Such systems are only allowed as a conditional use in the Agricultural/Forestry (AG/F) District. The Town will require a conditional use permit and/or developer's agreement as long as no conditions, in the opinion of the SES developer, inhibit or preclude the project, per Section 196.491(3)(i), Wis. Stats. A Marathon County shoreland/floodplain zoning permit, if applicable, may also be required.
- (2) **MID-SCALE SES (< 100 MW AND > 30 KW).** Are allowed as a conditional use in the Agricultural/Forestry (AG/F), Recreational (REC), Concentrated Mixed Use (CMU), General Commercial (GC) and Intensive Commercial/Light Industrial (IC/LI) Districts. Such systems are subject to the conditional use permit conditions set forth in Section 11.03 of this Ordinance and the requirements set forth in the Town's building permit requirements, the County's shoreland/floodplain zoning requirements, and any other applicable state or federal requirements.

- (3) SMALL-SCALE SES (30 KW OR LESS). Are considered to be a permitted accessory use in all districts, whether they be ground-mounted, building-integrated, or building-mounted systems. Such systems are allowed whether or not a principal structure exists on the parcel. A zoning permit and building permit from the Town are required. A Marathon County shoreland/floodplain zoning permit, if applicable, may also be required.

**14.04 APPLICATION.** Every application for a solar energy system shall be made in writing on forms furnished by the Town and shall include the following information:

- (1) Name and address of the applicant and the name and contact information for a designated representative of the applicant.
- (2) Listing of affected tax parcel ID numbers and evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.
- (3) For conditional use permit applications for large-scale and mid-scale solar energy systems, all information and materials identified in Section 11.03 (2) of this Ordinance.
- (4) For zoning permit applications for small-scale solar energy systems, all information and materials identified in Section 11.01 (2).
- (5) All permit applications for solar energy systems shall include a written agreement between the applicant and Ringle Fire and Rescue to ensure access for emergency response services.
- (6) All permit applications and associated fees shall be submitted to the Zoning Administrator.
- (7) Conditional use permit applications for large-scale and mid-scale solar energy systems shall be reviewed and addressed by the Planning & Zoning Committee and Town Board in accordance with Section 11.03 (3) and (4) of this Ordinance.
- (8) Zoning permit applications for small-scale solar energy systems meeting the applicable minimum requirements of this Ordinance shall be granted administrative approval by the Zoning Administrator within 60 days of complete application submittal, as judged by the Zoning Administrator, and shall not require Planning & Zoning Committee or Town Board review.

**14.05 FEES.**

- (1) All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors in the Town Fee Schedule.
  - a. The owner/applicant shall reimburse the Town for the reasonable costs associated with permit review and processing, subject to the reimbursement requirements of Wis. Stats., 66.0403(2). In the event the Town of Ringle establishes a fee consistent with Wis. Stats. 66.0403(2), said fee will be charged in lieu of reimbursement.

- b. The established fee or reimbursement requirements consistent with Wis. Stats. 66.0403(2) shall include the requirement that the applicant pay all reasonable costs incurred by the Town of Ringle in connection with the review and processing of the application, including: the review and processing of the application, the cost of notices, the cost of meeting per diems; and, the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts that are actual and necessary costs of review.
- 1) The Town of Ringle is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this Ordinance.
- 2) The Town of Ringle is authorized to contract with outside legal counsel to perform services in connection with this Ordinance.
  - (a) The Town of Ringle shall make the applicant aware of any such reasonable and necessary costs prior to incurring such costs and, if the applicant decides not to pay the reasonable and necessary costs, the application shall be denied.
  - (b) The Town of Ringle may require the owner of a Solar Energy System to submit up to 50 percent of the total estimated amount of the fee or reimbursement for the Solar Energy System application before issuing a written decision, if the Town gives written notice to the owner of its intent to do so within ten (10) days of the date the application is deemed complete, and the notice contains an estimate of the amount of the fee and the relevant reimbursement requirements.
  - (c) The Town shall invoice the applicant for the reasonable costs incurred pursuant to this section. The applicant will be provided 30 days from the date of the invoice to reimburse the Town regardless of the final outcome of the application.

**14.06 SITE PLAN APPROVAL REQUIRED.** All solar energy systems requiring a permit from the Town shall provide a site plan for review.

**(1) SITE PLAN SUBMITTAL REQUIREMENTS:**

- (a) Site layout maps and drawings which show the location of the system on the building or on the property for a ground-mount system, including: surrounding land uses, property lines, existing structures, the SES, as well as the total extent of system components, and the interconnection points with the electrical grid. For Mid-Scale and Large-Scale SESs, a map indicating neighboring lots within 1,000 feet of the perimeter of the subject site shall be provided.
- (b) To-scale horizontal and vertical (elevation) drawings illustrating the SES's dimensions, its height above ground level, orientation, and slope from horizontal.

- (c) For Mid-Scale and Large-Scale SESs, a landscape plan and/or agrivoltaics plan that includes proposed topography, grubbing and clearing along with plantings and final vegetation.
- (d) Solar energy system specifications, including the manufacturer and model, generating capacity, total height, collector square footage, wiring plan, means of interconnecting with the electrical grid, and any agreements with public utilities with regard to connecting to their systems.
- (e) Installers' qualifications and signatures certifying that the SES will be installed in compliance with all Town ordinances and any other applicable codes.
- (f) Calculations showing the percentage of land (lot) coverage by the SES when panels are in the position that has the largest horizontal area.
- (g) For Mid and Large-Scale Systems only, a decommissioning plan as established in Section 13.09.

**14.07 SMALL-SCALE SOLAR USE & DESIGN STANDARDS.** Permitted accessory use Small-Scale SESs are subject to the requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.

- (1) **HEIGHT.** Solar energy systems must meet the following height requirements:
  - (a) Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
  - (b) Ground or pool-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
  - (c) Solar carports in non-residential districts shall not exceed 20 feet in height.
- (2) **SETBACKS.** Solar energy systems must meet the accessory structure setbacks for the zoning district on the lot which the system is located, except as allowed below:
  - (a) **Roof or Building-Mounted Solar Energy Systems.** The following setback requirements apply:
    - 1) Collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated.

- 2) Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
  - 3) The panels of a system that are mounted on a flat roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
  - 4) A solar energy system may be mounted on the façade of a commercial building provided the installation does not project more than four feet from the face of a wall.
- (b) Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for by building mechanical systems.
- (3) VISIBILITY. Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of-way, as described in this section to the extent that doing so does not affect the cost or efficacy of the system, consistent with WI Statute §66.0401.
- (a) Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
  - (b) Aesthetic restrictions. Roof-mount or ground-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards:
    - 1) Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
    - 2) Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
  - (c) Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.
- (4) LOT COVERAGE. Ground-mount systems' total collector area shall not exceed half the building footprint of the principal structure.
- (a) Ground-mount systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

- (b) Ground-mounted systems shall not count toward accessory structure limitations.
- (c) Solar carports in non-residential districts are exempt from lot coverage limitations.
- (5) **HISTORIC BUILDINGS.** Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the Town Board.
- (6) **APPROVED SOLAR COMPONENTS.** All panels shall be certified by one of the following (or their equivalent as determined by the Town): Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation. Solar hot water systems must have an SRCC rating.
- (7) **COMPLIANCE WITH BUILDING CODE.** All solar energy systems shall meet approval of local building code officials, consistent with the State of Wisconsin Building Code or the Building Code adopted by the local jurisdiction, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- (8) **COMPLIANCE WITH STATE ELECTRIC CODE.** All photovoltaic systems shall comply with the Wisconsin State Electric Code.
- (9) **COMPLIANCE WITH STATE PLUMBING CODE.** Solar thermal systems shall comply with applicable Wisconsin State Plumbing Code requirements.
- (10) **UTILITY NOTIFICATION.** All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

**14.08 MID-SCALE & LARGE-SCALE USE & DESIGN STANDARDS.** Mid-Scale and Large-Scale SESs, whether a principal or accessory use shall be subject to the following requirements:

- (1) **SETBACKS.** Except as otherwise determined in Section 13.08 (1) (e) below, SESs must meet the following setbacks:
  - (a) Property line setback for buildings or structures in the district in which the system is located.
  - (b) Roadway setback of 150 feet from the right-of-way centerline of State highways and County highways and 100 feet for other roads.
  - (c) Housing unit setback of 150 feet from any existing dwelling unit.
  - (d) Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.

- (e) All setbacks can be reduced by 50% if the array is fully screened from the setback point of measurement.
- (2) SCREENING. SESs shall be screened from existing residential dwellings.
- (a) A screening plan shall be submitted that identifies the type and extent of screening.
  - (b) Screening shall be consistent with standards typically applied for other land uses requiring screening.
  - (c) Screening shall not be required along property lines within the same zoning district, except where the adjoining lot has an existing residential use.
  - (d) The Town may require screening where it determines there is a clear community interest in maintaining a viewshed.
- (3) GROUND COVER AND BUFFER AREAS. The following provisions shall apply to preservation of existing vegetation and establishment of vegetated ground cover. Vegetated ground cover standards shall not apply if an agrivoltaics plan is approved as part of Section 13.06 (1) (c). Additional site-specific conditions may apply as required by the Town.
- (a) Large-scale removal or clear-cutting of mature trees on the site is highly discouraged. The Town may set additional restrictions on tree clearing or require mitigation for cleared trees.
  - (b) The applicant shall submit a vegetative management plan prepared by a qualified/certified professional or reviewed and approved by a natural resource agency or authority, such as the Wisconsin Department of Natural Resources, County Soil and Water Conservation District, Land and Water Conservation Department or Natural Resource Conservation Service. The plan shall identify:
    - 1. The natural resource professionals consulted or responsible for the plan.
    - 2. The conservation, habitat, eco-system, or agricultural goals, which may include: providing habitat for pollinators such as bees and monarch butterflies, providing habitat for wildlife such as upland nesting birds and other wildlife, establishing vegetation for livestock grazing, reducing on-site soil erosion, and improving or protecting surface or ground-water quality.
    - 3. The intended mix of vegetation upon establishment.
    - 4. The management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three years.
  - (c) Soils shall be planted and maintained in perennial vegetation for the full operational life of the project, to prevent erosion, manage run off and build soil.



- (d) Vegetative cover should include a mix of perennial grasses and wildflowers that will preferably result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening. Perennial vegetation (grasses and forbs) is preferably native to Wisconsin, but where appropriate to the vegetative management plan goals, may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services (i.e., clovers).
  - (e) Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
- (4) FOUNDATIONS. A qualified engineer shall certify that the foundation and design of the solar panel racking, and support is within accepted professional standards, given local soil and climate conditions.
  - (5) POWER AND COMMUNICATION LINES. Running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. All above ground, exposed powerlines shall be placed in conduit. Exemptions may be granted by the Town in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Administrator.
  - (6) FENCING. Perimeter fencing for the site shall not include barbed wire or woven wire designs and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom. Alternative fencing can be used if the site is incorporating agrivoltaics.
  - (7) STORMWATER MANAGEMENT AND EROSION CONTROL. Mid-scale and large-scale SESs are subject to State and County stormwater management and erosion control requirements and permitting, as applicable. Solar collectors shall not be considered impervious surfaces if the project complies with ground cover standards, as described in Section 13.08 (3) of this Ordinance.
  - (8) OTHER STANDARDS AND CODES. All SESs shall follow all applicable local, state, and federal regulatory codes, including the State of Wisconsin Uniform Building Code, as amended; and the National Electric Code, as amended.
  - (9) AGRICULTURAL PROTECTION. The Town may require mitigation for use of prime agricultural soils/land for solar array placement, including but not limited to the following:
    - (a) Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.
    - (b) Requiring the site to be returned to agriculture at the end of life of the solar installation.
  - (10) DECOMMISSIONING. A decommissioning plan shall be required as described in Section 13.09 to ensure that facilities are properly removed after their useful life.

**14.09 DECOMMISSIONING.** A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.

- (1) Decommissioning of the system must occur in the event the project reaches the end of its usable life or is inoperable for a continuous period of twelve months. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months the Town shall order the removal of the inoperable panels.
- (2) Decommissioning shall consist of removal of the SES structures and subsurface foundations and equipment, disposal of all solid and hazardous waste in accordance with all applicable waste disposal regulations, and stabilization of soils and/or revegetation of the site as necessary to minimize erosion.
- (3) The decommissioning methods shall be established, and cost estimates shall be made by a competent party such as a professional engineer experienced in such matters, a contractor capable of decommissioning, or a party found by the Town to have suitable expertise or experience with decommissioning.
- (4) The Town may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
- (5) The Town Plan Commission shall review the decommissioning plan and request changes that may be needed to comply with the special exception permit or to protect the safety and welfare of the community and town properties.
- (6) The plan shall provide that decommissioning will begin within 180 days from the end of the SES useful life or if the SES is not in use for 12 consecutive months. Decommissioning shall be completed within 9 months from the start of decommissioning activities.

**14.10 REVIEW OF PERMIT APPLICATION.** Except as modified in this Section, the Town will consider each permit application for an SES on a case-by-case basis following the procedures in Section 11.01, Zoning Permits, for small-scale solar energy systems, and Section 11.03, Conditional Use Permits, for large-scale and mid-scale solar energy systems.

- (1) **MID-SCALE (PRINCIPAL USE) AND LARGE-SCALE SOLAR ENERGY SYSTEMS.**
  - (a) In addition to the notice requirements set forth in Section 11.03, Conditional Use Permits, the Town shall give due notice of the public hearing to the property owners and occupants of all lands located within one-half mile of any parcel upon which any portion of the proposed Mid-Scale or Large-Scale SES will be located.
  - (b) Any Mid-Scale or Large-Scale Solar Energy System Permit must be approved by the Town Board. The Town Board may deny a permit for a Mid-Scale or Large-Scale Solar Energy System or may impose restrictions on a Mid-Scale or Large-Scale Solar Energy System only if the Town finds that the denial or restrictions satisfy one of the following conditions:

- 1) The denial or restriction serves to preserve or protect the public health or safety.
- 2) The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
- 3) The denial or restriction allows for an alternative system of comparable cost efficiency.

**14.11 SOLAR ENERGY SYSTEM RESTRICTIONS.** The Town may impose restrictions on a Solar Energy System relating to any of the following:

- (1) Location of the Solar Energy System if potentially impacting existing wetlands or other natural features of concern.
- (2) Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.
- (3) Wiring and electrical controls of the Solar Energy System.
- (4) Reimbursement for emergency services required as a result of the Solar Energy System.
- (5) Solar Energy System ground clearance.
- (6) Solar Energy System height.
- (7) Shared revenue, payments in lieu of taxes and other financial matters. All financial matters shall be approved as part of a Joint Development Agreement (JDA).
- (8) Financial security, such as bonds, cash deposits, or letters of credit.
- (9) Decommissioning.
- (10) Compensation to affected property owners.
- (11) Any other matters that are measurable and based on substantial evidence the Town finds appropriate.

**14.12 JOINT DEVELOPMENT AGREEMENT.** The Town may negotiate a joint development agreement with the solar developer to address Town issues and concerns. A joint development agreement between the Town and solar developer shall be required for all large-scale solar energy systems and mid-scale solar energy systems generating 50MW or more. The Town may require a joint development agreement for mid-scale solar energy systems generating less than 50MW. A joint development agreement may address items of Town concern, including but not limited to:

- (1) Setbacks.

- (2) Screening.
- (3) Noise, dust, glare, etc.
- (4) Town road use, maintenance, and repair obligation, including proposed equipment haul routes.
- (5) Drainage repair obligations.
- (6) Allocation of utility shared revenue proceeds.
- (7) Emergency/first-responder access (written agreement per 13.04(5)).
- (8) Decommissioning and restoration obligations, including financial surety.
- (9) Liability insurance obligations.
- (10) Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.
- (11) Requiring a site to be returned to agriculture at the end of life of the solar installation.

**14.13 REVOCATION.** Any Solar Energy System Permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this ordinance or the provisions of a permit granted pursuant to this ordinance.

## **SECTION 15     WIND ENERGY SYSTEMS     \*Approved 09-09-2024**

**15.01 PURPOSE.** The purpose of this Section is to adopt and incorporate requirements of Section 66.0401 of the Wisconsin Statutes and Chapter PSC 128 of the Wisconsin Administrative Code, and to establish Town regulations for the installation, construction, operation, and use of all wind energy systems in the Town of Ringle, Marathon County, Wisconsin. This Section is also intended to preserve and protect the public health and safety, to not significantly increase the cost of the wind energy system or significantly decrease its efficiency, and to allow for an alternative system of comparable cost and efficiency.

**15.02 DEFINITIONS.** The following words, phrases, and terms whenever they occur in this Section shall be interpreted as herein defined, consistent with Section PSC 128.01 of the Wisconsin Administrative Code.

- (1) **Commercial Communications:** Communications used by government and military entities for emergency purposes, licensed amateur radio service, and non-emergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight, microwave, personal communications service, weather radar, and wireless internet service.
- (2) **Commission:** The Public Service Commission of Wisconsin.
- (3) **Decommissioning:** Removal of all of the following:
  - (a) The above ground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.
  - (b) All below ground facilities, except the following:
    1. Underground collector circuit facilities.
    2. Those portions of concrete structures 4 feet or more below grade.
- (4) **Daytime Hours:** The hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.
- (5) **DNR:** The Wisconsin Department of Natural Resources.
- (6) **Large Wind Energy System:** A wind energy system that has a total installed nameplate capacity of more than 300 kilowatts or consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts.
- (7) **Maximum Blade Tip Height:** The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, "maximum blade tip height" means the actual hub height plus the blade length.
- (8) **Nameplate Capacity:** The nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

- (9) **Nighttime Hours:** The hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily.
- (10) **Nonparticipating Property:** Real property that is not a participating property.
- (11) **Nonparticipating Residence:** A residence located on nonparticipating property.
- (12) **Occupied Community Building:** A school, church or similar place of worship, daycare facility or public library.
- (13) **Owner:**
- (a) A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system.
  - (b) At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.
- (14) **Participating Property:** Any of the following:
- (a) A turbine host property.
  - (b) Real property that is the subject of an agreement that does all of the following:
    - 1. Provides for the payment of monetary compensation to the landowner from an owner regardless of whether any part of a wind energy system is constructed on the property.
    - 2. Specifies in writing any waiver of a requirement or right under this chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.
- (15) **Participating Residence:** A residence located on participating property.
- (16) **Personal Communications:** wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.
- (17) **Political Subdivision:** The meaning given in Section 66.0401 (1e) (c), Wis. Stats., which is “a city, village, town, or county”.
- (18) **Residence:** An occupied primary or secondary personal residence including a manufactured home as defined in s. 101.91 (2), Stats., a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. “Residence” includes a temporarily unoccupied primary or secondary personal residence. “Residence” does not include any of the following:
- (a) A recreational vehicle as defined in s. 340.01 (48r), Stats., notwithstanding the length of the vehicle.
  - (b) A camping trailer as defined in s. 340.01 (6m), Stats.
  - (c) A permanently abandoned personal residence.

- (19) **Shadow Flicker:** A pattern of moving shadows cast on a residence, or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.
  - (20) **Small Wind Energy System:** A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.
  - (21) **Turbine Host Property:** Real property on which at least one wind turbine is located.
  - (22) **Wind Access Easement:** A written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the wind resource on another property.
  - (23) **Wind Energy System:** The meaning given in Section 66.0403 (1) (m), Wis. Stats., and is used to convert wind energy to electrical energy.. The meaning given in Section 66.0403 (1) (m), Wis. Stats., is “equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy”.
  - (24) **Wind Energy System Easement:** A written document that creates a legal interest in real property that permits an owner to place, construct or operate a wind turbine or other wind energy system facility on the property.
  - (25) **Wind Energy System Emergency:** A condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.
  - (26) **Wind Energy System Facility:** Any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.
  - (27) **Wind Energy System Lease:** A written agreement between a landowner and an owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner's property.
- 15.03 PERMIT REQUIRED.** No wind energy system shall be installed or constructed, and no existing or previously approved wind energy system may be expanded in the Town of Ringle without a Conditional Use Permit granted pursuant to this Section and Section 11.03 of this Ordinance. The applicability of this ordinance section is shown in Table 15.1.

**Table 15.1: Summary of Permit Requirements**

Permit Requirement	Solar Energy Systems (SES)					Wind Energy Systems	
	Small Scale (30 KW OR LESS).		Mid Scale SES ( < 100 MW AND > 30 KW)		Large Scale SES (100 MW+)	Small Scale Wind Energy System (<=300 kW)	Large Scale Wind Energy System (> 300 kW)
	Ground Mounted	Building Mounted	Ground Mounted	Building Mounted	Ground Mounted		
Zoning Permit	<b>X</b> (administrative)	<b>X</b> (administrative)	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Marathon County shoreland / floodplain zoning permit (if required)	<b>X</b>		<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>
Building Permit	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Conditional Use Permit			<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Site Plan Submittal	<b>X</b> (administrative)	<b>X</b> (administrative)	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Written Agreement with Fire Department	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Development Agreement					<b>X</b>	<b>X</b>	<b>X</b>

#### 15.04 APPLICATION.

- (1) SMALL WIND ENERGY SYSTEMS. Conditional use permit applications for small wind energy systems shall include:
  - (a) Information required by Section PSC 128.30(2), Wis. Admin. Code, except as amended by Section PSC 128.61(6), Wis. Admin. Code.
  - (b) A written statement signed by the applicant that the notices to residents and owners of adjacent lots or parcels required by Sections PSC 128.61(1) and 128.61(7) were provided.
  - (c) A site plan that includes information specified in Section 11.01 (2) (a) 5) of this Ordinance. The following additional information shall be provided on the plan or as part of the permit application:
    1. Location of any overhead utility lines on or adjacent to the property;
    2. Description and specifications of the components of the small wind energy system, including the manufacturer, model, capacity, blade length, and total height of the small wind energy system; and
    3. Blueprints or drawings which have been approved by a registered professional engineer for any tower and tower foundation.
    4. Application fee in accordance with Section 1.05.



- (2) **LARGE WIND ENERGY SYSTEMS.** Conditional use permit applications for large wind energy systems shall include:
- (a) Information required by Section PSC 128.30(2), Wis. Admin. Code.
  - (b) Names and addresses of residents and property owners located within one mile of the proposed location, together with a written statement signed by the applicant that the notices required by Sections PSC 128.105 and 128.30(5) were provided.
  - (c) Information about whether the owner has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the wind energy system from any Federal or State agency and whether the owner has incorporated the non-binding recommendation into the design of the wind energy system.
  - (d) A site plan that includes information specified in Section 11.01 (2) (a) 5) of this Ordinance. The following additional information shall be provided on the plan or as part of the permit application:
    - 1. Location of any overhead utility lines on or adjacent to the property;
    - 2. Description and specifications of the components of the small wind energy system, including the manufacturer, model, capacity, blade length, and total height of the small wind energy system; and
    - 3. Blueprints or drawings which have been approved by a registered professional engineer for any tower and tower foundation.
- (3) **FILING REQUIREMENTS.**
- (a) Any document or paper required to be filed with the Town pursuant to Chapter PSC 128, Wis. Admin. Code, or this ordinance must be filed with or delivered to the Zoning Administrator.
  - (b) Any document, paper, or other material submitted to the Town that relates to an application must be delivered to the Zoning Administrator or submitted to the Town on the record at the public hearing.
- (4) **PUBLIC NOTICE OF APPLICATION FILING.** As soon as possible after receiving an application for a wind energy system, the Town Clerk shall cause to be published a Class 1 notice stating that an application has been filed, in accordance with Section 66.0401(4)(a), Wis. Stats. The notice shall include the information required by Section PSC 128.30(5)(b), Wis. Admin. Code.
- (5) **DETERMINATION OF COMPLETENESS.** Applications for proposed wind energy systems shall be reviewed by the Zoning Administrator for a determination of completeness in accordance with the requirements of Section PSC 128.31, Wis. Admin. Code.

- (a) The Zoning Administrator shall notify the owner in writing of the completeness determination no later than 45 days after the day the application is filed. If the Zoning Administrator determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.
  - (b) An owner may file a supplement to an application that the Zoning Administrator has determined to be incomplete. An owner may re-file an application only once per year, from initial date of submittal.
  - (c) An additional 45-day completeness review period shall begin the day after the Zoning Administrator receives responses to all items identified in the notice provided to the owner stating reasons for the incomplete determination.
  - (d) If the Zoning Administrator does not make a completeness determination within the applicable review period, the application is considered to be complete.
  - (e) Requests for Additional Information. The Zoning Administrator may request additional information necessary to understand the wind energy system after determining that an application is complete. An owner shall provide additional information in response to all reasonable requests. An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.
  - (f) Following a determination of completeness by the Zoning Administrator, the applicant shall provide 10 copies of the complete application to the Town. The application shall be made available for public access and review.
- (6) **STATE AND FEDERAL PERMITS AND APPROVALS.** An owner shall submit a copy of all necessary State and Federal permits and approvals to the Town within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.

#### **15.05 FEES.**

- (1) All permit applications shall be accompanied by a fee established by the Town of Ringle Board of Supervisors in the Town Fee Schedule. The fee will be applied to the cost of reviewing and processing the application.
  - (a) The owner/applicant shall reimburse the Town for the reasonable costs associated with permit review and processing, subject to the reimbursement requirements of PSC 128.32(5). In the event the Town of Ringle establishes a fee consistent with Wis. Stats., 59.69 and PSC 128.32(5), said fee will be charged in lieu of reimbursement.

- (b) Established fee or reimbursement requirements consistent with PSC 128.32(5) shall include the requirement that the applicant shall pay all reasonable costs incurred by the Town of Ringle in connection with the review and processing of the application, including the cost for: the review and processing of the application, the cost of notices, the cost of meeting per diems; and, services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts that are actual and necessary costs of review. Source: PSC 128.32(5).
- 1) The Town of Ringle is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this Ordinance.
- 2) The Town of Ringle is authorized to contract with outside legal counsel to perform services in connection with this Ordinance.
- (a) The Town of Ringle shall make the applicant aware of any such reasonable and necessary costs prior to incurring such costs and, if the applicant decides not to pay the reasonable and necessary costs, the application shall be denied.
- (b) The Town of Ringle may require the owner of a Wind Energy System to submit up to 50 percent of the total estimated amount of the fee or reimbursement for the Wind Energy System application under PSC 128.32(5)(a) before issuing a written decision consistent with PSC 128.32(3), if the Town gives written notice to the owner of its intent to do so within ten (10) days of the date the application is deemed complete and the notice contains an estimate of the amount of the fee and the relevant reimbursement requirements.
- (c) The Town shall invoice the applicant for the reasonable costs incurred pursuant to this section. The applicant will be provided 30 days from the date of the invoice to reimburse the Town.
- (2) An owner is responsible for paying all costs incurred by the Town in connection with monitoring compliance during construction and assessing when wind energy facilities are not maintained in good repair and operation condition.

#### **15.06 APPLICATION REVIEW.**

- (1) Except as described below, application review shall follow the procedure for conditional use permits described in Section 11.03 of this Ordinance.
- (2) WRITTEN DECISION.
  - (a) The Town shall issue a written decision to grant or deny an application for a wind energy system. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision shall specify the reason for the denial. A political subdivision may make its approval subject to the conditions in s. PSC 128.33.

- (b) The Town shall provide its written decision to the owner and to the Commission. If the Town approves an application for a wind energy system, the Town shall provide the owner with a duplicate original of the decision.
- (c) The owner shall record the duplicate original of a decision approving an application with the Marathon County Register of Deeds.

**15.07 HEIGHT.** Wind energy systems are exempt from the height requirements described in Section 4.05 of this Ordinance.

**15.08 SETBACKS.**

- (1) The owner of a wind energy system shall work with the Town and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
- (2) Wind energy systems are exempt from the height requirements of this Ordinance; however, no such system shall be located closer to a lot line than the setback, if any, specified in Table 2 in Section PSC 128.61(3), and shown below. The applicant may request larger setbacks for consideration by the Plan Commission in order to meet other standards contained in Chapter PSC 128 such as, but not limited to, noise and shadow flicker limitations.
- (3) The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the applicable wind turbine setback distances for those structures

**Table 2**

<b>Setback Description</b>	<b>Setback Distance</b>
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

## **15.09 LIGHTING.**

- (1) A wind energy system may be artificially lighted only if lighting is required by the Federal Aviation Administration (FAA). Such lighting, if required, shall comply with standards established by the FAA.
- (2) An owner of a wind energy system on which lighting is required by the FAA, shall use shielding or control systems approved by the FAA to reduce visibility of light to individuals on the ground.

## **15.10 NOISE.**

- (1) All wind energy systems shall comply with the noise standards contained in Section PSC 128.14, as applicable.
- (2) An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
- (3) An owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
- (4) In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This paragraph does not apply to sound the wind energy system produces under normal operating conditions.
- (5) The owner shall provide the notice as prescribed by Section PSC 128.14(6) for large wind energy systems or Section PSC 128.61(4) for small wind energy systems.
- (6) The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this section by written contract as provided in Section PSC 128.14(5) and (6).
- (7) If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the Town with the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

## **15.11 SHADOW FLICKER.**

- (1) This section applies to a nonparticipating residence or occupied community building that exists when the owner gives notice under s. PSC 128.105, or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under s. PSC 128.105.
- (2) An owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.
- (3) SHADOW FLICKER LIMITS.
  - (a) An owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building.
  - (b) If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.
- (4) SHADOW FLICKER MITIGATION. An owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
- (5) ADDITIONAL REQUIREMENTS FOR LARGE WIND ENERGY SYSTEMS
  - (a) An owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind energy system.
  - (b) An owner shall design the wind energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.
  - (c) Shadow Flicker Mitigation. An owner shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing 20 hours or more per year of shadow flicker. This requirement applies when the owner receives a complaint or request for mitigation regarding shadow flicker for an eligible nonparticipating residence or occupied community building.

(d) Notification.

1. Before entering into a waiver contract under sub. (6) below, a wind energy system owner shall provide notice of the requirements of Section PSC 128.15, Wis. Admin. Code, to individual owners of an affected nonparticipating residence or occupied community building.
2. Before the initial operation of the wind energy system, a wind energy system owner shall provide notice of the requirements of Section PSC 128.15, Wis. Admin. Code, to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a waiver contract under sub. (6) below.

(6) WAIVER.

- (a) Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of shadow flicker or shadow flicker mitigation requirements at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner.
- (b) Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and such waiver shall be recorded under Chapter 706, Wis. Stats.

**15.12 SIGNAL INTERFERENCE.**

- (1) The signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.
- (2) An owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.
- (3) An owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. The Town may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.
- (4) **ADDITIONAL REQUIREMENTS FOR LARGE WIND ENERGY SYSTEMS.**
  - (a) An owner shall use reasonable and commercially available technology to mitigate interference caused by a wind energy system with commercial communications and personal communications in use when a wind energy system begins operation.

- (b) Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for commercial communications and personal communications interference problems.
- (c) An owner shall mitigate commercial communications and personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned, or the communication is no longer in use, whichever is earlier.
- (d) The Town may require an owner to use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operation, if a wind energy system is causing the interference and the interference occurs at a location at least 0.5 mile from a wind turbine.
- (e) Mitigation Protocol. The Town may, under a protocol established under Section PSC 128.50 (2), Wis. Admin. Code, require an owner to implement a new mitigation solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required and for which the original mitigation solution implemented is only partially effective.

### **15.13 STRAY VOLTAGE.**

#### **(1) TESTING REQUIRED.**

- (a) An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a wind energy system facility pursuant to the stray voltage protocol established by the Commission before any wind energy system construction activity that may interfere with testing commences and again after construction of the wind energy system is completed.
- (b) Before any testing begins, an owner shall work with the Commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required shall conduct or arrange to conduct all required testing at the expense of the owner.

#### **(2) RESULTS OF TESTING.** An owner and the electric distribution company shall provide to the Commission staff the results of all stray voltage testing in writing.

#### **(3) REQUIREMENT TO RECTIFY PROBLEMS.** An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the wind energy system, in compliance with the Commission's stray voltage protocol.



## **15.14 CONSTRUCTION AND OPERATION.**

### **(1) PHYSICAL CHARACTERISTICS.**

(a) Except for safety features or wind monitoring devices, an owner may not display or attach any of the following on a wind turbine:

- 1) Advertising material or signage other than warnings, equipment information, or indicia of ownership.
- 2) Flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine.

(a) An owner shall ensure that a wind turbine has a conventional or unobtrusive finish.

(b) An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.

(c) An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.

(d) An owner shall place appropriate warning signage on or at the base of each wind turbine.

(e) An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.

(2) **ELECTRICAL STANDARDS.** An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the National Electrical Safety Code and Chapter PSC 114, Wis. Admin. Code, and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the National Electrical Code.

(3) **CONSTRUCTION, OPERATION, AND MAINTENANCE STANDARDS.** An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.

### **(4) ADDITIONAL REQUIREMENTS FOR LARGE WIND ENERGY SYSTEMS.**

(a) **Physical Characteristics.** An owner shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. An owner shall post these signs at every intersection of a wind energy system access road with a public road and at each wind turbine location.

(b) **Electrical Standards.**

1. An owner shall construct collector circuit facilities for a wind energy system underground to the extent practicable.
2. An owner shall establish an inspection schedule for all overhead collector circuits to ensure that third-party facilities, including cable television and telecommunications cables, are not attached or bonded to overhead collector circuit grounding. If third-party facilities are found attached to the overhead collector facilities, the owner shall ensure that the third-party facilities are promptly removed.

(c) Construction, Operation, and Maintenance Standards.

1. An owner shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction or decommissioning of the wind energy system.
2. Except for the area physically occupied by the wind energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
3. An owner shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or decommissioning of the wind energy system and shall include turbine host property owners as additional insured persons on the policy.

**15.15 AERIAL SPRAYING.**

- (1) This section applies to large wind energy systems only.
- (2) An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within one-half mile of a constructed wind turbine if the farm operator demonstrates all of the following:
- (3) Substantial evidence of a history, before the wind energy system owner gives notice under s. PSC 128.105 (1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans or sweet corn on all or part of a farm field located within one-half mile of a constructed wind turbine.
- (4) A material reduction in potato, pea, snap bean or sweet corn production or a material increase in application costs on all or part of a farm field located within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

## **15.16 EMERGENCY PROCEDURES.**

- (1) An owner shall notify the Town of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.
- (2) An owner shall establish and maintain a liaison with each political subdivision within which its wind energy systems facilities are located and with fire, police, and other appropriate first responders serving the area in which the wind energy systems facilities are located in order to create effective emergency plans as required by Section PSC 128.18(4)(b), Wis. Admin. Code.
- (3) The owner shall distribute current copies of the emergency plan to the following:
  - (a) Clerk for the Town of Ringle
  - (b) Marathon County Emergency Management Department
  - (c) Marathon County Sheriff's Office
  - (d) Clerk for any town, village, or city that are within one-half mile of any of its wind energy systems facilities.
  - (e) Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, village, or town who has received a copy of the owner's emergency plans pursuant to par. (d).
- (4) The owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.
- (5) The owner shall provide annual training for fire, police and other appropriate first responders regarding responding to a wind energy system emergency until the wind energy system has been decommissioned. An owner shall provide at least eight hours of training during each calendar year and is responsible for all direct training costs.
- (6) If an owner is required to implement its emergency plans as the result of a wind energy system emergency, it shall conduct a review of employee activities to determine whether the procedures were effectively followed. The owner shall provide the Town and county's emergency management director with a copy of its review.
- (7) **SMALL ENERGY SYSTEM EXEMPTION.** Small wind energy systems are exempt from the emergency procedures provisions of pars. (2) through (6).

## **15.17 DECOMMISSIONING**

- (1) An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.

- (a) Small Wind Energy Systems. A small wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 540-day period.
  - (b) Large Wind Energy Systems. Unless an extension is granted pursuant to Section PCS 128.19(1)(c), a large wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 360-day period.
- (2) The owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life and shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.
- (3) SITE RESTORATION FOR LARGE WIND ENERGY SYSTEMS.
  - (a) The owner of a large wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
  - (b) If a large wind energy system was constructed on a brownfield, the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities.
- (4) DECOMMISSIONING COMPLETION.
  - (a) The owner shall file a notice of decommissioning completion with the Town when the wind energy system has been decommissioned and removed.
  - (b) Within 360 days of receiving a notice of decommissioning, the Town shall determine whether the owner has satisfied all applicable decommissioning requirements.

**15.18 JOINT DEVELOPMENT AGREEMENT.** The Town may negotiate a joint development agreement with the wind energy system developer to address Town issues and concerns. A joint development agreement between the Town and wind energy system developer shall be required for all small and large-scale wind energy systems. The may address items of Town concern, including but not limited to:

- (1) Setbacks.
- (2) Screening.
- (3) Noise, dust, glare, etc.
- (4) Town road use, maintenance, and repair obligation, including proposed equipment haul routes.

- (5) Drainage repair obligations.
- (6) Allocation of utility shared revenue proceeds.
- (7) Emergency/first-responder access (written agreement per 13.04(5)).
- (8) Decommissioning and restoration obligations, including financial surety.
- (9) Liability insurance obligations.
- (10) Demonstrating co-location of agricultural uses on the project site.
- (11) Requiring a site to be returned to agriculture at the end of life of the wind installation.

#### **15.19 ADDITIONAL PROVISIONS FOR LARGE WIND ENERGY SYSTEMS**

##### **(1) MONETARY COMPENSATION.**

- (a) An owner of a large wind energy system shall offer an agreement that includes annual monetary compensation to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine.
  - 1) For one turbine located within one-half mile of a nonparticipating residence, the initial annual monetary compensation shall be \$600.
  - 2) For two turbines located within one-half mile of a nonparticipating residence, the initial annual monetary compensation shall be \$800.
  - 3) For three or more turbines located within one-half mile of a nonparticipating residence, the initial annual monetary compensation shall be \$1,000.
- (a) The initial annual monetary compensation shall apply to agreements entered into in 2024. For agreements entered into in 2025 and thereafter, the initial annual amounts shall increase each year by the greater of 2 percent or the increase in the Consumer Price Index from the previous year, as described in Section 196.374(5)(bm)2, Wis. Stats.
- (b) The agreement shall specify in writing any waiver of a requirement or right under Chapter PSC 128, Wis. Admin. Code, and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under Chapter PSC 128, Wis. Admin. Code.

(2) FINANCIAL RESPONSIBILITY FOR DECOMMISSIONING.

- (a) The owner of a wind energy system with a nameplate capacity of one megawatt or larger shall maintain proof of the owner's ability to fund the actual and necessary cost to decommission the wind energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities.
- (b) The owner of a wind energy system with a nameplate capacity of one megawatt or larger shall provide the Town with financial assurance of the owner's ability to pay for the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities such as blasting or foundation construction at the wind energy system site.
  - 1. The owner may comply with this requirement by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances, which will ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities.
  - 2. The owner shall provide the Town with three (3) cost estimates of the actual and necessary cost to decommission the wind energy system that are prepared by third parties agreeable to the owner and the Town. The amount of financial assurance required by the Town shall be the average of the cost estimates provided.
  - 3. The owner shall establish financial assurance that places the Town in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until either the political subdivision determines that the wind energy system has been decommissioned as provided in Section PSC 128.30(5)(b), or until the Town has otherwise approved the release of the secured funds, whichever is earlier. The financial assurance must allow the Town to access funds for the purpose of decommissioning the wind energy system if the owner does not decommission the wind energy system when decommissioning is required.
- (c) During the useful life of a wind energy system, the Town may periodically request information from the owner regarding the industry costs for decommissioning the wind energy system. If the Town finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance previously provided, the Town may correspondingly increase or decrease the amount of financial assurance required for the wind energy system. The Town may not adjust the financial assurance under this paragraph more often than once in a 5-year period.
- (d) The Town may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concerns regarding the viability of the existing financial assurance.

(3) POST-CONSTRUCTION FILING REQUIREMENT.

- (a) Within 90 days of the date a large wind energy system commences operation, the owner shall file with the Town and Commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities and current information identifying the owner of the wind energy system.
- (b) An owner shall label each wind turbine location described in its filing and shown on the map with a unique identifier consistent with the information posted at the wind turbine location under s. PSC 128.18 (1) (g).

(4) ANNUAL REPORTS AND DECOMMISSIONING REVIEW.

- (a) An owner of a large wind energy system shall file an annual report with the Planning and Zoning Committee on or before January 31 of each year documenting the operation and maintenance of the wind energy system during the previous calendar year.
- (b) The Planning and Zoning Committee shall conduct a review of the annual reports submitted, in part to determine if a wind energy system has reached the end of its useful life.

(5) OWNERSHIP CHANGE

- (a) An owner of a large wind energy system shall provide the Town with notice of any change in ownership of the large wind energy system on or before the effective date of the change.
- (b) A notice of change in ownership of the large wind energy system shall include information showing that the financial responsibility requirements specified in Section 1.18 (2) will be met following the change in ownership.

(6) STUDIES. An owner of a large wind energy system shall cooperate with any study of the effects of wind energy systems coordinated by a state agency.

(7) COMPLIANCE MONITORING.

- (a) An owner shall maintain a maintenance log for each wind turbine. An owner shall, at the owner's expense, provide the Town with a copy of the maintenance log for each wind turbine for each month within 5 calendar days after the end of the month.
- (b) The Town may retain such consultants or experts as it deems necessary to assess and determine whether the wind energy system facilities are compliant or to assess whether the wind energy system facilities are being maintained in good repair and operating condition.

(c) Third-Party Construction Inspector.

1. The Town may contract with a third-party inspector to monitor and report to the Town regarding the owner's compliance with permit requirements during construction.
2. The inspector monitoring compliance under this section shall also report to a state permitting authority upon the state permitting authority's request.
3. The inspector shall make monthly written reports to the Town.
4. The owner shall reimburse the Town for the actual and necessary cost of the inspector.

**15.02 MODIFICATIONS TO AN APPROVED WIND ENERGY SYSTEM.**

- (1) An owner shall comply with Section PSC 128.35 before making any material change in the approved design, location or construction of a wind energy system.
- (2) The Town shall conduct a review of any application for such material change in accordance with the limited review provisions of Section PSC 128.35 (2).

**15.03 COMPLAINTS**

(1) MAKING A COMPLAINT.

- (a) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this Section in accordance with Section PSC 128.40 (1), Wis. Admin. Code.
- (b) A complaint shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.
- (c) A complainant may petition the Town for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.
- (d) The Town's decision on review and resolution of the complaint is subject to review under Section 66.0401 (5), Wis. Stats.

(2) COMPLAINT RESOLUTION.

- (a) An owner shall use reasonable efforts to resolve complaints regarding a wind energy system and shall investigate complaints regarding a wind energy system at the owner's expense.
- (b) Additional Complaint Resolution Requirements for Large Wind Energy Systems.



1. Upon receipt of a complaint, an owner shall provide the complainant with a copy of the notice described in Section PSC 128.42 (1), Wis. Admin. Code. Within 30 days of receiving a complaint, an owner shall provide an initial response to the complainant.
2. An owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An owner shall notify the Town of complaints that have not been resolved within 45 days of the date the owner received the original complaint.
3. An owner shall maintain a log of all complaints received regarding the wind energy system. The owner shall include in the log the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of a complaint log monthly, at no cost, either to the Town. An owner shall make any complaint log available to the Commission upon request.
4. An owner shall, prior to commencing construction of a wind energy system, develop a complaint resolution process that is consistent with Section PSC 128.40, Wis. Admin Code. An owner shall provide the Town with a written copy of any changes to the complaint resolution process at least 30 days prior to implementing the change.

(3) COMPLAINT MONITORING COMMITTEE FOR LARGE WIND ENERGY SYSTEMS.

- (a) Committee. The Town may establish a monitoring committee to oversee resolution of complaints regarding a large wind energy system. The monitoring committee shall include on the committee a member who is a local employee of an owner of a large wind energy system and, if in existence, at least one nonparticipating landowner residing in the Town within 0.5 mile of a wind turbine that is located in the Town.
- (b) Duties. The monitoring committee shall:
  1. Maintain a record of all complaints brought to it.
  2. Require the owner to provide the committee with information regarding the owner's response to any complaint forwarded to the owner by the committee.
  3. Recommend to the Town a reasonable resolution to a complaint based upon the information gathered by the committee.

(4) NOTICE OF COMPLAINT PROCESS TO PROPERTY OWNERS AND RESIDENTS FOR LARGE WIND ENERGY SYSTEMS.

- (a) Before construction of a large wind energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any large wind energy system facility. An owner shall include in the notice the requirements under Section PSC 128.40 (1), Wis. Admin. Code, for submitting a complaint to the owner, a petition for review to the Town, and an appeal to the Commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.
- (b) Notice to Town. An owner shall provide a copy of the notice to the Town, and the owner shall keep the contact person and telephone number current and on file with the Town.

## **SECTION 16 REGISTERED SEX OFFENDER RESIDENCY RESTRICTIONS**

\*Approved 02-10-2020

### **16.1 FINDINGS AND INTENT.**

- (1) On December 19, 2019, the Town of Ringle electors authorized the Town of Ringle to exercise its "village powers", pursuant to Wisconsin Statutes 60.10(2)(c) and Wisconsin Statute 60.22(3), granting the Ringle Town Board (the "Board") further power to enact regulations to protect the public health, safety, and welfare of the Town of Ringle.
- (2) Based upon a 2003 study by the U.S. Department of Justice, Bureau of Justice Statistics, titled Recidivism of Sex Offenders Released from Prison in 1994, sex offenders released from prison were four times more likely to be rearrested for a sex crime as compared to non-sex offenders released from prison. Of those individuals included in the study, forty (40) percent of new sex crimes committed by those sex offenders released from prison had occurred within the first twelve (12) months of release. Further, child molesters who were released from prison were at least six times more likely to be rearrested for another sex crime against a child as compared to a non-sex offender released from prison.
- (3) The Board conducted a review of other reports and studies related to creating and implementing specific desistance factors to reduce recidivism of sex offenders.
- (4) The Board acknowledges that literature on sex offender recidivism, sex offender desistance, and sex offender residency restrictions contains studies which report varying effectiveness of certain strategies. The Board intends to use these strategies and studies to best create a regulatory framework which protects the children of the Town of Ringle yet allows for a constructive and safe assimilation of designated sex offenders into the community.
- (5) Accordingly, the Board created this regulatory measure designed to protect the health and safety of the children in the Town of Ringle against the threat posed by certain designated sex offenders. Sex offenders who prey on children represent a substantial danger to victims, target a particularly vulnerable group within the community who are less able to articulate or report abuse, and create a significant impact on law enforcement time and community resources to investigate abuses and mitigate risks. This Ordinance is intended to demonstrate the Town of Ringle's goal of protecting children in areas of potential vulnerability and impart the community's confidence by demonstrating safe, productive, and law-abiding behavior while residing within the Town of Ringle. It is the intent of the Board that this regulatory scheme is civil and nonpunitive in order to serve the Town of Ringle's compelling interest to promote, protect, and improve the health, safety and welfare of all citizens of the Town of Ringle.

## **16.2 DEFINITIONS**

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

- (1) "Child" means a person under the age of sixteen (16) years old.
- (2) "Court mandated supervision" means a term of extended supervision, probation, community supervision, or similar programming as imposed on a criminal or juvenile offender by a court or probation agent.
- (3) "Designated offender" means any person who is required to register under Wisconsin Statute 301.45 for any offense against a child. This definition does not include a person who is released under Wisconsin Statute 980.08 so long as the person is subject to supervised release under Wisconsin Statute 980, the person is residing where he or she is ordered to reside under Wisconsin Statute 980.08, and the individual is in compliance with all court orders issued under Wisconsin Statute 980.
- (4) "Domicile" ("domiciled") means the true, fixed and permanent residence of the offender, and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. The domicile address shall not be a post office box or similar depository.
- (5) "Hospital" has the meaning given in Wisconsin Statute 50.33(2)(a).
- (6) "Residence" means the place where an offender sleeps, which may include more than one location, and may be mobile or transit.
- (7) "Treatment facility" has the meaning given in Wisconsin Statute 51.01(19).

## **16.3 RESIDENCY RESTRICTION**

A Designated Offender shall not establish a residence in any location on a parcel of land, which, in whole or in part, is within one thousand five hundred (1,500) feet of the real property used for the following purposes:

- (1) Any facility for children: including (1) a public or private school, (2) a group home as defined in Wisconsin Statute 48.02(7), (3) a residential care center for children and youth as defined in Wisconsin Statute 48.02(15)(d), (4) a shelter care facility as defined in Wisconsin Statute 48.02(17), (5) a day care center licensed under Wisconsin Statute 48.65, (6) a day care program established under Wisconsin Statute 120.13(14), (7) a day care provider certified under Wisconsin Statute 48.651; and/or
- (2) Facility used for:
  - (a) A public park as defined in Wisconsin Statute 27.
  - (b) A public playground.

- (c) A public swimming pool.
- (d) A public library operated pursuant to Wisconsin Statute 43.
- (e) School grounds as defined in Wisconsin Statute 895.523(1)(g) and such grounds of a "private school" as defined in Wisconsin Statute 15.001(3)(r).
- (f) A child care center as defined in Wisconsin Statute 49.136(1)(ad) or a child care facility as defined in Wisconsin Statute 980.01(1)(g).
- (g) A nursing home or assisted living facility.
- (h) The Mountain Bay Trail and the Ice Age Trail.

- (3) The distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer property line of the facilities identified in Paragraphs A and B of Section 1.3 of this Ordinance.

#### **16.4 RESIDENCY RESTRICTION EXCEPTIONS**

A Designated Offender does not violate Section 16.3 of this Ordinance if any of the following apply:

- (1) The Designated Offender is serving a current sentence which requires the Designated Offender serve a commitment at a jail, prison, juvenile facility, or other correctional institution or facility that would otherwise violate this code. •
- (2) The Designated Offender established a residence prior to the effective date of this Ordinance and has continuously maintained said residence since the effective date of this Ordinance, which is within one thousand five hundred (1,500) feet of any of the prohibited locations identified in Section 16.3 of this Ordinance.
- (3) The Designated Offender has established a residence within one thousand five hundred (1,500) feet of the location(s) restricted in Section 16.3 of this Ordinance prior to the existence of the restriction.
- (4) The Designated Offender is a minor or ward under guardianship.
- (5) The residence of the Designated Offender is a hospital or treatment facility.

## **16.5 PROTECTED AREAS BORDERING THE TOWN OF RINGLE**

If a municipality that is adjoining the Town of Ringle contains a facility that meets the criteria set forth in Section 16.3 of this Ordinance and is within one thousand five hundred (1,500) feet of the Town of Ringle's border, the prohibited area around that facility will be measured by using the least restrictive residence restriction ordinance between the Town of Ringle and that of the adjoining municipality where the facility is located.

## **16.6 PROPERTY OWNER LIABILITY**

No property owner may allow a Designated Offender to reside on his or her property while in violation of this chapter unless the Designated Offender has been granted an exemption under Section 1.9 of this Ordinance.

## **16.7 NON-RESIDENCE RESTRICTIONS**

A Designated Offender may not be present at or located at any of the locations restricted in Section 16.3 of this Ordinance.

## **16.8 VIOLATIONS**

Any person who violates any provision in this Ordinance shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) for each violation together with the costs of prosecution. Each day a violation continues shall constitute a separate offense. In default of payment thereof, the person shall be imprisoned in the house of correction until such forfeiture and costs are paid, but not more than the number of days set forth in Wisconsin Statute 800.095(1)(b)(l). Additionally, the Town of Ringle may bring an action in the name of the Town of Ringle in the Circuit Court for Marathon County to permanently enjoin such residency as a public nuisance. Further, the Town of Ringle may undertake all other legal and equitable remedies to prevent or remove a violation of this chapter.

## **16.9 APPEAL**

A Designated Offender may request an exemption from this chapter.

- (1) Procedure. A Designated Offender may request an exemption from this chapter by submitting a written request for exemption, including any pertinent rationale for an exemption, to the Town of Ringle Planning and Zoning Committee prior to establishing a residence that would be in violation of this Ordinance or within thirty (30) days after notification that the Designated Offender is in violation of this Ordinance. The Town of Ringle Planning and Zoning Committee shall conduct a review of the request for an

exemption, within fourteen (14) days of receiving the request, using any pertinent information and the criteria set forth in subsection (C) of this section. Within fourteen (14) days of after the review, the Town of Ringle Planning and Zoning Committee shall report its findings to the Board. The Board will review the matter at the next Town of Ringle meeting, including the matter on the meeting agenda and providing proper notice of the meeting. At the meeting, the Board will approve the exemption request, approve an exemption subject to necessary conditions (hereafter "conditional exemption"), or deny the exemption request. The Town of Ringle Chairman shall issue the Board's written decision to the Town of Ringle Clerk within seven (7) days of the meeting. Any request for an exemption which has not been approved, approved for a conditional exemption, or denied by the Board within thirty (30) days of the request shall be deemed to be denied for the purpose of this Ordinance.

- (2) The decision by the Board may be appealed by the Designated Offender within thirty (30) days by submitting a written appeal to the Board through the Town of Ringle clerk's office. The Board shall hold a hearing on each appeal, during which the Board may review any pertinent information and may accept oral and written statements from any person.
- (3) The Board shall base its decision upon any factors related to the Town of Ringle's interest in promoting, protecting, and improving the health, safety, and welfare of the community, including, but not limited to:
  - (a) The name of the predicate offense causing the appellant to be a Designated Offender.
  - (b) Police reports related to the predicate offense if available.
  - (c) Proximity of the requested residence to the victim.
  - (d) The age of the offense, offender, and victim.
  - (e) Recommendation of the probation or parole officer, if one exists.
  - (f) Recommendation of the police department.
  - (g) Recommendation of any treatment practitioner.
  - (h) Proposals for safety measures and assurances by the Designated Offender.
  - (i) Conditions to be placed on any exception or variance from the requirements of this chapter.
  - (j) Support systems in place by the Designated Offender.
  - (k) Who the Designated Offender will be, or is currently living with, at the prohibited location.
  - (l) Statements of the surrounding community or victim.
  - (m) Treatment, sobriety, or rehabilitative measures taken by the Designated Offender.
  - (n) The Designated Offender's current employment or social activities.
  - (o) The Designated Offender's criminal history.
  - (p) Whether the Designated Offender meets any of the exceptions listed in Section 16.4 of this Ordinance.

- (4) The Board shall issue a decision by a majority vote. The Board may decide to deny an exemption, issue an exemption, or issue a conditional exemption. A written copy of the decision shall be provided to the Designated Offender in person or by first-class mail at the Designated Offender's last-known address. A Designated Offender must consent to the terms of the conditional exemption for the conditional exemption to be valid and must demonstrate acceptance of the terms of the conditional exemption by signing and dating a copy of the Board's decision and conditions. The Designated Offender must provide a copy of the signed conditional exemption to the Town of Ringle Clerk. The Designated Offender will have fourteen (14) days from the date the written conditional exemption is issued to accept and return a signed copy to the appropriate locations, or the conditional exemption will be deemed as void and the appeal denied by the Board. A Designated Offender need not sign an exemption that has been denied by the Board or an exemption approved without any necessary conditions by the Board.
- (5) A conditional exemption may include, but is not limited to, the following terms:
- (a) Curfew restrictions.
  - (b) Cohabitant restrictions or requirements.
  - (c) Sobriety restrictions.
  - (d) Conduct restrictions.
  - (e) Residency restrictions.
- (6) If an exemption or conditional exemption is granted by the Board; that exemption will only apply to the specific Designated Offender who had applied for the exemption at the requested residence and shall not be transferable to any other or to any other location.
- (7) An exemption expires when the Designated Offender who was granted said exemption changes his/her domicile and/or changes his or her residence, whether within the Town of Ringle or outside the Town of Ringle.
- (8) An exemption or conditional exemption issued by the Board may be revoked by the Board if the Designated Offender is found to have violated the conditions, or there is probable cause to believe the Designated Offender has committed (an) additional act(s), which had occurred either before or after the exemption or conditional exemption was issued, that would cause a person to be classified as a Designated Offender.
- (9) The Town of Ringle clerk shall provide written notice to the Designated Offender that the exemption or conditional exemption has been revoked. This notice shall be deemed properly delivered if sent by either first class mail to the Designated Offender's last known address, or if delivered in person to the Designated Offender's last known address. If the Designated Offender cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the Designated Offender's address which had been exempted in the presence of some competent member of the family at least fourteen (14) years of age or a competent adult currently residing there. If notice cannot be so served, it may be served by publishing a Class I notice. The revocation of an exemption may be appealed to the Board pursuant to the above procedure.



- (10) For the purposes of this chapter, pursuant to Section 68.16, Wisconsin Statutes, the Town of Ringle is specifically electing not to be governed by Chapter 68, Wisconsin Statutes.
- (11) If the Board denies the request for exemption or upholds a revocation of exemption or conditional exemption, the Designated Offender may appeal the decision within thirty (30) days to the Marathon County Circuit Court.
- (12) Severability. If any part of this section is found to be unconstitutional or otherwise invalid, the validity of the remaining parts shall not be affected.