

CODE OF ORDINANCES_

Town of Rockland, Brown County, Wisconsin

- December 16, 2013 18-01.23 Agricultural Farmland Preservation (AG-FP) Zoning Adopted
- December 16, 2013 18-01.16 Agricultural Non Participating Working Lands (NPWLI) Adopted
- December 16, 2013 Rockland Zoning Map Repealed, Recreated, & Adopted
- June 3, 2013 Noise Ordinance Adopted: Chapter 10 Section 2
- January 7, 2013 Public Nuisance Ordinance Adopted: Chapter 10 Section 1
- April 16, 2012 Nonmetallic Mining Ordinance Adopted: Chapter 21
- April 16, 2012 Explosives and Blasting Ordinance Adopted: Chapter 22
- September 6, 2011 Rockland Zoning Map Adopted
- September 6, 2011 Rockland Code of Ordinances Adopted

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CHAPTER 1 – GENERAL PROVISIONS

01-01.00 CITATION ORDINANCE

01-01.01 TITLE AND PURPOSE

- A. The title of this chapter is the Town of Rockland Citation Ordinance. The purpose of this ordinance is to authorize the Town Board of the Town of Rockland, or its designees, to issue citations for violations of Town of Rockland Code of Ordinances, including ordinances with statutory counterparts.

01-01.02 AUTHORITY

- A. The Town Board of the Town of Rockland, Brown County, Wisconsin has the specific authority under Wis. Stats. S. 66.0113 to adopt this code of ordinances.

01-01.03 DESIGNATIONS AND CITATION OF CODE

- A. The ordinances embraced in this and the following Chapters 1 through 135 together with an Appendix shall constitute and be designated the “Code of Ordinances, Town of Rockland, Brown County, Wisconsin,” and may be so cited. Such code may also be cited as the “Rockland Town Code”, “Town of Rockland Code of Ordinances”, or the “Code.”
 - B. It shall be the duty of the Town Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk’s office for use by the public. A copy of the Code of Ordinances can also be seen on the town website: TownofRockland.org.
 - C. Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the Town Board. The Clerk may also arrange for procedures for the periodic supplementation the Code.
- (State law reference – Codification of ordinances, Wis. Stats. 66.0103.)

01-01.04 SUBDIVISION AND NUMBERING OF THIS ORDINANCE

- A. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter.

01-01.05 DEFINITIONS AND RULES OF CONSTRUCTION

- A. The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:
 - 1. **Generally.** When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the town board may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language; but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings. This Code shall be interpreted and applied so as to be the minimum requirements adopted for the promotion of public health, safety, comfort, and general welfare.
 - 2. **Code.** The term “Code” means the Code of Ordinances, Town of Rockland, Brown County, Wisconsin, as designated in section 01-01.03.
 - 3. **Computation of time.** In computing any period of time, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday. In any event, the period runs until the end of the next day that is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less

than seven days, intermediate Saturdays, Sundays, or legal holidays shall be excluded from the computation.

4. **Conjunctions.** In a provision involving two or more items, conditions, provisions or events, which item, conditions, provisions or events are connected by the conjunction “and,” “or” or “either ... or,” the conjunction shall be interpreted as follows, except that the terms “and” and “or” may be interchangeable:
 - a) “And” indicates that all the connected terms, conditions, provisions, or events apply.
 - b) “Or” indicates that the connected terms, conditions, provisions, or events apply singly or in any combination.
 - c) “Either ... or” indicates that the connected terms, conditions, provisions or events apply singly but not in combination.
5. **County.** The term “county” means Brown County, Wisconsin.
6. **Delegation of authority.** A provision that authorizes or requires a town officer or town employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.
7. **Demolition.** The wrecking, razing, destruction or removal by any means the partial or entire structure. This definition includes modifications to a structure that result in a reduction or increase in its mass, height, or volume. This definition does not include action necessary for normal maintenance of a structure, including but not limited to the removal/replacement of exterior trim/siding/facing material, deck, interior walls, windows, doors or utility/mechanical equipment. (Added December 16, 2013)
8. **Fine.** The term “fine” shall be the equivalent of the word “forfeiture”, “penalty”, and vice versa.
9. **Forfeiture.** The term “forfeiture” shall be the equivalent of the word “fine”, penalty” and vice versa.
10. **Gender.** Words of one gender include all other genders.
11. **Governing Body.** The term “governing body” means the Town Board of Rockland, Brown County, Wisconsin.
12. **Includes.** The term “includes” does not limit a term to a specified example.
13. **Joint authority.** Words giving a joint authority to three or more persons give such authority to a majority of such persons.
14. **May.** The term “may” is to be construed as being permissive and not mandatory.
15. **May not.** The term “may not” states a prohibition and has a prohibitory effect
16. **Month.** The term “month” means a calendar month.
17. **Number (Singular, Plural).** Words in singular include the plural. Words in the plural include the singular.
18. **Oath.** A solemn affirmation is the equivalent to an oath and a person shall be deemed to have sworn if such person makes such an affirmation.
19. **Officers, departments, etc.** References to officers, departments, boards, commissions, or employees are to town officers, town departments, town boards, town commissions, and town employees.
20. **Owner.** The term “owner” as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property.
21. **Penalty.** The term “penalty” shall be the equivalent of the word “fine”, “forfeiture”, and vice versa.

22. **Person.** The term “person” means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.
 23. **Personal property.** The term “personal property” means any property other than real property.
 24. **Premises.** The term “premises” as applied to real property, includes land and structures.
 25. **Property.** The term “property” includes real property, personal property, and mixed property.
 26. **Public place.** The term “public place” includes any street, sidewalk, park, cemetery, schoolyard, body of water or watercourse, public conveyance, or any place for the sale of merchandise, public accommodation or amusement.
 27. **Real property.** The term “real property” includes lands, tenements, and hereditaments (heritable property).
 28. **Shall.** The term “shall” is to be construed as being mandatory and not discretionary.
 29. **Sidewalk.** The term “sidewalk” means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
 30. **Signature or subscription by mark.** The terms “signature” and “subscription” include a mark when the signer or subscriber cannot write. In such situations, such person’s name shall be written near the mark by a witness who writes his own name near such person’s name.
 31. **State.** The term “state” means the State of Wisconsin.
 32. **Street.** The term “street” includes any alley, avenue, boulevard, lane, road, highway, viaduct, or other public thoroughfare.
 33. **Tenant and occupant.** The terms “tenant” and “occupant,” as applied to premises, include any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.
 34. **Tense.** The present tense includes the past and future tenses. The future tense includes the present tense.
 35. **Town.** The term “town” means the Town of Rockland, Brown County, Wisconsin.
 36. **Town Board.** The term “town board” means the governing body of the Town of Rockland, Brown County, Wisconsin.
 37. **Week.** The term “week” means a period of seven consecutive days.
 38. **Wis. Adm. Code.** The abbreviation “Wis. Adm. Code” means Wisconsin Administrative Code, as amended. References to a state act by title are to such act as amended.
 39. **Wis. Stats.** The abbreviation “Wis. Stats.” means Wisconsin Statutes and Annotations, as amended. References to a state act by title are to such act as amended.
 40. **Writing.** The term “writing” includes any form of recorded message capable of comprehension by ordinary visual means.
 41. **Year.** The term “year” means a calendar year.
- (State law reference-Construction of statutes, Wis. Stats. 990.001 et seq.)

01-01.06 CATCHLINES OF SECTIONS; HISTORY NOTES; REFERENCES

- A. The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of

any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

- B. A history note appearing in parentheses after a section in this Code indicates the legislative history and is a declaration by the town board that the section to which the history note applies is a restatement or reenactment of an original ordinance or amendment thereof. Cross references, editor's notes, and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

- C. Unless specified otherwise, all references to chapters or sections are to chapters or sections of this code.

(State law reference-Similar provisions, Wis. Stats. 990.001(6).)

01-01.07 EFFECT OF REPEAL OF ORDINANCES

- A. Unless specifically provided otherwise, the repeal of an ordinance does not revive any previously repealed ordinance.
- B. The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any suit prosecution or proceeding pending at the time of the amendment or repeal.
- C. The repeal or amendment of an ordinance does not affect any vested right, privilege, obligation or liability.

(State law reference-Effect of repeal, Wis. Stats. 990.03.)

01-01.08 AMENDMENTS TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE

- A. All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.
- B. Amendments to provisions of this Code may be made with the following language: Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances, Town of Rockland, Brown County, Wisconsin is hereby amended to read as follows:..."
- C. If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances, Town of Rockland, Brown County, Wisconsin is hereby created to read as follows:..."
- D. All provisions desired to be repealed should be repealed specifically by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

(State law reference-Adoption of municipal ordinances. Wis. Stats. 66.0103.)

01-01.09 SUPPLEMENTATION OF CODE

- A. Supplements to this Code shall be prepared and printed whenever authorized or directed by the Town Board. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- B. In preparing a supplement to this Code, all portions of the Code that have been repealed shall be removed from the Code by the omission thereof from reprinted pages.

C. When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

1. Arrange the material into appropriate organizational units.
2. Supply appropriate catchlines, headings, and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings, and titles already in the Code.
3. Assign appropriate numbers to chapters, articles, divisions, subdivisions, and sections to be added to the Code.
4. Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
5. Change the words “this ordinance” or similar words to “this chapter,” “this article,” “this division,” “this subdivision,” “this section” or “sections _____ to _____” (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
6. Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

01-01.10 GENERAL PENALTY; CONTINUING VIOLATIONS

A. In this section, the term “violation of this Code” means any of the following:

1. Doing an act that is prohibited, or made or declared unlawful, an offense, a violation by ordinance, by statute adopted by reference in this Code, by state rule or regulation adopted by reference in this Code, or by rule or regulation authorized by ordinance.
2. Failure to perform an act that is required to be performed by ordinance, by statute adopted by reference in this Code, by state rule or regulation adopted by reference in this Code or by rule or regulation authorized by ordinance.
3. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation by ordinance, by statute adopted by reference in this Code, by state rule of regulation adopted by reference in this Code or by rule or regulation authorized by ordinance.

B. In this section, the term “violation of this Code” does not include the failure of a town officer or town employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

C. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished as follows:

1. For the first offense, by a forfeiture of not more than \$500.00, plus costs of prosecution.
2. For each subsequent violation of the same provision by the person, by forfeiture of not more than \$1,000.00, plus costs of prosecution.
3. In default of payment of such forfeiture and costs, after complaint is filed and judgment awarded, such person may be committed to the county jail until such forfeiture and costs are paid, except, every commitment shall limit the duration of such imprisonment to a definite term not exceeding 180 days. [Wis. Stats. 778.10]

D. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. Except as otherwise provided by law or ordinance, as to violations that are not continuous with respect to time, each act constitutes a separate offense.

- E. The imposition of a forfeiture does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
- F. Violations of this Code that are continuous with respect to time are a public nuisance and may be abated injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

01-01.11 CITATION METHOD OF ENFORCEMENT

- A. **Enforcement.** The town hereby elects, pursuant to the authority of Wis. Stats. 66.0113 and 778.25, to use the citation method of enforcement of ordinances. All law enforcement officers authorized by the town, in cooperation with the Town officials designated in this section with the responsibility of enforcing the provisions of this Code, are hereby authorized to issue citations for violations of this Code, including ordinances for which a statutory counterpart exists.
 - 1. Rockland Town Zoning Administrator
 - 2. Rockland Town Chairman
- B. **Contents of citation.** The citation shall contain the following, as provided in Wis. Stats. 66.0113(1)(b):
 - 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 number and 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 and date at which the alleged violator may appear in court.
 - 7. A statement which in essence informs the alleged violator:
 - a) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b) That if the alleged violator makes a cash deposit, he or she need not appear in court unless 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 and submitted to a forfeiture, a penalty assessment imposed by Wis. Stats. Chapter 814, and/or Wis. Stats. 757.05, a jail assessment imposed by Wis. Stats. 302.46(1), a crime laboratories and drug law enforcement assessment imposed by Wis. Stats. 165.755, any applicable consumer information assessment imposed by Wis. Stats. 100.261 and any applicable domestic abuse assessment imposed by Wis. Stats. 973.055(1) not to exceed the amount of the deposit 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, the court may issue a summons or a warrant for the alleged violator's arrest or consider the nonappearance to be a plea of no contest and enter judgment, or the town may commence an action to collect the forfeiture, the penalty assessment imposed by Wis. Stats. Chapter 814, and/or Wis. Stats. 757.05, the jail assessment imposed by Wis. Stats. 302.46(1), the crime laboratories and drug law enforcement assessment imposed by Wis. Stats. 165.755, any applicable consumer information assessment imposed by Wis. Stats. 100.261 and any applicable domestic abuse assessment imposed by Wis. Stats. 973.055(1).

- e) That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stats. 800.093.
 - 8. 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 Chapter 01-01.11(B)(7) has been read. Such statement shall be mailed or brought with the cash deposit.
 - 9. Such other information as the town deems necessary.
 - 10. The town board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in Wis. Stats. 345.11 shall be used by the Town of Rockland in lieu of the citation form described in subsection 01-01.11(B).
 - 11. The board requires that in actions for violations of the Town of Rockland ordinances enacted in accordance with Wis. Stats. 23.33(11)(am) or Wis. Stats. 30.77, the citation form specified in Wis. Stats. 23.54 shall be used in lieu of the citation form described in subsection 01-01.11(B).
 - C. **Effects of citation.** The citation shall have the legal effect specified in Wis. Stats. 66.0113 and 778.25, and a duly issued citation shall confer subject matter jurisdiction upon the designated municipal court.
 - D. **Designated municipal court or circuit court.** The designated court and clerk of court will be stated on the citation, posted on the Town of Rockland website: TownofRockland.org, and on file at the Town Clerk's office.
 - E. **Schedule of deposits.**
 - 1. A schedule of cash deposits may be established for use with citations issued under this section of the Code by adoption of a resolution by the town board according to the penalty provisions of this Code or the state statutes, whichever is applicable. In the absence of a scheduled or statutorily mandated deposit amount for a particular violation, the deposit amount shall be \$100.00, plus applicable court costs and assessments.
 - 2. Deposits shall be made in cash, money order, or certified check to the designated court, clerk of court, or other designated official, who shall provide a receipt for each cash deposit received.
 - F. **Procedure.** Wis. Stats 66.0113(3) and any amendments thereto, relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
 - G. **Outstanding unpaid forfeitures.** The provisions of Wis. Stats. 66.0115 on outstanding unpaid forfeitures is adopted.
 - H. **Relationship to other laws.**
 - 1. **Other Ordinance.** Adoption of this section 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.
 - 2. **Other remedies.** The issuance of a citation under this section shall not preclude the town board or any authorized officer from proceeding under any other ordinance or law by any other enforcement method to enforce any ordinance, regulation, or order.
- (State law references – Penalties under county and municipal ordinances, Wis. Stats. 66.0109; ordinance violations; citations, Wis. Stats. 66.0113 et seq.; collection for forfeitures, Wis. Stat. 778.01 et seq.)

01-01.12 CONFLICTING PROVISIONS

- A. **Different chapters.** If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- B. **Different sections.** If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or person raising the conflict shall control over the more general provision.

01-01.13 SEVERABILITY

- A. The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code; for the board declares that it is its intent that it would have enacted this Code and all provisions adopted by reference in this Code without such invalid or unconstitutional provisions.

(State law reference-Severability of state statutes, Wis. Stats. 990.001(11).)

01-01.14 ALTERING OR TAMPERING WITH CODE; PENALTIES FOR VIOLATION

- A. It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Rockland to be misrepresented.
- B. Anyone violation of this section or any part of the “Town of Rockland Code of Ordinances” shall be subject to the provisions of this ordinance.

01-01.15 PROVISIONS DEEMED CONTINUATION OF EXISTING ORDINANCES

- A. The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the town relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

01-01.16 ESTABLISHMENTS OF FEES, CHARGES, AND PENALTIES

- A. Wherever a penalty is imposed by the town in this Code; that penalty may be established by ordinance.
- B. This section in no way prohibits the town board from delegating the authority to establish municipal fees or charges to a town office or department head.

01-01.17 CODE DOES NOT AFFECT PRIOR OFFENSES OR RIGHTS

- A. Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.
- B. The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any town ordinance on the effective date of this Code.

01-01.18 CERTAIN ORDINANCE NOT AFFECTED BY CODE

- A. Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or resolution, or any portion thereof:
 - 1. Establishing or imposing town charges or fees not otherwise specified in this Code.
 - 2. Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.

3. Authorizing or approving any contract, deed, or agreement.
 4. Making or approving any appropriate or budget.
 5. Granting any right or franchise.
 6. Providing for salaries or other officer or employee benefits not codified in this Code.
 7. Releasing a person from liability.
 8. Calling or ordering an election.
 9. Establishing or designating polling places or election officials.
 10. Adopting or amending the comprehensive plan.
 11. Levying or imposing any special assessment.
 12. Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing, or vacating any street.
 13. Establishing the grade or any street or sidewalk.
 14. Dedicating, accepting, or vacating any plat or subdivision.
 15. Levying or imposing taxes not codified in this Code.
 16. Providing traffic or parking regulations for specific locations or routing buses in a manner not inconsistent with this Code.
 17. Rezoning specific property or amending the zoning map.
 18. Designating and delineating the responsibilities of town officials or department heads as record, management custodians.
 19. That is temporary, although general in effect.
 20. That is special, although permanent in effect.
 21. The purpose of which has been accomplished.
- B. The ordinances designated in subsection A of this section continue in full force and effect to the same extent as if published at length in this Code.

01-01.19 EFFECTIVE DATE

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

CHAPTER 2 – GOVERNING BODY

02-01.00 VILLAGE POWERS ADOPTED

(History: Resolution of April 5, 1978)

- A. The town has adopted village powers conferred on village boards under Wis. Stats. 60.22(3), pursuant to the authority of said town under Wis. Stats. 60.10(2)(c).

02-02.00 CONFIDENTIALITY OF INCOME AND EXPENSES PROVIDED TO ASSESSOR FOR ASSESSMENT PURPOSES

(History: #9-2002 Adopted July 1, 2002)

A. ADOPTION

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

B. EXCEPTIONS

- 1. An officer may make disclosure of such information under the following circumstances:
 - a) The assessor has access to such information in the performance of his/her duties;
 - b) The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
 - c) Another person or body has the right to review such information due to the intimate relationship to the duties of an officer or as set by law;
 - d) The officer is complying with a court order;
 - e) The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.

02-03.00 ORDINANCE TO APPOINT ALTERNATE MEMBERS FOR BOARD OF REVIEW

(Adopted May 1, 2006)

A. AUTHORITY

1. Whereas, Sec. 70.47(6m) (c) authorizes the appointment of alternate members to serve on the board of review when standing members are removed from individual cases.
Now therefore the Town Board of Rockland, Brown County does ordain as follows:

B. ADOPTION

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

C. APPOINTMENTS

1. The Town Clerk will keep on file the names and addresses of the electors appointed by the Town Board as alternates to the Board of Review.
2. The Town Board will appoint the Board of Review alternates at a regularly scheduled Town Board meeting where such appointments appear on the agenda.

D. EFFECTIVE DATE

1. The appointments made in this ordinance are in effect for Board of Review proceedings for the current and succeeding years until such appointments are rescinded by action of the Town Board and effective upon posting as provided by law.

02-04.00 ORDINANCE TO ESTABLISH SPLIT SHIFTS FOR ELECTION OFFICIALS

A. AUTHORITY

1. Whereas, the Town Board of the Town of Rockland, Brown County, Wisconsin has the specific authority under Sec. 7.30(1) Wis. Stats., to adopt this ordinance.

B. ADOPTION

1. Whereas, this ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the selection of 2 or more sets of officials to work at different times on each election day. Now, therefore the Town Board of Rockland does ordain as follows:

C. SPLIT SHIFTS

1. There shall be split shifts for election workers on all election days.
2. Such shifts shall be determined by the Clerk as necessary to meet election worker schedules and Election Day demands.

D. EFFECTIVE DATE

1. This ordinance is effective on publication or posting.

(History: Adopted December 16, 2013 #2013-10))

CHAPTER 3 – RESERVED FOR FINANCE AND TAXATION

CHAPTER 4 – RESERVED FOR LAW ENFORCEMENT

CHAPTER 5 – RESERVED FOR FIRE PROTECTION

CHAPTER 6 – RESERVED FOR TRAFFIC CODE

CHAPTER 7 – BUILDING CODES

07-01.00 ADOPTION OF STATE BUILDING CODES

(History: Adoption of Uniform Dwelling Code January 2, 2006; February 4, 2002.
Adoption of Wisconsin Building Inspector Commercial Work Code March 4, 2002)

07-01.01 Authority

- A. The town board of the town has the authority under s.60.61, s.101.65 Wis. Stats, and general authority under its village powers under s.60.22 Wis. Stats., to adopt this ordinance.

07-01.02 Purpose

- A. The purpose of this ordinance is to promote the general health, safety, and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code and the Wisconsin Commercial Building Code.
- B. The purpose of this ordinance is for the town to have information regarding the type, size, and location of all buildings and structures constructed, reconstructed, remodeled, removed, or demolished after the effective date of this ordinance.

07-01.03 Definitions

- A. **“Building”** means any building or structure and any installation constructed, reconstructed, remodeled, enlarged, altered, removed, or demolished for any use within the town, including but not limited to one- and two-family dwellings, manufactured homes, mobile homes, temporary or seasonal dwellings, garages, agricultural structures, and outbuildings.
- B. **“Owner”** means any person having a legal or equitable interest in a building. “Owner” does not include any person whose legal or equitable interest in a building is a security interest derived solely from the extension credit to permit construction or remodeling of the building or purchase of the building by a third party.
- C. **“Town”** means the Town of Rockland, Brown County, Wisconsin, and includes the town’s officers, employees, and agents when appropriate.
- D. **“Town board”** means the Town Board for the Town of Rockland, or any person designated to act for the town board.
- E. **“Town Clerk”** means the Clerk of the Town of Rockland or his or her deputy or agent.
- F. **“Wis. Stats.”** means the Wisconsin Statutes, including successor provisions

07-01.04 Wisconsin Uniform Dwelling Code

- A. The Wisconsin Uniform Dwelling Code, Chs. Comm. 20 to 25 of the Wisconsin Administrative Code, and all subsequent amendments, additions, recodifications thereto are hereby adopted and incorporated by reference and shall apply to the construction, structural remodeling, and inspection of one and two family dwellings built since June 1, 1980 as well as the construction, structural remodeling, and inspection of garages and other outbuildings.

07-01.05 Wisconsin Commercial Building Code

- A. The Wisconsin Administrative Code Chapters Comm. 61 to 65 and all subsequent amendments, additions and recodifications thereto are hereby adopted and shall apply to the design, construction, maintenance and inspection of public buildings, including multifamily dwellings, and places of employment, as well as additions or alterations to all existing public buildings, including multifamily dwellings, and places of employment.

07-01.06 Building inspector

- A. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

07-01.07 Building permit required

- A. The owner of any building or structure in the town who constructs, installs, remodels, reconstructs, enlarges, alters, removes, or demolishes any building or structure within the town shall seek and obtain from the town a Town building permit prior to commencing, or causing the commencement of, any construction, installation, remodeling reconstruction, enlargement, altering, removing, or demolishing of any building.
- B. Any structural changes or major changes to mechanical systems that involve extensions shall require permits.

07-01.08 Other requirements remain applicable

- A. The issuance of this Town building permit does not relieve the owner from any of the following:
 - 1. Obtaining any permit that may be required by any other state law or local ordinance including but not limited to any of the following:
 - a) Sanitary permits
 - b) Town, county, or state driveway permits
 - c) Any other applicable permit under town or county ordinance or state law.
 - d) Complying with any other requirement, ordinance, or law, including, but not limited to, those governing zoning, subdivision, land division, and setbacks.
- B. Any of the above building permit requirements does not guarantee the applicant the issuance of a building permit.
- C. **Building Permit Fee.**
 - 1. The building permit fees shall be determined by resolution of the Town Board and include the fee for the Wisconsin Department of Commerce UDC permit seal that shall be assigned to any new dwelling.
 - 2. The building permit fees are stated on the Town of Rockland Building Permit Fee Schedule posted on the town website: TownofRockland.org and on file in the town clerk's office.

07-01.09 Inspections

A. Building inspector sign-off sheet

- 1. No work shall be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining approval of the Building Inspector. Upon notification by the permit holder or agent of the completion of each of the respective steps in construction, the Building Inspector or authorized agent shall make successive inspections and shall either approve that portion of the construction as completed or notify the permit holder or an agent wherein the same fails to comply with the law.
- 2. The Building Inspector shall keep a record of such inspections and include them on a sign-off sheet that will remain properly located on the job site on the doorframe of the first floor bathroom or garage area. No work shall commence on any portion of the building or structure without signature by the Building Inspector on the proper line item

on the sign-off sheet. The sign-off sheet will remain on the job site until the occupancy permit is issued. If removed by anyone other than the Building Inspector at such time, the permit holder or agent will be issued a red tag.

- B. The building inspector shall keep a log of all inspections completed.

07-01.10 Enforcement and penalty provision

- A. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, the imposition of forfeitures, and injunctive actions in accordance with the Town of Rockland Citation Ordinance 01-01.00. Each day a violation exists or continues constitutes a separate offense under this ordinance.

07-02.00 HOUSE NUMBERING

(History: Adopted April 18, 1989)

- A. All lots and parts of lots in the Town of Rockland shall be numbered in accordance with a map designated "house numbering map" now on file in the Rockland Town Hall.
- B. All lots and parts of lots hereafter platted shall be numbered to confirm as nearly as possible to the general scheme of numbering as outlined on such map.
- C. Each owner or occupant shall conform with the following regulations:
 - 1. All houses and buildings shall have numerals and not script.
 - 2. Numbers shall be horizontal.
 - 3. Number shall be in a contrasting color.
 - 4. All numbers shall be in a conspicuous place on the front of the buildings and mailbox or on a post near the entrance of the driveway.
 - 5. Any home or building that is **set back one hundred (100) feet or less** from the edge of the road, numbers shall be a minimum of four (4) inches in height on buildings and a minimum of two (2) inches on a mailbox.
 - 6. Any home or building that is **set back one hundred (100) feet or more** from the edge of the road shall have its numbers on a post and mailbox at the front edge of the lot or on the house with six (6) inch numbers visible from the road.
 - 7. The owner or occupant shall at all times keep the numbers in a readable condition.

07-02.01 Enforcement and penalty provision

- A. If the owner or occupant of any building required by his ordinance to be numbered neglects for a period of thirty (30) days to duly maintain the proper numbers on such buildings, post or mailbox, the Town of Rockland shall send him/her a notice requiring such owner or occupant to properly display numbers.
- B. If he/she neglects to do so within twenty (20) day after the service of such notice, they will be in violation of this ordinance and will be penalized according to the Town of Rockland Citation Ordinance 01-01.00.

CHAPTER 8 – PUBLIC WORKS

08-01.00 TOWN ROADS [Wis. Stats. 60.50] (History: Resolution June 5, 2006)

08-01.01 AUTHORITY

- A. The Town Board of the Town of Rockland, Brown County has the specific authority under Wis. Stats. S. 349.16 to adopt this ordinance.

08-01.02 STANDARDS

- A. All roads and streets must meet the current iterations of the Town of Rockland Road Standards and be in strict compliance with Wisconsin statutes and any other local applicable ordinance and regulations.
- B. A copy of Rockland's Road Standards as adopted by the Town Board at a regularly scheduled Town Board meeting where such standards appeared on the agenda is on file in the town clerk's office and on the website--TownofRockland.org.

08-01.03 AUTHORITY TO IMPOSE SPECIAL OR SEASONAL WEIGHT LIMITATIONS

- A. The officer in charge of maintaining the town roads may:
 - 1. Impose special weight limitations on any town road or portion thereof which, because of weakness of the road bed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of such special limitations.
 - 2. Impose special weight limitations on bridges or culverts when, in its judgment, such bridge or culvert cannot safely sustain the maximum weights permitted by statute.
 - 3. Order the owner or operator of any vehicle being operated on a town road to suspend operation if, in his judgment, such vehicle is causing or likely to cause injury to such highway or is visibly injuring the permanence thereof or the public investment therein, except where Wis. Stats. 84.20 are applicable or when the vehicle is being operated pursuant to a contract which provides that the town will be reimbursed for any damage done to the town road. Traffic officers also may order suspension of operation under the circumstance and subject to limitations contained in this article.
 - 4. Every operator of a vehicle with a gross vehicle weight of 10,000 pounds or greater shall be prohibited to travel on certain roads within the town, as prescribed by Wis. Stats 349.16(1).

08-01.04 IMPLEMENTATION; NO TRUCK TRAFFIC SIGNS ENUMERATED

- A. Imposition of the special weight limitation authorized in Chapter 08-01.00 and Wis. Stats. 349.17 shall be done by erecting signs on or along the town road on which it is desired to impose a limitation sufficient to give reasonable notice that a special limitation is in effect and the nature of that limitation. With regard to bridges and culverts, imposition of the special weight limitation shall be done by erecting signs before each end of the bridge or culvert to which the weight limitation applies sufficient to give reasonable notice that a special weight limitation is in effect and the nature of that limitation. All weight limitation signs and their erection shall comply with the rules of the state department of transportation. These signs shall be placed at locations with the town and designated "No Truck Traffic Zones" on portions of roadways as designated by the Town Board from time to time and referenced on a list maintained in the Town Clerk's office.

- B. **Authorization.** The proper town officers and their designees are hereby authorized and directed to install office “No Truck Traffic” signs on the town highways and roads listed in Chapter 08-01.00
- C. **Exemption.** Town officers and their designees in charge of the maintenance of the town roads may exempt vehicles carrying certain commodities, or which are used to perform certain services specified by the authority, from the special weight limitations imposed above or may set different weight limitations than those imposed under the above provisions if such exemption or limitation is reasonable and necessary to promote the public health, safety, and welfare.
- D. Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under Wis. Stats. S. 84.02(4)(e). The manual may be accessed at the Department of Transportation website.

08-01.05 ENFORCEMENT AND PENALTY PROVISION

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance will be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00.
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

08-02.00 UTILITY SPECIAL PERMIT PROVISIONS & CONDITIONS OF APPROVAL

(History: Adopted March 2, 2005)

- A. The Town of Rockland will be utilizing the Wisconsin Counties Highway Association (WCHA) Utility Accommodation Policy to prescribe the policies and procedures that shall be met by any utility whose facility currently occupies, or will occupy in the future, any roadway right-of-way or bridge over which the Town has jurisdiction.
- B. All operations shall be performed without obstructing or closing all or any part of any Town traffic lane unless lane-influence is specifically sanctioned by the Town, and special controls applicable thereto are set forth herein. Unless otherwise authorized, unobstructed traffic shall be maintained on all constructed Town roads. (See copy of the Road Closure Agreement Form available at the Town Hall.)
- C. All Town facilities, both above and below ground, including the roadway pavement, shoulders, ditches, culverts, slopes, signs, storm sewer, water facilities, sanitary sewer, etc., damaged, or disturbed by the permitted utility work shall be restored promptly.
 - 1. Damage to any portion of an asphalt paved travel lane will require the replacement of the entire travel lane per the Town of Rockland Road Standards. Replacement of concrete pavement will be reviewed and approved by the Town prior to the utility work beginning.
 - 2. If restoration is not carried out in a timely manner, the Town may issue a notice setting forth a time-certain, by which the restoration must be complete. If the permit applicant fails to satisfactorily complete all restorations within the time established, the Town will arrange directly for all necessary restorations, and all costs associated with such restorations shall be the cost obligation of the permit applicant. The applicant agrees to pay any, and all, such costs within 60 calendar days of the Town billing.
- D. Unless otherwise authorized, any utility line installed across, and beneath, the traveled way(s) and shoulders of hard surfaced Town roads shall be installed by boring, with no open cut excavation permitted between points no less than five (5) feet outside the outer shoulder of back-of-curb unless otherwise authorized. Keyhole excavation will not be considered an open cut but will require a five (5) year warranty agreement.
 - 1. **Keyhole technology.** Small hole excavation. The practice of drilling small holes (12 or 18 inches square or round) in streets to carry out routine operations and maintenance work.
- E. Under hardship conditions, i.e. rock, soil conditions, utility connections, etc., the Town can allow the applicant, as part of this permit, to open cut and excavate the roadway pavement under the following conditions and provisions. Any excavation authorized within the limits of any Town road pavement or shoulder area shall be backfilled with approved material, placed in lifts or layers six (6) inches or less each in depth, and compacted mechanically to the compaction of the adjacent and undisturbed ground or material. Water flooding and use of moisture in excess of necessity to facilitate mechanical compaction are expressly prohibited.
 - 1. Any subsequent heaving, settlements, or other faultings attributable to the permitted work shall be repaired in a manner satisfactory to the Town, at the applicant's expense. All excavation within the roadway pavement shall be initiated by saw cuts and restored to original condition and cross section.
 - 2. Trenched construction in the roadway pavement and shoulders requires an additional permit fee of \$1,000 times the passer rating divided by 10 and a "Five-Year Warranty Agreement" stating that the applicant will be responsible for maintenance and repair costs of any open cut trench failure over a five (5) year period after project completion. (See copy of the Five-Year Warranty Agreement Form available at the Town Hall.)
- F. Operations and safety precautions pertinent to any trenching, tunneling or excavation activities shall comply with the strictest requirements of all applicable regulations and codes, but not limited to those of the Wisconsin Department of Commerce or OSHA standards.

- G. The applicant is responsible to ensure that the site of the construction is secure against any hazard to the public; whether the site is attended or unattended.
- H. All utility permit applications must include an attached legible map indicating the specific location of the utility project.
- I. Individual permits must be applied for on **all** town roads where the utility work will be carried out.
- J. Construction plans included with the “Use of Right-of-Way Permit Application” must include a roadway cross-section, indicating the specific locations of the proposed utility line, and shall be installed where indicated on the plans.
 - 1. On rural roadways, new utilities will be restricted from being located in a roadway signing zone consisting of six (6) feet to 14 feet from the edge of the travelway. On urban streets (curb & gutter), the restricted signing zone is located from two (2) feet to 10 feet from the back-of-curb.
 - 2. Buildings, cabinets, and any other above-ground structures are not to be located within the roadway right-of-way unless otherwise authorized. Manholes should not be located in the pavement.
- K. The applicant shall not remove any Town sign(s) without Town approval.
- L. All utility permits issued, where construction will impede normal traffic flow, shall have attached a traffic control plan in accordance with “Wisconsin Manual on Uniform Traffic Control Devices” (MUTCD), Chapter 6, including placement and spacing of all construction signs applicable to the work being carried out.
- M. If the utility work is within 350 feet of any signalized intersection, you **MUST** call the Town office, or the Zoning Administrator, or the Town Chairman.
- N. All applications shall be approved by the Zoning Administrator or the Town Chairman.

08-02.01 FEES

- A. Utility permit fees are stated on the Town of Rockland Fee Schedule. A copy of the fee schedule is on file in the town clerk’s office and also posted on the Town of Rockland website: townofrockland.org
- B. All fees are subject to annual review and approval by resolution of the Rockland Town Board.

08-02.02 ENFORCEMENT AND PENALTY PROVISION

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance will be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00. Each day a violation exists or continues constitutes a separate offense under this ordinance.

CHAPTER 9 – ENVIRONMENT

09-01.00 RECYCLING ORDINANCE FOR THE TOWN OF ROCKLAND

(History: Adopted January 1, 1995)

09-01.01 PURPOSE

- A. The purpose of this ordinance is to promote recycling, compositing, and resource recovery through the administration of an effective recycling program, as provided in S.159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

09-01.02 STATUTORY AUTHORITY

- A. This ordinance is adopted as authorized under s. 159.09(3) (b), Wis. Stats. And Chapter NR 544 Wis. Administrative Code.

09-01.03 ABROGATION AND GREATER RESTRICTIONS

- A. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

09-01.04 INTERPRETATION

- A. In their interpretation and application the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms of requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes or by a standard in Chapter NR 544 Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

09-01.05 ADMINISTRATION

- A. The provisions of this ordinance shall be administered by the Rockland Town Board.

09-01.06 DEFINITIONS

- A. For the purpose of this ordinance:
 - 1. **Bi-metal Container** means a container for carbonated or malt beverages that made primarily of a combination of steel and aluminum.
 - 2. **Container Board** means corrugated paperboard used in the manufacture of shipping containers and related products.
 - 3. **HDPE** means high density polyethylene plastic containers marked by the SPI code No. 2.
 - 4. **LDPE** means low density polyethylene plastic containers marked by the SPI code No. 4.
 - 5. **Magazines** means magazines and other materials printed on similar paper.
 - 6. **Major Appliance** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove.
 - 7. **Mixed or Other Plastic Resin Types** mean plastic containers marked by the SPI code No. 7.

8. **Multiple-family Dwelling** means a property containing 5 or more residential units, including those which are occupied seasonally.
9. **Newspaper** means a newspaper and other materials printed on newsprint.
10. **Non-residential Facilities and Properties** mean commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwelling.
11. **Office Paper** means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
12. **Person** includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1) (a), Wis. Stats., state agency or authority or federal agency.
13. **PETE** means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
14. **Postconsumer Waste** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.
15. **PP** means polypropylene plastic containers marked by the SPI code No. 5.
16. **PS** means polystyrene plastic containers marked by the SPI code No. 6.
17. **PVC** means polyvinyl chloride plastic containers marked by the SPI code No. 3.
18. **Recyclable Materials** includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers; including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
19. **Solid Waste** has the meaning specified in s. 144.01(15), Wis. Stats.
20. **Solid Waste Facility** has the meaning specified in s. 144.43(5), Wis. Stats.
21. **Solid Waste Treatment** means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of solid waste. Treatment includes incineration.
22. **Waste Tire** means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
23. **Yard Waste** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

09-01.07 SEPARATION OF RECYCLABLE MATERIALS

- A. Occupants of single-family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:
 1. Lead acid batteries
 2. Major appliances
 3. Waste oil
 4. Yard waste
 5. Aluminum containers

6. Bi-metal containers
7. Corrugated paper or other container board
8. Foam polystyrene packaging
9. Glass containers
10. Magazines or other materials printed on similar paper
11. Newspapers or other materials printed on newsprint
12. Office Paper
13. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types,
14. Steel Containers
15. Waste Tires.

09-01.08 SEPARATION REQUIREMENTS EXEMPTED

- A. The separation requirements of Chapter 09-01.07 of this ordinance do not apply to the following:
 1. Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in chapter 09-01.10 of this ordinance from solid waste in as pure a form as is technically feasible.
 2. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
 3. A recyclable material specified in chapter 09-01.10 of this ordinance for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7) (d) or 159.11(2m). Wis. Stats. or s. NR 544.14. Wis. Administrative Code.

09-01.09 CARE OF SEPARATED RECYCLABLE MATERIALS

- A. To the greatest extent practicable, the recyclable materials separated in accordance with Chapter 09-01.10 of this ordinance shall be clean and kept free of contaminants such as food or produce residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

09-01.10 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, AND YARD WASTE

- A. Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings, and non-residential facilities and properties shall manage lead acid batteries , major appliances, waste oil, and yard waste as follows:
 1. Lead acid batteries shall be taken to a retail dealer that sells vehicle batteries or to a scrap dealer that accepts batteries.
 2. Major appliances shall be taken to a scrap dealer that accepts appliances or call Wisconsin Public Service for their program picking up used appliances.
 3. Waste oil shall be placed in a clean plastic container with a leak-proof lid and taken to the county drop-off center for oil.
 4. Yard waste shall be kept out of the trash and make a compost site in your backyard. Also you can call a tree company to pick up excess branches or a whole tree.

09-01.11 PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS

- A. Except as otherwise directed by the Town of Rockland, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in Section 09-01.07(5) through (15):
1. Aluminum containers shall be empty and clean.
 2. Bi-metal containers shall be clean and empty.
 3. Corrugated paper or other container board shall be free of debris and dry.
 4. Foam polystyrene packaging shall be clean and empty.
 5. Glass containers shall be clean and empty. Only green, brown, or clear glass is accepted.
 6. Magazines or other materials printed on similar paper shall be free of debris and dry.
 7. Newspapers or other materials printed on newsprint shall be clean and dry.
 8. Office paper shall be free of debris and dry.
 9. Plastic containers shall be prepared and collected as follows:
 - a) Plastic containers made of PETE, code 1 shall be rinsed and caps, rings, pumps, lids and detachable handles removed and thrown away. Paper or foil labels need not be removed.
 - b) Plastic containers made of HDPE, code 2 shall be rinsed and caps, rings, pumps, lids and detachable handles removed and thrown away. Paper or foil labels need not be removed.
 - c) Plastic containers made of PVC, code 3 shall be rinsed and caps, rings, pumps lids and detachable handles removed and thrown away. Paper or foil labels need not be removed.
 - d) Plastic containers made of LDPE, code 4 shall be rinsed and caps, rings, pumps, lids and detachable handles removed and thrown away. Paper or foil labels need not be removed.
 - e) Plastic containers made of PP, code 5 shall be rinsed and caps, rings, pumps, lids and detachable handles removed and thrown away. Paper or foil labels need not be removed.
 - f) Plastic containers made of PS, code 6 shall be rinsed and caps, rings, pumps, lids and detachable handles removed and thrown away. Paper or foil labels need not be removed.
 - g) Plastic containers made of mixed or other plastic resin types shall be rinsed and caps, rings, pumps, lids and detachable handles removed and thrown away. Paper or foil labels need not be removed.
 10. Steel containers shall be clean, rinsed, and free of debris.
 11. Waste tires shall be taken to the Brown County Landfill site for a fee or taken to a tire retailer or a salvage yard for a fee. For every tire purchased a retailer must accept a waste tire, but there may be a fee.

09-01.12 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS

- A. Owners or designated agents of multiple-family dwelling shall do all of the following for recycling the materials specified in Chapter 09-01.07(5) through (15):
1. Provide adequate, separate containers for the recyclable materials.
 2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in (A) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Chapter 09-01.07(5) through (15) from solid waste in as pure a form as is technically feasible.

09-01.13 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES

- A. Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Chapter 09-01.07(5) through (15):
1. Provide adequate, separate containers for the recyclable materials.
 2. Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
 3. Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling facility.
 4. Notify users, tenants, and occupants of reasons to reduce and recycle which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations, and hours of operation, and a contact person or company, including a name, address, and telephone number.
- B. The requirements specified in (A) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers from recycling the materials specified in Section 09-01.07(5) through (15) from solid waste in as pure a form as is technically feasible.

09-01.14 PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS.

- A. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Chapter 09-01.07(5) through (15) which have been separated for recycling, except waste tires which may be burned with energy recovery in a solid waste treatment facility.

09-01.15 ENFORCEMENT AND PENALTY PROVISION

- A. Any authorized officer, employee, or representative of the Town of Rockland may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any authorized officer, employee, or authorized representative of the Town of Rockland who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- B. Any person who violates a provision of this ordinance may be issued a citation by local law enforcement officer and/or other responsible Town of Rockland officials to collect forfeitures. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance of law relating

to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

C. Penalties for violating this ordinance may be assessed as follows:

1. Any person who violates Chapter 09-01.17 of this ordinance may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
2. Any person who violates a provision of this ordinance, except Section 09-01.17 of this ordinance may be required to forfeit not less than \$10 or more than \$1,000 for each violation.

09-01.16 RIGHT TO AMEND

A. The Town of Rockland reserves the right to amend this ordinance as allowed by law.

09-02.00 LANDSPREADING OF PETROLEUM CONTAMINATED SOILS

(History: Adopted August 3, 1998)

09-02.01 DEFINITIONS

- A. **Petroleum Contaminated Soil.** Any soil that does not meet the current cleanup criteria identified in Chapter NR 700 of the Wisconsin Administrative Code.

09-02.02 EFFECTIVE UPON THE ADOPTION OF THIS ORDINANCE:

- A. No person shall deposit on lands located in the Town of Rockland, soil which is contaminated by petroleum products. This restriction does not apply to landfills properly licensed for the disposal or remediation of petroleum contaminated soils.

09-02.03 ENFORCEMENT AND PENALTY PROVISION

- A. Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with, or resists the enforcement of this Chapter 09-02.00 may be required, upon conviction to forfeit not less than five hundred (\$500) dollars nor more than five thousand (\$5,000) dollars for each offence, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.
- B. Any person violating this ordinance shall cease and remove soil placed in violation of this ordinance.
- C. Any violation of this ordinance will be handled in accordance with the Town of Rockland Citation Ordinance 01-01.00.

CHAPTER 10 – PUBLIC NUISANCES, HEALTH, AND SAFETY

10-01.00 PUBLIC NUISANCE ORDINANCE

10-01.01 TITLE AND PURPOSE

- A. The title of this ordinance is the Town of Rockland Public Nuisance Ordinance. The purpose of this Ordinance is to regulate for public health and safety reasons public nuisances and certain uses and activities in the town.

10-01.02 AUTHORITY

- A. The Town Board has the specific authority under WI Statutes 29.038, 66.0407, 66.0413, 125.14, 169.01, 175.25, Chapter 823, and the general authority under its Village Powers under WI Statutes 60.22(3) to adopt this Ordinance.

10-01.03 ADOPTION OF ORDINANCE

- A. The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting.

10-01.04 NUISANCES GENERALLY.

- A. Chapter 823 of the Wisconsin Statutes is hereby incorporated into this section as if fully set forth herein.

10-01.05 PUBLIC NUISANCES PROHIBITED.

- A. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town or within the police jurisdiction of the Town.
1. Public nuisance. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
 - b) In any way render the public insecure in life or in the use of property.
 - c) Greatly offend the public morals or decency.
 - d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.
 2. Public nuisances affecting health. The following acts, omissions, places, conditions and things are public nuisance, but such enumeration shall not be construed to exclude other health nuisances that may be considered public nuisances under Subsection A:
 - a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - b) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - c) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
 - d) All stagnant water in which mosquitoes, flies or other insects can multiply.

- e) Garbage containers which are not fly tight.
 - f) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
 - g) Street pollution. Any use of property, which shall cause any nauseous or unwholesome, or potentially dangerous liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the town.
 - h) Water pollution. The pollution of the Fox River or of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, refuse, garbage or other substances.
 - i) Noxious odors. Any use of property, substances or things with the Town or within four miles of the Town, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons with the Town. Normal agricultural activity shall be exempt.
 - j) All abandoned wells not securely covered or secured from public use according to Wisconsin Department of Natural Resources regulations.
 - k) Any obstruction in or across any watercourse, drain tile, drainage ditch or swale.
 - l) The deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by ordinance.
3. Public nuisances affecting peace and safety. The following acts, omissions, places, conditions and things are public nuisances, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety that may be considered public nuisances under Subsection A:
- a) All signs and billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.
 - b) All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town, relating to materials and manner of construction of buildings and structures within such district.
 - c) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.
 - d) All trees, hedges, billboards or other obstructions which prevent persons driving upon public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
 - e) All limbs of trees which project over a public sidewalk less than 12 feet above the surface of the sidewalk or less than 14 feet above the surface of a public street.
 - f) All use or display of fireworks except as provided by the laws of the state and ordinances of the Town.
 - g) All buildings or structures so old dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

- h) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.
 - i) No person shall park or leave standing for more than 15 minutes in any street in the Town a vehicle containing livestock, life fowl or other living animals.
 - j) The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb the peace and quiet of all persons in the vicinity.
 - k) The obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose of such excavation has been accomplished.
 - l) All open and unguarded pits, wells, excavations or unused basements freely accessible to the public.
 - m) All abandoned refrigerators, freezers, safes, or other similar devices from which the doors and other covers have not been removed which could cause entrapment.
 - n) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
 - o) Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire.
4. Public nuisances offending morals and decency. The following acts, omissions, places, conditions and things are public nuisances, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency that may be considered a public nuisance under Subsection A.
- a) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling and houses where illegal drugs or controlled items are regularly used, consumed, possessed or transferred as prohibited.
 - b) All places where intoxicating liquor or fermented malt beverages are sold, possessed stored, brewed, bottled, manufacture or rectified without a permit or license as provided by this Code.
 - c) Any place or premise where Town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
5. Other violation nuisances. Repeated or continuous violations of any Town or County ordinance or state law shall be considered a public nuisance.

10-01.06 NOXIOUS WEEDS, GRASS AND VEGETATION

A. All noxious weeds, grass and vegetation shall be maintained and cut as follows:

- 1. Weeds, grass and vegetation on parcels in a platted subdivisions or certified map shall be cut and maintained to a height of 12 inches or less in the following areas:
 - a) The right-of-way on all lots and five feet behind the right-of-way line.

- b) In all vision corners.
 - c) At all intersections.
- B. Weeds, grass and vegetation on residential or commercial parcels shall be cut and maintained to a height of six inches or less in all front and side yard and in the following areas or circumstances:
 - 1. Up to 25 feet behind any or all structures on the lot.
 - 2. Whenever longer weeds, grass or vegetation is deemed a nuisance to the adjoining property.
 - 3. Wherever necessary to prevent the harboring of rodents or wild dangerous animals constituting a threat to public health and safety.
 - 4. In all rights of way or easements where functional access is required.
- C. When the Town receives a complaint on a vacant lot or residential or commercial property, a notice of violation shall be sent out granting the property owner three business days to correct such violation. If such violation is not corrected, the Town will authorize and conduct action to bring the property into compliance and bill the property owner for such efforts. If the invoice is not paid, the cost of such removal shall be charged against such property as a special charge pursuant to WI Statute 66.0627.
- D. Storage of junk, etc.
 - 1. No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, bricks, cement blocks, wood junk tires or other unsightly debris which may tend to depreciate property values in the area or create an unattractive hazard, or other nuisance, deemed a nuisance by the Rockland Town Board.

10-01.07 ABANDONED, JUNKED, AND HAZARDOUS MOTOR VEHICLES

- A. The purpose of this ordinance is to authorize the Town of Rockland to regulate and to prohibit junked motor vehicles on the public grounds and on private property. Pursuant to that authorization, the Town Board finds that such ordinance, restraint, prohibition is necessary and desirable to promote or enhance the:
 - 1. Quality of urban attractiveness and the aesthetic appearance of the town.
 - 2. Protection of property values throughout the town.
 - 3. Preservation of the livability and the attractiveness of neighborhoods.
 - 4. Promotion of tourism, conventions, and other opportunities for economic development of the town.
 - 5. Attractiveness of the town thoroughfares and commercial roads which present the primary, public visibility to visitors and to passerby of the town.
 - 6. Promotion of the comfort, happiness, and emotional stability of the occupants of the property in the vicinity of junked motor vehicles.
- B. Determination
 - 1. In determining whether a vehicle constitutes a junked motor vehicle, the Town of Rockland Building Inspector or his appointed designee, in applying the specific criteria in the definition of the term “junked motor vehicle,” shall take into consideration, but not limited to, whether the tires, wheels and other essential parts of the vehicle are present for the operation of the vehicle, flat tires, removed parts, the condition of the exterior or

any other specific evidence that would support a finding that the vehicle violates this section.

2. This section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a lawfully operated business enterprise involving the sale, dismantling, repair, or restoration of such vehicles, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by or on behalf of the Town, nor to dismantled, non-operating vehicle which is licensed as an antique or collector's auto and which is actively being restored.

C. Definitions. The following words, terms, and phrases, and their directive, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicated a different meaning:

1. **Abandoned motor vehicle** means a vehicle that is left:
 - a) On any public street, road, or highway for longer than 72 hours
 - b) On property owned or operated by the town for longer than 24 hours; or
 - c) On private property without the written consent of the owner, occupant, or lessee thereof
2. **Hazardous motor vehicle** means any motor vehicle on private or public property that is declared to be a health or safety hazard by the Town of Rockland Building Inspector or their appointed designee or member of the staff when the vehicle is found to be:
 - a) A breeding ground or harbor for mosquitoes or other insects snakes, rats, or other pests;
 - b) A point of weed growth and/or other vegetation over 12 inches in height;
 - c) A point of collection for pools or ponds of water;
 - d) A point of concentration of gasoline, oil, or flammable or explosive materials;
 - e) So located that there is a danger of the vehicle falling or turning over;
 - f) A place in which debris, bottles, or other solid waste is discarded and is present within the vehicle;
 - g) A source of danger for persons through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass or other rigid materials or
 - h) The creation of another similar condition or circumstance which exposes the general public to safety or health hazards.
3. **Junked motor vehicle** means a vehicle that does not display a current and valid license plate lawfully upon that vehicle and that:
 - a) Is partially dismantled, wrecked, non-operational or discarded;
 - b) Cannot be self-propelled or moved in the manner which it originally was intended to move; or
 - c) Is more than five years old and appears to be worth less than \$500 (five hundred dollars).
4. **Junked vehicle parts** means parts from a junked vehicle.
5. **Motor vehicle** means a self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway or while attached to any self propelled device. Vehicle includes, but is not limited to all of the following:
 - a) "Aircraft" as defined in Wis. Stats. S. 29.001(16).

- b) "All-terrain vehicles" as defined in Wis. Stats. S. 340.01(2g).
 - c) "Antique vehicles" as defined in Wis. Stats. S. 341.265.
 - d) "Automobiles" as defined in Wis. Stats. S. 340.01(4).
 - e) "Boats" as defined in Wis. Stats. S. 29.001(16).
 - f) "Camping trailers" as defined in Wis. Stats. S. 340.01(6m).
 - g) "Farm equipment" as defined in Wis. Stats. S. 100.47(1).
 - h) "Farm tractors" as defined in Wis. Stats. S. 340.01(16).
 - i) "Hobbyist or homemade vehicles" as defined in Wis. Stats. S. 341.268
 - j) "Junk vehicles" as defined in Wis. Stats. S. 340.01(25j).
 - k) "Implements of husbandry" as defined in Wis. Stats. S. 340.01(24).
 - l) "Manufactured homes" as defined in Wis. Stats. S. 101.91(2).
 - m) "Mobile homes" as defined in Wis. Stats. S. 340.01(29).
 - n) "Mopeds" as defined in Wis. Stats. S. 340.01(29m).
 - o) "Motor bicycles" as defined in Wis. Stats. S. 340.01(30).
 - p) "Motor uses" as defined in Wis. Stats. S. 340.01(31).
 - q) "Motor homes" as defined in Wis. Stats. S. 340.01(33m).
 - r) "Motor trucks" as defined in Wis. Stats. S. 340.01(34).
 - s) "Motorcycles" as defined in Wis. Stats. S. 340.01(32).
 - t) "Railroad trains" as defined in Wis. Stats. S. 340.01(48).
 - u) "Recreational vehicles" as defined in Wis. Stats. S. 340.01(48r).
 - v) "Road machinery" as defined in Wis. Stats. S. 340.01(52).
 - w) "Road tractors" as defined in Wis. Stats. S. 340.01(53).
 - x) "Salvage vehicles" as defined in Wis. Stats. S. 340.01(55g).
 - y) "School buses" as defined in Wis. Stats. S. 340.01(56).
 - z) "Semi trailers" as defined in Wis. Stats. S. 340.01(57).
 - aa) "Snowmobiles" as defined in Wis. Stats. S. 340.01(58).
 - bb) "Special interest vehicles" as defined in Wis. Stats. S. 341.266.
 - cc) "Trailers" as defined in Wis. Stats. S. 340.01(71).
 - dd) "Truck tractors" as defined in Wis. Stats. S. 340.01(73).
 - ee) Unlicensed demolition motor vehicles and unlicensed racing motor vehicles.
 - ff) Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.
6. **Motor vehicle dealer** has the meaning given in Wis. Stats. S.218.0101(23).
 7. **Motor vehicle salvage dealer** has the meaning given in Wis. Stats. S. 218.20(1r).
 8. **Owner** means an individual, firm, partnership, association, corporation, governmental agency, or combination thereof, holding and presenting the legal certificate of title to this particular vehicle.
 9. **Wis. Stats.** Means the Wisconsin Statutes, including successor provisions to cited statutes.

D. Abandoned, junked, and hazardous motor vehicles

1. It shall be unlawful for the owner of a motor vehicle or the owner, lessee or occupant of the real property upon which the motor vehicle is located to leave or allow to remain on the property any motor vehicle which is an abandoned, junked or hazardous motor vehicle.

E. Public streets and property

1. No person shall leave any partially dismantled, non-operating, non-registered, wrecked, or junked vehicle on any street, road, or highway within the town or on any public property within the town.

10-01.08 NUISANCE ABATEMENT

A. In addition to any other methods allowed by law, nuisances may be abated as provided herein.

1. **Summary abatement.** If any Town officer possessing the authority to enforce Town ordinances determines a public nuisance exists which is reasonably determined to constitute an imminent threat to public health, safety, peace, morals or decency, a notice to abate the nuisance may be served pursuant to Subsection D below. The notice shall order abatement of the nuisance with a period of not less than 24 hours nor greater than seven calendar days and shall state that if the nuisance is not abated, the Town shall cause the nuisance to be abated and shall charge the cost thereof to the owner, occupant, or person causing, maintain, or permitting the nuisance. If the notice to abate has been served upon the owner of the property upon which the nuisance exists, in the event such charges are not paid within 30 days of mailing an invoice to the owner, occupant, or person causing, maintaining or permitting the nuisance, all costs of abatement shall be placed on the tax roll as a special charge pursuant to WI Statute 66.0627.
2. **Non-summary abatement.** If any Town officer possessing the authority to enforce Town ordinances determines a public nuisance exists but does not determine that the nuisance constitutes an imminent threat to public health, safety, peace, morals or decency, a notice to abate the nuisance may be served pursuant to Subsection D below. The notice shall order abatement of the nuisance within a period of not less than 15 calendar days nor more than 30 calendar days and shall state that if the nuisance is not abated, the Town shall cause the nuisance to be abated and shall charge the cost thereof to the owner, occupant, or person causing, maintaining, or permitting the nuisance. If the notice to abate has been served upon the owner of the property upon which the nuisance exists, in the event such charges are not paid within 30 days of mailing an invoice to the owner, occupant, or person causing, maintaining or permitting the nuisance, all costs of abatement shall be placed on the tax roll as a special charge pursuant to WI Statutes 66.0627.
3. **Abatement plan.** If any Town officer possessing the authority to enforce Town ordinances determines a public nuisance exists but does not determine that the nuisance constitutes an imminent threat to public health, safety, peace, morals, or decency, an order may be issued to the owner, occupant, or person causing, maintaining or permitting the nuisance to appear for a hearing before the Town Board to discuss abatement of the nuisance. Notice of the hearing shall be issued and served pursuant to Subsection D below. Prior to the hearing before the Town Board, the owner, occupant or person causing, maintaining or permitting the nuisance may arrange for a meeting with the officer and any other appropriate town officer or employee to discuss the abatement plan to be presented to the Town Board. The abatement plan shall indicate the measures to be taken by the owner, occupant, or person causing, maintaining, or permitting the nuisance

to abate the nuisance and a timeline establishing when such measure shall be completed. Upon Town Board approval of the abatement plan, said plan shall constitute an order of the Town Board to comply with the plan.

4. **Notice to abate.** A notice to abate under this section shall be served by personal service unless, after reasonable efforts prove unsuccessful, the notice may be posted in a conspicuous place on the property where the nuisance exists and mailed by first class mail to the last known address of the owner or agent of the owner. Personal service need not be attempted on an owner whose last known address is outside of Brown County Wisconsin.
5. **Appeal.** Any person affected by and under Subsection 1 or 2 may prior to the date abatement is to be completed under the order, apply to the Circuit Court or Municipal Court for an order restraining the Town from entering the property and abating or removing the nuisance or be forever barred.
6. **Compliance with order.** No person shall violate any order issued under this section unless a restraining order is granted pursuant to Subsection 5.

10-01.09 SEVERABILITY.

A. The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code is declared unconstitutional or invalid by a valid judgement of a court of competent jurisdictions, such judgement shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code; for the board declares that it is its intent that if it had enacted this Code and all provisions adopted by reference in this Code without such invalid or unconstitutional provisions.

B. Reference this Code Section 01-01.13

(State law reference-Severability of state statutes, Wis. Stats. 990.001(11)).

(History: Adopted January 7, 2013)

10-02.00 NOISE ORDINANCE

10-02.01 Authority and Purpose

- A. An ordinance of the Town of Rockland relating to the regulation of loud and unnecessary noise. The Town Board of the Town of Rockland, Brown County, Wisconsin does ordain as follows:
- B. The Town Board has the authority to promote and protect the health, safety, and general welfare of the citizens and inhabitants of the Town. Pursuant to this end the Town of Rockland establishes this Ordinance to regulate noise within the Town's borders.
- C. This ordinance is enacted pursuant to Wisconsin Statutes, Chapters 60 and 61.

10-02.02 Findings and Declaration of Policy

- A. It is found that noises which are unnecessary, excessive, annoying, prolonged or unusually loud in relationship to their time or place are a public nuisance and are detrimental to the public health, safety, welfare, comfort, repose, peace and prosperity of the Town; and noises or noise levels which, under some circumstances, would be normal and acceptable, may become unnecessary, excessive, annoying, prolonged or unusually loud by virtue of their time or place.
- B. Therefore it is declared that the policy of the Town of Rockland, Brown County, Wisconsin is to prohibit noises which are unnecessary, excessive, annoying, prolonged, or unusually loud in relationship to their time or place.

10-02.03 Applicability

- A. This ordinance shall apply to any noises meeting the definition of "loud and unnecessary noises", as defined in Section IV of this ordinance, within the Town of Rockland.

10-02.04 Definitions

- A. Loud and Unnecessary Noises – Any noise or combination of noises which:
 - 1. Endangers or injures the safety or health of humans; or
 - 2. Annoys or disturbs a reasonable person of normal sensitivities; or
 - 3. Endangers or injures domestic animals or real property.

10-02.05 Loud and Unnecessary Noise Prohibited

- A. It shall be unlawful for any person to make, cause to be made, or continue any loud and unnecessary noise by use or operation of any vehicle, mechanical device, machine, apparatus, or instrument during the following times or instances.
 - 1. Loud and unnecessary noises are prohibited between the hours of 10:30 p.m. and 6:00 a.m. the following day when such loud and unnecessary noises are plainly audible at the exterior of the nearest human inhabited structure of an adjoining property owner.
 - 2. Loud and unnecessary noises are prohibited at any time of day when such loud and unnecessary noises are plainly audible in the interior of the nearest human inhabited structure of an adjoining property owner.

10-02.06 Exceptions

- A. The following activities that create loud and unnecessary noises are hereby exempt from this ordinance:
 - 1. Noise generated by agricultural equipment while engaged in normal agricultural activities, including but not limited to planting, cultivation, irrigation, and harvesting of crops.
 - 2. Noises generated by livestock or fowl.
 - 3. Noise generated by normal operations in areas of the Town zoned Industrial.
 - 4. Noise from any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in necessary emergency activities.
 - 5. Noises occurring between 6:00 a.m. and sundown caused by construction, repairs or demolition, or maintenance of grounds, provided equipment is in proper working order.
 - 6. Noises associated with excavation or repair of bridges, streets, or highways or other property by or on behalf of the Town of Rockland, Brown County, or the State of Wisconsin at any time of the day or night when the public welfare, safety, and convenience deem it practical.
 - 7. Noises associated with a public or permitted concert, parade, or similar event.

10-02.07 Enforcement

- A. This ordinance may be enforced by the Rockland Town Board, any local, county, or state health official, or any law enforcement officer authorized to act within the Town of Rockland. The Town Board, by resolution, may also designate such other officials or individuals as the Town Board deems appropriate to enforce this Ordinance.

10-02.08 Penalties

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance and General Penalty Ordinance specified in Chapter 1, General Provisions.
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

10-02.09 Severability

- A. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby. If any application of this ordinance to a particular structure, use, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, use, land, or water not specifically included in said judgment.
- B. Reference this Code Section 01-10.13

State law reference-Severability of state statutes, Wis. Stats. 990.001(11).)

(History: Adopted June 3, 2013)

CHAPTER 11 – RESERVED

CHAPTER 12 – LICENSES AND PERMITS

12-01.00 SEXUALLY-ORIENTATED ADULT-ENTERTAINMENT ESTABLISHMENT LICENSE

(History: Adopted September 7, 1998)

12-01.01 PURPOSE

- A. It is the purpose of this chapter to regulate sexually-orientated adult-entertainment established business (hereinafter referred to as adult establishment) to promote health, safety, morals, and general welfare of the citizens of the Town, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.
- B. This chapter is enacted pursuant to licensing powers granted the town, and is intended to be used in disciplinary proceedings.

12-01.02 AUTHORITY

- A. The town board has authority under its general police powers, set forth in Wis. Stats. 60.22 and 60.23 to act for the good order of the town and for the health, safety, and welfare of the public; and may carry out its powers by regulation and suppression.
- B. The town board has explicit authority, under Wis. Stats. 125.10(1) to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in Wis. Stats. Ch. 125.

12-01.03 DEFINITIONS

- A. For the purpose of this section:
 - 1. **Specified sexual activities** is defined as:
 - a) Human genitals in a state of sexual stimulation or arousal,
 - b) Acts of human masturbations, sexual intercourse, or sodomy,
 - c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.
 - 2. **Specific anatomical areas** is defined as:
 - a) Less than completely and opaquely covered:
 - (i) Human genitals, pubic region,
 - (ii) Buttock,
 - (iii) Female breasts below a point immediately above the top of the areola.
 - b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
 - 3. **Sexually-oriented adult-entertainment establishments** include bookstores, motion picture theaters, mini-motion picture theaters, bath houses, modeling studios, body painting studios, and cabarets; and are more specifically defined as:
 - a) **Adult bookstore.** An establishment having a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relation to “specified sexual activities” or “specified anatomical areas” as defined herein.

- b) **Adult motion picture theater.** An enclosed building with a capacity of 50 or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relation to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.
- c) **Adult motion picture theater (outdoor).** A parcel of land from which individuals may view a motion picture presented out-of-doors which presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
- d) **Adult bath house.** An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging “specified sexual activities” as defined in this section.
- e) **Adult motel.** A hotel, motel, or similar commercial establishment which:
 - (i) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - (ii) Offers a sleeping room for rent for a period of time less than ten (10) hours; or allows a tenant or occupant of a sleeping room to sublet the room for a period of time less than ten (10) hours.
- f) **Adult modeling studio.** An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.
- g) **Adult body painting studio.** An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
- h) **Adult cabaret.**
 - (i) An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.
 - (ii) Any adult cabaret, as defined above, which features such entertainment on a periodic and infrequent basis is considered an adult-entertainment establishment only during those times when the adult entertainment is being presented or the entertainer are on the premises; and all provisions of this section shall apply during those presentations Further, such periodic adult cabaret shall notify the Town Clerk at least 24 hours prior to the date on which such adult entertainment is to take place.
 - (iii) Any periodic adult establishment, as defined above, shall be licensed yearly in accordance with the licensing provision hereinafter set forth.
- i) **Adult novelty shop.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for specified sexual activities as defined herein or stimulating such activity.

12-01.04 LICENSE REQUIRED

- A. Except as provided in Section 12-01.04 (d) below, from and after the effective date of this section, no adult establishment shall be operated or maintained in the Town without first obtaining a license to operate issued by the Town.
- B. A license may be issued only for one adult establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult establishment must have a license for each.
- C. No license or interest in a license may be transferred to any person, partnership, or corporation.
- D. All adult establishments existing at the time of the passage of this section must submit an application for a license within ninety (90) days of the passage of this section. If an application is not received within said 90-day period, then such existing adult establishment shall cease operations.

12-01.05 APPLICATION FOR LICENSE

- A. Any person, partnership, or corporation desiring to secure a license shall make application to the Town Clerk. The application shall be filed in triplicate with and dated by the Town Clerk. A copy of the application shall be distributed within 10 days of receipt thereof to the Town Zoning Administrator, the town Planning Commission and to the applicant.
- B. The application for a license shall be upon a form approved by the Town Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, or all officers or directors of a corporate applicant, and any other person who is interested directly in the ownership or operation of the business shall furnish the following information under oath:
 - 1. Name and address, including all aliases.
 - 2. Written proof that the individual is at least 18 years of age.
 - 3. All residential addresses of the applicant for the past 10 years.
 - 4. The business, occupation, or employment of the applicant for the ten (10) years immediately preceding the date of application.
 - 5. Whether the applicant previously operated in this or any other state, county, or city under an adult establishment license or similar business license; whether the applicant has ever had such a license revoked or suspended the reasons therefore and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
 - 6. All criminal convictions, whether Federal or State, County, or Town ordinance violation, conviction, forfeiture of bond and pleadings of *nolo contendere* on all charges, except minor traffic violations.
 - 7. Fingerprints and 2 portrait photographs at least 2" by 2" of the applicant.
 - 8. The address of the adult establishment to be operated by the applicant.
 - 9. If the applicant is a corporation, the application shall specify the name of the corporation, the date, and state of incorporation, the name, and address of the registered agent, and all officers and directors of the corporation.

12-01.06 STANDARDS FOR ISSUANCE OF LICENSE

- A. To receive a license to operate an adult establishment, an applicant must meet the following standards:
 - 1. **If applicant is an individual:**
 - a) The applicant shall be at least 18 years of age.

- b) Subject to Ch. 111, Wis. Stats., the applicant shall not have been convicted of or pleaded *nolo contendere* to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
- c) The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of application.

2. If applicant is a corporation:

- a) All officers, directors, and others required to be named under 12-01.05 shall be at least eighteen (18) years of age.
- b) Subject to Ch. 111, Wis. Stats., no officer, director, or other person required to be named under 12-01.05 shall have been convicted of and/or pleaded *nolo contendere* to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
- c) No officer, director, or other person required to be named under 12-01.05 shall have been found to have previously violated this section within five (5) years immediately preceding the date of this application.

3. If the application is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:

- a) All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least 18 years of age.
 - b) No persons having a financial interest in the partnership, joint venture, or other type of organization shall, subject to Ch. 111, Wis. Stats., have been convicted and/or pleaded *nolo contendere* to a felony or any crime involving moral turpitude, prostitution, obscenity, or any other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
 - c) No persons having a financial interest in the partnership, joint ventures, or other type of organization shall have been found to have violated any provision of this section within five (5) years immediately preceding the date of the application.
4. No license shall be issued unless the Town Board has investigated the applicant's qualifications to be licensed. The results of the investigation shall be filed in writing with the Town Clerk no later than 14 days after the date of application.
5. The Town Zoning Administrator and Town Planning Commission shall inspect the premises proposed to be licensed to verify compliance with their respective codes and shall report compliance findings to the Town Clerk within fourteen (14) days of the date of the application.
6. No license shall be issued unless the applicant provides proof of one of the following:
- a) Ownership of a properly zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes permissible non-conforming use status.
 - b) A lease on a building which is properly zoned to house the venture. Proper zoning includes permissible non-conforming use status.
 - c) An option to purchase property which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.
 - d) An option to lease property which is properly zoned for the venture. Proper zoning includes permissible non-conforming use state.

12-01.07 FEES

- A. The license fee for an adult establishment is determined by resolution of the Town Board and is stated on the Town of Rockland's Fee Schedule. A copy of the fee schedule is on file in the Town Clerk's office or posted on the town website: *TownofRockland.org*.
- B. The license fee shall be submitted with the application for a license.
- C. Such fee shall be waived if the proposed adult establishment is operating under or has applied for an alcohol beverage license and has paid the alcohol beverage licensing fee thereunder.

12-01.08 DISPLAY OF LICENSE OR PERMIT

- A. The license shall be displayed in a conspicuous public place in the adult establishment.

12-01.09 RENEWAL OF LICENSE OR PERMIT

- A. Every license issued pursuant to this section will terminate on December 31 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Town Clerk. A copy of the application for renewal shall be distributed by the Town Clerk to the applicant. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and date, given under oath or affirmation, as is required for an application for a new license.
- B. A license renewal fee in accordance with the Town of Rockland's Fee Schedule shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of \$100 shall be assessed against the applicant who filed for a renewal less than 60 days before the license expires.

12-01.10 DENIAL OF APPLICATION

- A. Whenever an initial application is denied, the Town Clerk shall within 14 days of the denial, advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held at the next regularly-scheduled meeting of the Town Board as hereinafter provided.
- B. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Town Clerk.

12-01.11 SUSPENSION, REVOCATION, ON NON-RENEWAL OF LICENSE

A. Revocation and Suspension

- 1. The license granted herein may be revoked or suspended for up to six (6) months or non-renewed by the Town Board as follows:
 - a) If the applicant has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive;
 - b) For the violation of any provision of this section, except for establishment license matters involving violations of Town codes, in which the license shall be revoked after second conviction thereof in any license year;
 - c) After one conviction of any establishment personnel of an offense under Ch. 944 Wis. Stats., or of an offense against the person or property of a patron of the

property or of an offense involving substances in Sub. II of Ch. 161 Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.

B. Notice and Hearing

1. No license shall be revoked, suspended, or not renewed by the Town Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Planning Commission. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Town Board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Planning Commission shall submit a report to the Town Board including findings of fact and conclusion of a law and a recommendation as to what, if any action the Town Board should take. The Planning Commission shall provide the complainant and licensee with a copy of the report. The Planning Commission shall then file its findings of fact and conclusions of law with the Town Clerk.
2. Either the complainant or licensee may file an objection to the report and have the opportunity to present argument supporting the objection to the Town Board. The Town Board shall determine whether argument shall be presented orally or in writing, or both. If the Town Board, after arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided in sub (a) hereinabove. The Town Board shall decide the matter and shall prepare a written decision which shall be filed with the Town Clerk and a copy thereof delivered to the licensee and complainant within 20 days after its decision.

12-01.12 PHYSICAL LAYOUT OF ADULT ESTABLISHMENTS

- A. Any adult establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any sexually-oriented adult entertainment must comply with the following requirements:
 1. **Access.** Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult establishment and shall be unobstructed by any door, lock, or other control-type device.
 2. **Construction.** Every booth, room, or cubicles shall meet the following construction requirements.
 - a) Each booth, room, or cubicle shall be separated from adjacent booths, rooms, cubicles, and any nonpublic areas by a wall.
 - b) Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
 - c) All walls shall be solid and without any openings, extended from the floor to a height of not less than 6' and be light colored, non-absorbent, smooth textured and easily cleanable.
 - d) The floor must be light colored, nonabsorbent, smooth textured, and easily cleanable.
 - e) The lighting level of each booth, room, or cubicle, when not in use, shall be a minimum of 10 foot-candles at all times, as measured from the floor.
 3. **Occupants.** Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge of litter while in the booth. No individual shall damage or deface any portion of the booth.

12-01.13 RESPONSIBILITIES OF THE OPERATOR

- A. The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth date, sex, telephone numbers, Social Security Number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.
- B. The operator shall make the register of employees available immediately for inspection by the Town Board or Planning Commission upon demand at all reasonable times.
- C. Every act or omission by an employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- D. Any act or omission of any employee constituting a violation of the provision of this section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.
- E. No employee of an adult-entertainment establishment shall allow any minor to loiter around or to frequent any adult-entertainment establishment or to allow any minor to view sexually-orientated adult entertainment as defined herein.
- F. The operator shall maintain the premises in a clean and sanitary manner at all time.
- G. The operator shall maintain at least ten (10)-foot candles of light in the public portion of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room, or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall there be less than one (1)- foot candle of illumination in said aisle, as measured at the floor.
- H. The operator shall ensure compliance of the establishment and its patrons with the provisions of this section.
- I. The operator shall ensure that there is conspicuously posted inside each booth, stall, partitioned portion of a room or individual room an unmutated and undefaced sign or poster supplied by the Brown County Health Department which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.
- J. The operator shall ensure that there are conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures or pamphlets supplied by the Brown County Health Department pertaining to sexually transmitted diseases.
- K. The operator shall ensure there is posted regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing enclosures.
- L. The Health Department shall charge its reasonable costs for supplying such posters, brochures, pamphlets, and other information supplied under this section.

12-01.14 REGISTRATION OF EMPLOYEES

- A. All operators, employees, and independent contractors working in any adult establishment hereunder shall, prior to beginning employment or contracted duties, register with the Town Clerk. Such registration shall include the following:
 - 1. Name, address, birth date, any aliases used, telephone numbers, date of employment, and name of employer.
 - 2. All registrations hereunder are valid for a period of one year.

3. The registration fee, in accordance with the Town of Rockland's fee schedule, shall be paid to the Town Clerk.

12-01.15 EXCLUSIONS

- A. All private schools and public, as defined in Ch. 115. Wis. Stats., located within the Town are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

12-01.16 ENFORCEMENT AND PENALTY PROVISION

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00. Each day a violation exists or continues constitutes a separate offense under this ordinance.

CHAPTER 13 – CABLE TELEVISION

(History: Adopted August 5, 2002)

13-01.00 AUTHORITY

- A. An ordinance granting a cable television franchise to construct, operate, and maintain a cable television system in the Town of Rockland, Brown County, Wisconsin; setting forth conditions accompanying the grant of the franchise; and providing for regulation and use of the system.
- B. The Town Board of the Town of Rockland does ordain as follows:

13-01.01 TITLE

- A. This ordinance shall be known and cited as the “Town of Rockland Cable Television Franchise Ordinance.” Within this document it shall also be referred to as “the Franchise.”

13-01.02 DEFINITIONS

- A. For the purpose of this Franchise, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number includes the singular number, and words in the singular number include the plural number. The words “shall and will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.
 - 1. **Cable television system.** Means a facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers with a community, but such term does not include:
 - a) A facility that serves only to retransmit the television signals of one or more television broadcast stations;
 - b) A facility that serves subscribers without using any public right of way;
 - c) A facility of a common carrier which is subject in whole or in part, to the provisions of Federal Law, except that such facility shall be considered a cable system [other than for purposes of 621(c) the Cable Communications Policy Act of 1984 (hereinafter be modified or amended)] to the extent such facility is used in the transmission of video programming directly to subscribers; unless the extent of such use is solely to provide interactive on-demand services;
 - d) An open video system that complies with Section 653 of the Cable Communications Act of 1984.
 - e) Any facilities of any electric utility used solely for operating its electric utility systems.
 - 2. **Force Majeure.** Means a strike, acts of God, acts of public enemies, orders of any kind of a government of the United States of America or of the State of Wisconsin or any of their departments, agencies, political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, tornadoes, volcanic activity, storms, floods, washouts, droughts; civil disturbances, explosions , partial or entire failure of utilities or any other cause or event not reasonably within the control of the Handicapped party.
 - 3. **Grantee.** Means the entity awarded the cable television franchise, its lawful successors, transferees, or assignees.
 - 4. **Gross revenue.** Means cash derived from the operation of the cable system to provide cable services to customers in the Town by (a) the Grantee or (b) any cable operator of the cable system. “Gross Revenues” is defined as the following cable service receipts: basic subscriber monthly fees, installation chargers, optional subscriber service monthly

fees, per channel fees, converter rentals, pay-per-view fees, and high speed online cable service unless such service is determined not to be a cable service under applicable state or federal law. The sum of the "Gross Revenues" shall be the basis for computing the franchise fee. Gross revenues shall not include any taxes or fees on services including the franchise fee, which are imposed upon Grantee or any subscriber or user by any governmental unit and collected by Grantee on behalf of said governmental unit. Separate revenues of affiliates of a parent company not attributable to the parent company's local cable operation are not included in Gross Revenues.

5. **Person.** Means any corporation, partnership; proprietorship or organization authorized to do business in the State of Wisconsin, or any natural person.
6. **Public property.** Means any real property other than a street owned by any governmental unit.
7. **Street.** Means the surface of and the space above and below any street, road, highway, freeway, lane, path way, alley, court, sidewalk, boulevard, parkway, drive, or any public easement or right-of-way now or hereafter held by the Town which shall entitle Grantee to the use thereof for the purpose of installing or transmitting over poles, wires, cables, conductors, ducts, conduits, vaults, man holes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to a System, utilizing wherever reasonably possible existing facilities with the right upon application to the Town Board to set such poles or other equipment on new facilities constructed by Grantee. The Board shall not unreasonably refuse permission for such construction; however a non-proliferation of poles policy for aesthetic purposes shall be considered.
8. **Town.** Means the Town of Rockland, Brown County, Wisconsin.

13-01.03 GRANT OF AUTHORITY

- A. For the purposes of constructing, operating and maintaining a System in the Town, Grantee may erect, install, construct, repair, replace, relocate and retain in, on, over, under, upon, across and along the Streets within the Town such lines, cables, conductors, ducts, conduit, vaults, man holes, amplifiers, appliances, pedestals, attachments and other operating equipment as are necessary and pertinent to the operation of the System.

13-01.04 COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

- A. This Franchise is granted pursuant to the terms and conditions contained herein. Such terms and conditions shall be subordinate to all applicable provisions of state and federal laws, rules, and regulations.
- B. Grantee's rights are subject to the police powers of the Town to adopt and enforce Ordinances necessary to the health, safety, and welfare of the public. Grantee shall comply with all applicable general laws and Ordinances enacted by the Town pursuant to that power.

13-01.05 TERRITORIAL AREA INVOLVED

- A. This Franchise is granted for the territorial boundary of the Town, and such territory outside the Town over which the Town has jurisdictional control by virtue of any constitutional or charter provisions or any law.

13-01.06 ACCEPTANCE OF FRANCHISE AND TERM

- A. The Franchise awarded hereunder shall be conditioned upon the grantee submitting a written acceptance to the Town within thirty (30) days of the award and providing the required certificates of insurance and bond. The term shall expire fifteen (15) years from acceptance thereafter unless renewed, revoked or terminated sooner as herein provided.

13-01.07 FRANCHISE NON-EXCLUSIVE

- A. The Franchise granted herein is non-exclusive. The Town specifically reserves the right to grant, at any time, one or more additional Franchises for a System in accordance with state and federal law and on the same terms and conditions as contained herein. In case a non-identical Franchise is granted to another cable operator, Grantee has the right to comply with any less stringent terms and conditions regarding franchise fees and density requirements or to receive appropriate adjustment.

13-01.08 WRITTEN NOTICE

- A. All notices or demands required to be given under this Franchise shall be deemed to be given when delivered personally to the persons designated below or upon the date actually received as evidenced by registered or certified mail receipt addressed as follows:
 - 1. If to the Town: Town Clerk, Town of Rockland, PO Box 27, De Pere WI 54115
 - 2. If to the Grantee: at the address provided in the franchise agreement
- B. Such addresses may be changed by either party upon notice to the other party given as provided in this Section.

13-01.09 REPAIR OF STREETS AND PROPERTY

- A. Any and all streets or public property or private property which are disturbed or damaged during the construction, repair, replacement, relocation, operations, maintenance or reconstruction of the System shall be promptly repaired by Grantee, at its expense and in a manner approved by the Town, and to a condition as good as that prevailing prior to Grantee's work. Open cuts are prohibited in any sidewalk or any street or public right of way. All installations of wires or cables shall be bored underneath all streets. Grantor shall be notified of all excavations within the public right-of-way prior to such excavation.

13-01.10 TRIMMING OF TREES

- A. Grantee shall have the authority to trim trees on public property within utility easements at its own expenses as it may deem necessary to protect its wires and facilities.

13-01.11 DAMAGES AND DEFENSES

- A. Grantee shall indemnify, defend, and save the Town and its agents employees, officers, and Board harmless from all claims, damages, losses, and expenses, including attorney's fees, sustained by the Town on account of any suit, judgment, execution, claim, or demand whatsoever arising out of Grantee's exercise of its rights hereunder including the installation, operation, maintenance, repair, use, or removal of the System.
- B. In order for the Town to assert its rights to be indemnified and held harmless, the Town must:
 - 1. Promptly notify Grantee of any claim in writing or legal proceeding which gives rise to such right;
 - 2. Afford Grantee the opportunity to participate in and fully control any compromise settlement, resolution or disposition of such claim or proceeding; and
 - 3. Fully cooperate in the defense of such claim and make available to Grantee all such information under its control relating thereto.

13-01.12 INSURANCE

- A. The Grantee shall provide the Town with a Certificate of Insurance, which names the Town of Rockland as an additional insured evidencing:
 - 1. A comprehensive general liability policy indemnifying, defending, and saving harmless the Town, its officers, boards, commissions, Town Board, agents or employees from any or all third-party claims for loss or damage for personal injury, death and property

damage occasioned by the operations of the Grantee under this Franchise in the minimal amount of \$1,000,000 per occurrence, combined single limit, for bodily injury and/or property damage.

2. A comprehensive general liability policy indemnifying, defending and saving harmless the Town, its officers, boards, commissions agents and employees from and against all claims by any person whosoever for property damage occasioned by the operations of Grantee under the Franchise herein granted, or alleged to have been so caused or occurred with a minimum liability of \$1,000,000 for bodily injury, personal injury or death of one or more persons or property damage in any one occurrence.
3. A workers compensation and employer's liability policy must carry coverage for Statutory Workers Compensation and employer's liability insurance with limits of liability insurance with limits of liability as follows: Bodily Injury by Accident \$100,000 each accident; Bodily Injury by Disease \$500,000 Policy Limit; Bodily Injury by Disease \$200,000 each employee. The policy must include the following coverage; occupational disease, sickness and death; broad form all States Endorsement; and coverage for any liability or claim that may be incurred under U.S. Longshoremen's and Harbor Worker's Act, Admiralty (Jones) Act, and Federal Employee Liability Act.
4. Franchise Bond. The Grantee shall maintain, and by its acceptance of any franchise granted hereunder agrees that it shall maintain throughout the term of the franchise, a faithful franchise bond running to the Town in the penal sum of fifty-thousand dollars (\$50,000) conditioned that the Grantee shall well and truly observe, fulfill and perform each material term and condition of this agreement.
5. The insurance policies and bond mentioned above shall contain an endorsement that the policies may not be canceled nor the amount of coverage reduced until 30 days after receipt by Town Clerk or a written notice of such intent to cancel or to reduce the coverage.

13-01.13 TRANSFER OF ASSIGNMENT OF FRANCHISE

- A. A transfer of Franchise is presumed to occur if 40% or more of the ownership is transferred, or if it results in transferee acquiring a controlling interest.
- B. A Franchise shall be transferred or assigned in accordance with state and federal law. Notwithstanding anything to the contrary, this Chapter 13-01.13 shall not apply if the transfer or assignment is to any entity controlling, controlled by or under common control of the Grantee.

13-01.14 FRANCHISE RENEWAL

- A. This Franchise shall be renewed in accordance with applicable state and federal law.

13-01.15 TOWN'S RIGHT TO REVOKE

- A. In addition to all other rights which the Town has pursuant to law or equity, the Town reserves the right to revoke, terminate or cancel this Franchise and all rights and privileges pertaining thereto in the event that:
 1. Grantee violates any material provision of this Franchise or any supplemental written agreement between the Town and the Grantee; or
 2. Grantee practices any material fraud upon the Town or subscriber; or
 3. Grantee becomes insolvent, unable, or unwilling to pay its debts, or is adjudged bankrupt or files an application for bankruptcy.

13-01.16 REVOCATION PROCEDURES

- A. The Town shall notify the Grantee of its intention to revoke, terminate, or cancel this Franchise. The written notice shall describe in reasonable detail the specific violation so as to afford Grantee an opportunity to remedy the violation.

- B. Grantee shall have sixty (60) days subsequent to receipt of the notice in which to correct the violation before the Town may formally revoke, terminate or cancel this Franchise. Grantee may, within thirty (30) days of receipt of the notice, notify the Town that there is a dispute as to whether a violation has, in fact, occurred. Such notice by Grantee to the Town shall stay the sixty (60)-day period described above.
- C. The Town shall hear Grantee's dispute and shall determine whether a default or violation by Grantee has occurred. In the event the Town shall determine that a default or violation has occurred the Town shall supplement the decision with written findings of fact.
- D. If after hearing the dispute Grantee has been found to be in material default, Grantee shall then have sixty (60) days from such a determination to remedy the violation or failure. If at any time after that sixty (60) day period remedy has not begun, the Town may, by formal action at a public hearing affording reasonable notice and opportunity for Grantee to be heard, revoke, terminate or cancel this Franchise. The hearing shall be conducted pursuant to Wisconsin Rules of Evidence and a transcript of proceedings shall be made.
- E. Any such final decision of the Town may be appealed to any court of competent jurisdiction, which filing shall stay any such revocation, termination, or cancellation of this Franchise.

13-01.17 REMOVAL UPON REVOCATION

- A. Upon the revocation or abandonment of this Franchise as herein provided, Grantee shall take action to sell or remove all property owned by and including all of its attachments and wires from poles used as authorized herein. Any disruption of or damage to property caused by the removal shall be promptly repaired, replaced, or restored, as may be necessary, to its previous condition by Grantee.

13-01.18 CONTINUITY OF SERVICE

- A. If for any reason the franchise becomes void, the Grantee to the extent possible under applicable law, shall endeavor to continue to operate the cable system in a normal and orderly manner until an orderly and lawful change of operation is made.

13-01.19 FORCE MAJEURE

- A. If by reason of a force majeure any party is unable in whole or in part to carry out its obligations hereunder, that party shall not be deemed to be in violation or default during the continuance of such inability.

13-01.20 MAPS

- A. Upon request of the Town, Grantee shall maintain on file with the Town a true and accurate strand map or set of maps showing facilities installed and in place in streets and other public places.

13-01.21 SERVICE AREA

- A. Residents in those areas with an average density of a least thirty-five (35) homes per mile, as measured from the nearest point of usable trunk, shall be provided service upon payment of the standard installation charge and applicable monthly fees; except that installations requiring underground drops or aerial drops in excess of one hundred fifty (150) feet shall be considered a non-standard installation to be charged at Grantee's actual cost of installation.
- B. Service to homes not meeting those density requirements of paragraph (A) above may be provided on a time plus material basis.

13-01.22 THEFT OF SERVICE

- A. The provisions of Wisconsin Statutes Secs. 943.46 and 943.47 and the provisions of the Section 633 of the Cable Communications Policy Act of 1984, and any other applicable laws, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for

violation of said statute, are adopted and hereby made a part of this section by reference. A violation of any such provision shall be a violation of this section. Additionally, this code governs obtaining cable services by fraud.

13-01.23 FRANCHISE FEE

- A. Franchise fee will be 5% of Gross Revenues. Franchise Fee will be subject to a bi-annual Board review sixty (60) days prior to each bi-annual anniversary of the Franchise term. If the Board determines that the Franchise Fee percentage will be changed, sixty (60) days written notice will be given to the Franchisee to implement the revised Franchise Fee percentage. The annual Franchise Fee shall be paid on or before April 1 of each year for the previous calendar year. The Town shall have the right, consistent with the provision of this ordinance to inspect the Grantee's cable revenue records for the Town, the right of audit and the recomputation of any amounts determined to be payable under this ordinance. Any additional amount due the Town as a result of the audit shall be paid within thirty (30) days following written notice to the Grantee by the Town, which notice shall include a copy of the audit report. In the event that any franchise payment or recomputed amount is not made on or before the applicable dates heretofore specified, interest shall be charged from said due date at the rate of 1% per month.

13-01.24 FRANCHISE COSTS

- A. Notwithstanding anything to the contrary contained herein, Grantee expressly reserves the right to pass through as an external cost any and all costs associated with meeting the requirements set forth in this Franchise in accordance with the rules, and regulations of the FCC. Nothing contained herein shall be construed as an agreement to the contrary or a waiver by Grantee of the right to pass such costs through.

13-01.25 SERVICE TO PUBLIC BUILDINGS

- A. Grantee shall provide, without installation charge and without a monthly fee, one outlet of Basic and Standard Service to the Town Hall, the fire department, the police station and all state accredited public or parochial elementary or secondary schools passed by the system as long as no line exceeds 150 feet. Grantee shall be permitted to recover, from any public building owner entitled to free service, the direct cost of installing more than one outlet, or the cost of concealed wiring, or any installations requiring more than one hundred fifty (150) feet of drop cable.

13-01.26 LANDLORD/TENANT RELATIONS

- A. **Interference with cable service prohibited.**
 1. Neither the owner or any multiple unit residential dwelling nor his agent or representative shall interfere with the right of any tenant or lawful resident thereof to receive cable television service, cable regulated by and lawfully operating under a valid and existing cable television Franchise issued by the Town.
- B. **Gratuities and payment to permit service prohibited.**
 1. Neither the owner of any multiple residential dwelling nor his agent or representative shall ask, demand, or receive any payment, service, or gratuity in any form as a condition for permitting or cooperating with the installation of a cable communications service to the dwelling unit occupied by a tenant or resident requesting service.
- C. **Penalties and charges to tenants for service prohibited.**
 1. Neither the owner of any multiple unit residential dwelling nor his agent or representative shall knowingly penalize, charge or surcharge a tenant or resident, or discriminate in any way against such tenant or resident who requests or receives cable communications service from a Grantee operating under a valid and existing cable communication Franchise issued by the Town.

D. Reselling service prohibited.

1. No person shall resell, without the expressed, written consent of the Grantee and the Town board, any cable service, program, or signals transmitted by a cable television company operating under a Franchise issued by the Town.

E. Protection of property permitted.

1. Nothing in this section shall prohibit a person from requiring that cable television system facilities to conform to laws and regulations and reasonable conditions necessary to protect safety, function, appearance, and value of premises or the convenience and safety of persons or property.

F. Risks assumed by Grantee.

1. Nothing in this section shall prohibit a person from requiring a Grantee to indemnify the owner, his agents, or representatives, for damage or from liability for damages caused by the installation, operation, maintenance, or removal of cable television facilities.

G. Nothing contained in this section shall require the Town to take any action to enforce its terms.

13-01.27 SEVERABILITY

- A. If any term, condition, or Section of this Franchise or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition or Section to persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Franchise and all the terms, conditions and Sections hereof shall, in all other respects, continue to be effective and to be complied with.

13-01.28 AMENDMENT

- A. This agreement may be amended only by the mutual consent of the Town and the Grantee. Any amendment must be in writing and executed by the Town and the Grantee.

13-01.29 RELOCATION, TEMPORARY DISCONNECTS AND REDESIGN

- A. The Town reserves the right upon reasonable notice to require the Grantee to protect, support, temporarily disconnect, relocate or remove from the Town's streets or public property any property of Grantee by reason of traffic conditions, public safety, street construction or vacation, change or establishment of street grade, installation of sewers, drains, water pipes, power or communication lines, tracks or other types of structure of improvements by governmental agencies of any other structures of public improvement. Reasonable notice for this provision shall be construed to mean 30 days except in the case of emergencies where no specific notice period shall be required. The Town shall not require removal, disconnection, or relocation of the Grantee's facilities without cause, and the Town shall consider the grantee's existing facilities if acting in the manner described in this section.

13-01.30 ENFORCEMENT

- A. If Grantee engages in any act in violation of this agreement, Grantee agrees that the Town shall be entitled to such remedies and damages as may be available to it by law or under this agreement including equitable relief to enforce the provisions of this agreement and to recover from Grantee the Town's costs (including, without limitation, reasonable attorney's fees) incurred in connection with enforcing this agreement.

13-01.31 RIGHT OF INSPECTION

- A. The Town reserves the right during the life of any franchise granted hereunder to inspect and supervise all construction or installation work performed by Grantee, and to perform appropriate measurements to ensure compliance with the terms of this agreement.

13-01.32 PASSAGE AND EFFECTIVE DATE

- A. This Franchise, having been published as required, shall take effect and be in force immediately following its final passage and approval.
- B. The original signed franchise between the Town Board and the Grantee will be on file at the Town Clerk's office.

CHAPTER 14 – RESERVED

CHAPTER 15 – RESERVED

CHAPTER 16 – RESERVED

CHAPTER 17 – COMPREHENSIVE PLAN

(History: Adopted September 6, 2005.)

17-01.00 ADOPTION

A. The Town Board of the Town of Rockland, Brown County, Wisconsin does ordain as follows:

1. Pursuant to Wis. Stats. 62.23(2) and (3), the Town of Rockland is authorized to prepare and adopt a comprehensive plan as in defined in Wis. Stats. 66.1001(1) (a) and 66.1001(2).
2. The Town Board of the Town of Rockland, Brown County, Wisconsin has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by Wis. Stats. 66.1001(4)(a).
3. The Town of Rockland Planning Commission has adopted a resolution by recommending to the Town Board the adoption of the document entitled “Town of Rockland Comprehensive Plan,” which contains all of the elements specified in Wis. Stats. 66.1001(2).
4. The Town of Rockland has held at least one public hearing on this ordinance in compliance with the requirements of Wis. Stats. 66.1001(4)(d).
5. The Town Board of the Town of Rockland, Brown County, Wisconsin, does by enactment of this ordinance formally adopt the document entitled “Town of Rockland Comprehensive Plan” pursuant to Wis. Stats. 66.1001(4)(c).
6. This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and upon publication required by law.

CHAPTER 18 – ZONING ORDINANCE

(History: Adopted September 7, 1998; Amended March 2002)

18-01.00 ZONING

18-01.01 AUTHORITY

- A. This ordinance is adopted under the authority granted by Chapters 60, 61.35, 62.23, and 91 of the Wisconsin Statutes¹ and amendments thereto; and pursuant to this authority the Town Board of Town of Rockland, Brown County, Wisconsin ordains as follows:

18-01.02 TITLE

- A. This ordinance shall be known, cited, and referred to as The Town of Rockland Zoning Ordinance, Brown County, Wisconsin.

18-01.03 JURISDICTION

- A. Jurisdiction of these regulations shall include all land and waters within the Town of Rockland, Brown County, Wisconsin.

18-01.04 INTENT

- A. This ordinance is intended to promote the orderly development of the community in accordance with the Official Town Comprehensive Plan or any of the component parts thereof.

18-01.05 PURPOSE

- A. The Zoning Ordinance of the Town of Rockland, Brown County, Wisconsin, is adopted for the following purposes:
1. To lessen congestion in the streets;
 2. To secure safety from fire, panic, and other dangers;
 3. To promote and to protect the public health, safety, comfort, convenience, and general welfare;
 4. To provide adequate standards of light, air, and open space;
 5. To maintain the aesthetic appearances and scenic values of the Town, including the Niagara Escarpment;
 6. To prevent the overcrowding of land;
 7. To avoid undue concentration of population;
 8. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
 9. To foster a more rational pattern of relationship among agricultural, residential, business, commercial, and manufacturing uses for the mutual benefit of all.

18-01.06 SEVERABILITY

- A. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

¹ The Wisconsin State Statutes may be viewed online at: <http://www.legis.state.wi.us/rsb/Statutes.html> or at the Town of Rockland Clerk's office.

- B. If any application of this ordinance to a particular structure, use, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, use, land, or water not specifically included in said judgment.

18-01.07 GENERAL

- A. For the purposes of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular; and masculine gender includes feminine and neuter.
- B. The word “shall” is mandatory and not discretionary;
- C. The word “may” is permissive;
- D. The word “lot” shall include the words “piece”, “parcel”, and “plats”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”;
- E. All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the next integral foot below shall be taken;
- F. Any words not herein defined shall be constructed as defined in other respective state, county, and town codes. Where there is a conflict in definitions, the most restrictive shall apply.

18-01.08 DEFINITIONS.

- A. Certain words and terms in this ordinance are to be interpreted as defined herein:
1. **Accessory Structure:** A structure located on the same lot as the principal structure, detached or attached, and is subordinate and customarily incidental to the use of the principal structure.
 2. **Advertising Device:** Any advertising sign, billboard, statuary, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
 3. **Agriculture:** The employment of land for the primary purpose of obtaining a profit in money
 - a) By raising, harvesting, and selling crops;
 - b) Or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees,
 - c) Or by dairying and the sale of dairy products,
 - d) Or by any other horticultural, floricultural or viticultural use,
 - e) Or by animal husbandry,
 - f) Or by any combination thereof.
 4. **Agricultural Use:** Means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.

5. **Agricultural Use, Consistent with:** As defined in Sec. 91.01(10) Wis.Stats., means any activity that meets all of the following conditions:
 - a) The activity will not convert land that has been devoted primarily to agricultural use.
 - b) The activity will not limit the surrounding land's potential for agricultural use.
 - c) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
 - d) The activity will not conflict with agricultural operations on other properties.
6. **Airport or heliport:** Any area of land designated for the take-off and landing of aircraft, including all necessary facilities for the housing and maintenance of aircraft.
7. **Alley:** A public right-of-way that normally affords a secondary means of vehicular access to abutting property.
8. **Animal, Domestic:** Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter including, but not limited to dogs, cats, birds, rabbits, hamsters, turtles, and the like. See also "Livestock."
9. **Animal, Exotic:** Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the environs of the State of Wisconsin or is not classified or considered as wildlife, livestock, or domestic animal.
10. **Aquaculture:** The hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.
11. **Artificial Lake:** A man-made body of water, two acres or greater in size utilized for recreational, aesthetic, or conservation purposes.
12. **Auto Dealership:** The use of land for the display or sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles. Auto dealerships must meet all applicable state codes.
13. **Auto Salvage Yard:** Any lot or place that is exposed to the weather and upon which two (2) or more motor vehicles of any kind incapable of being operated or not currently licensed are placed, located, or found. Auto salvage yards must meet all applicable state codes.
14. **Basement:** That portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.
15. **Bed and Breakfast:** A place of lodging that provides five (5) or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
16. **Berm:** A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise, for decorative purposes, or to control the direction of surface water flow.
17. **Block:** A parcel, lot, or group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
18. **Board of Appeals:** A body consisting of appointed members authorized to: hear and decide upon appeals from any order, requirement, decision or determination of the Town of Rockland Zoning Administrator; hear and pass upon applications for variances from the terms of this ordinance as directed by the Town of Rockland Planning Commission; and hear and pass upon all matters referred to it, or upon which it is required to pass.
19. **Buildable Area:** The space remaining on a lot after the minimum open space and setback requirements have been complied with; and that which is not in any floodway, wetland, or similarly designated environmental areas.

20. **Building:** Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels (personal property), or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.
21. **Building, Attached.** A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.
22. **Building, Detached:** A building which is not attached to any other building, but which is separated by a yard space from all other buildings.
23. **Building Height:** The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of structure..
24. **Building, Principal:** The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.
25. **Building Setback Line:** The distance from the boundaries of a lot within which structure(s) shall not be erected.
26. **Building, Temporary:** Excluding agricultural structures, any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed, for a period of time not to exceed six (6) months, or as otherwise allowed in a specific ordinance. Manufactured homes used as residences and affixed to a permanent foundation shall not be classified as temporary buildings. See also "Roadside Stands."
27. **Business Establishment** A place of business carrying out operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.
28. **Campground:** A tract or parcel of land on which space is provided for camping; includes day and overnight camping.
29. **Canopy (Marquee):** A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.
30. **Capacity in Persons of an Establishment or Use.** The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code or as may be determined by the Zoning Administrator.
31. **Clinic:** A facility for examining and treating human patients with medical problems on an outpatient basis, including ambulatory care or similar medical services. A clinic shall not include inpatient care.
32. **Clinic, Veterinary:** An establishment for the care and treatment of the diseases and injuries of animals by a licensed veterinarian and where animals may be boarded during their convalescence.
33. **Club.** An association of persons for some common purpose, but not including groups organized primarily to render a service, which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.
34. **Community Based Residential Facility (CBRF):** A place where persons 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 as described in Section 50.01 Wisconsin Statutes. The establishment of a community based residential facility shall be in conformance with the Federal Fair Housing Act, 42 U.S.C. 3601, as amended, and shall not include transitional residential facilities as defined in Section 1.08 of this ordinance.

35. **Community Garden:** A privately or publicly owned piece of land for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.
36. **Contiguous:** Land abutting other land which is not separated by public road rights-of-way or railroad/trail rights-of-way.
37. **Convenience Store:** A retail store with a floor area of between 5,000 and 10,000 square feet that sells convenience goods, such as prepackaged food items, beverages, periodicals, other household goods and may also sell petroleum products. Does not include service stations or repair garages.
38. **Corner Side Yard.** A yard extending along a side lot line from front yard to rear yard when said side lot line is parallel with a street right-of-way line.
39. **Conditional Use.** Uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
40. **DATCP.** The Department of Agriculture, Trade, and Consumer Protection.
41. **Day Care Center, Group:** Any property other than an occupied residence for the care and supervision of nine (9) or more children under seven (7) years of age for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month and is licensed for such use by the State of Wisconsin.
42. **Day Care, Family or Home:** Any state licensed occupied residence in which the occupant provides day care for persons other than occupant's own family and the children of close relatives. Such care is limited to the care given to eight (8) or fewer persons, including persons living in the home and persons of close relatives cared for in the home.
43. **Drive-in Business.** An establishment with street access, which provides no interior seating or service; or an establishment which allows for interior seating or service but the majority of its business is conducted by means of a service window, in-car service, or carry-out counter.
44. **Dwelling.** A building or portion of a building designed exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings with individual sleeping, toilet, and cooking facilities, but not including buildings intended for use by transients. Dwellings shall include manufactured homes.
45. **Dwelling, Detached:** A dwelling which is completely surrounded by open space on the same lot.
46. **Dwelling Unit.** One (1) or more rooms, which are arranged, designed, or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed on a foundation, shall always be included for each "dwelling unit." Any structure used as a dwelling unit in the Town of Rockland must meet the requirements of the Uniform Dwelling Code.
47. **Dwelling, Single-Family.** A building designed for and occupied exclusively by one (1) family.
48. **Dwelling, Two-Family.** A building designed for and occupied exclusively by two (2) families.
49. **Dwelling, Multiple-Family.** A building, or portion thereof, which contains three (3) or more dwelling units.
50. **Employee or Staff Member, Full Time.** A person who works full-time at the building or use regulated. For computation of the sum of employees at a use scheduling more than one shift, the sum shall be based on the maximum number of employees at any one shift working at least thirty (30) hours per week.
51. **Extended Stay Hotel:** A hotel intended and designed for extended stays by guests which includes in-room cooking facilities, and is not a highway-oriented, overnight-stay facility.

52. **Family.** One or more persons, each related to the other by blood, marriage, adoption, or foster children, who are living together in a single dwelling and maintaining a common household. Not more than eight (8) unrelated persons living together on the premises may constitute a "family."
53. **Farm.** Any parcel of land, which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products. At least 50 percent of gross household income must be earned from agricultural activities to be classified as a farm.
54. **Farm Consolidation.** Any combination of two or more farms that result in a smaller number of farms.
55. **Farm Family Business.** As stated in Sec. 91.75(8) Wis. Stats., any lawful activity, except a farm operation, conducted primarily for any of the following:
- a) The purchase, sale, lease, or rental of personal or real property.
 - b) The manufacture, processing, or marketing of products, commodities, or any other personal property.
 - c) The sale of services.
 - d) A farm family business may be permitted as a conditional use if limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than two persons who are not members of the resident farm family may be employed in the farm family business.
56. **Farm Structures:** Any building or structure used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm structure" shall not include dwellings or manure storage facilities, but shall include a barn or feed storage facility unless otherwise noted in this ordinance.
57. **Feedlot.** An agricultural enterprise where livestock is purchased and raised and then sold to purchasers such as a buyer, feedlot, or slaughterhouse.
58. **Floor Area:** (For determining floor area ratio and minimum building size).
- a) The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings.
 - b) The "floor area" of a building shall include:
 - (i) Basement floor area,
 - (ii) Elevator shafts and stairwells at each floor,
 - (iii) Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof),
 - (iv) Penthouse,
 - (v) Attic space having headroom of seven (7) feet ten (10) inches or more,
 - (vi) Interior balconies and mezzanines,
 - (vii) Enclosed porches,
 - (viii) and floor area devoted to accessory uses.
 - c) However, any space devoted to off-street parking or loading shall not be included in "floor area." The floor area of accessory uses is further described in Chapter 18-01.09(C)(4).
 - d) The "floor area" of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.
59. **Floor Area:** (For determining off-street parking and loading requirements):

- a) Shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use,
 - (i) Including accessory storage area located within selling or working space; such as counters, racks or closets,
 - (ii) and any basement floor area devoted to
 - a) Retailing activities to the production or processing of goods,
 - b) Or to business or professional offices.
 - b) However, “floor area” for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices
- 60. **Foundation:** A closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground a minimum of 48 inches on footings below finish grade.
- 61. **Frontage:** A length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
- 62. **Fur Farm:** Agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
- 63. **Game Farm:** Agricultural operation where non-domesticated animals typically found in the wild are bred and raised for purposes of hunting or harvest. Game farm does not include livestock.
- 64. **Game Preserve:** An area of land where game animals are stocked and persons pay a fee for purposes of hunting or harvest on the premises of the preserve.
- 65. **Garage, Private:** An accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried on.
- 66. **Garage, Public and Storage:** Any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.
- 67. **Grade:** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
- 68. **Greenhouse, Retail:** Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.
- 69. **Greenhouse, Wholesale:** Wholesale business whose principal activity is the growing of plants for resale to a retail outlet within an enclosed building.
- 70. **Green space:** A landscaped or grassy area in the Business, Industrial, and Institutional districts, as well as planned multi-family developments. Stormwater management facilities may be included in the calculation of minimum green space requirements.
- 71. **Gross Floor Area:** The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.
- 72. **Hard Surfaced:** A driveway or parking lot surfaced with concrete or bituminous paving.
- 73. **Health and Medical Institutions:** Institutions or organizations which provide specialized inpatient or outpatient medical and dental care.
- 74. **Hedge:** A dense row of vegetation forming a boundary, fence, or barrier.

75. **Home Occupation:** A home occupation is defined as any business or commercial activity that is conducted from property that is zoned for residential or agricultural use, and meets the following requirements:
- a) The use shall be conducted entirely within a dwelling and carried on by the inhabitants hereof and no others
 - b) The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, or the emission of sounds or vibrations that carry beyond the premises.
 - c) Neither home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings, detached garages or outside of the dwelling.
 - d) There shall be no display of products visible in any manner from the outside of the dwelling.
 - e) There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
 - f) The area set aside for home occupations shall not exceed 20 percent of the total floor area of such residence.
 - g) One sign advertising the home occupation may be permitted, provided that it does not exceed six (6) square feet of total area and is not illuminated.
 - h) A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
 - i) The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
 - j) No home occupation shall cause an increase in the use of any one or more public utilities (such as water, sewer, electricity, and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
 - k) There shall be no deliveries to or from a home occupation with a vehicle larger than a 20,000 lbs. GVW truck.
 - l) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that orders previously made by telephone, via Internet, or at a sales party may be filled on the premises. That is, direct sales of products on display shelves or racks are not allowed, but a person may pick up an order placed earlier as described above.
 - m) No motor power other than electrically operated motors shall be used in connection with a home occupation.
 - n) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odor detectable to the normal senses off the property.
 - o) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
 - p) No commercial telephone directory listing, newspaper, radio, or television services shall be used to advertise the location of a home occupation to the general public.
 - q) Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall not be allowed more than twice each calendar year, and each sale shall not last more than 72 consecutive hours.

76. **Hotel:** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.
77. **Incompatible Use:** A use or service, which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.
78. **Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.
79. **Kennel (Indoor):** A soundproof building in which four (4) or more dogs at least three (3) months of age are kept. Outdoor kennels shall not be permitted in the Town.
80. **Livestock:** Grazing animals or poultry kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to cattle, riding and draft horses, hogs, sheep, goats, miniature horses, llamas, emus, alpacas, chickens, or turkeys.
81. **Lot:** A fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site.
82. **Lot of Record:** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds' Office of Brown County.
83. **Lot, Corner:** A lot abutting intersecting streets at their intersection.
84. **Lot, Depth of:** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
85. **Lot Area, Gross:** The area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of-way but including the area of any easement.
86. **Lot, Interior:** A lot other than a corner or reversed corner lot.
87. **Lot Line, Front:** That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.
88. **Lot Line, Rear:** That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.
89. **Lot Line, Side:** Any boundary of a lot which is not a front lot line or a rear lot line.
90. **Lot, Reversed Corner:** A corner lot which is orientated so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
91. **Lot, Through:** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
92. **Lot Width:** The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
93. **Manufactured Home:** A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose

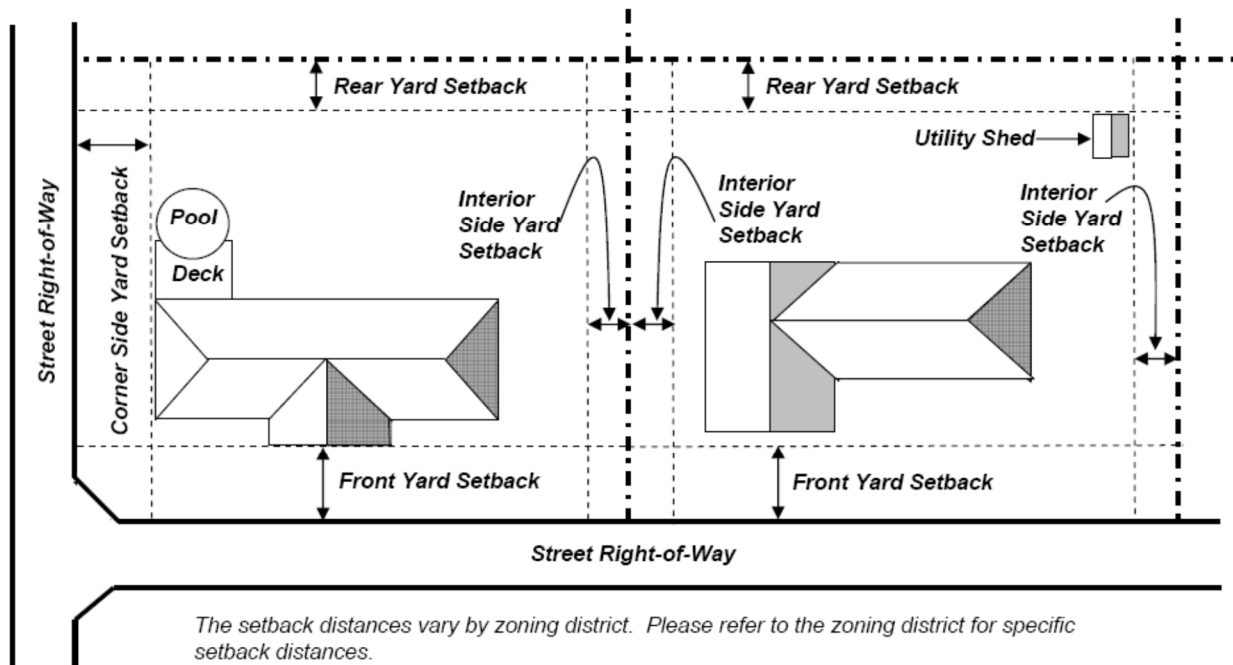
of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. For purposes of this ordinance, a manufactured home placed on a permanent foundation and meeting this definition shall be considered a single-family home and, therefore, may locate in any district permitting such use.

94. **Manufactured Home Park:** Any parcel of land designed, maintained, intended or used for the purpose of supplying a location of accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home parks shall not include mobile or manufactured home sale lots on which unoccupied mobile or manufactured homes are parked for purposes of inspection and sale.
95. **Mini-Warehouse (self-service storage facility):** A building consisting of varying sizes of unheated, unattended, private, individual, compartmentalized, self-contained and controlled access units, stalls or lockers that are rented, leased, or owned for the storage of household or business goods or wares.
96. **Mobile Home (or Manufactured Home Class II):** A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis, has a permanent hitch and axels, and is designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required facilities.
97. **Mobile Home Park (or Manufactured Home Class II Park):** A parcel of land that has been planned and improved for the placement of two or more mobile homes for rental purposes for nontransient use. Mobile home parks shall not include mobile or manufactured home sale lots on which unoccupied mobile or manufactured homes are parked for purposes of inspection and sale.
98. **Motel:** A building or series of buildings in which transient lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.
99. **Motor Vehicles:** A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, except a device used exclusively upon stationary rail or tracks.
100. **Non-Conforming Lot:** A lot of record that does not conform to the lot requirements of the zoning district in which it is located.
101. **Non-Conforming Structure:** A structure which is used in a manner that does not conform to the dimensional regulations of the zoning district in which the building is located.
102. **Non-Conforming Use:** Any use of land which does not comply with all of the use regulations of the zoning district in which the building is located.
103. **Nursery:** A retail or wholesale operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on site or established in the ground prior to sale.
104. **Paddock:** An open, fenced area which may have a portion of the enclosed area roofed to provide shade, used to house one or more animals.
105. **Parking Space:** A graded and surfaced area of not less than two hundred (200) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress (entrance) and egress (exit) to a public street or alley, exclusive of passageways, driveways, or other means of circulation of access.
106. **Parties in Interest:** Parties in interest include the applicant, property owners within one hundred (100) feet of the property boundaries, and any others who have provided written communication requesting notification.

107. **Planning Commission:** An officially constituted Town of Rockland body consisting of elected and appointed members authorized to consider zoning matters and make recommendations to the Town Board.
108. **Planned Development:** A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.
109. **Pond, Landscape:** A man-made permanent or temporary body of open water, decorative in nature, which is less than 200 square feet in surface area and has a maximum depth of three feet.
110. **Pond, Manmade:** A permanent or temporary body of open water which is equal to or greater than 200 square feet in size and less than two acres in surface area.
111. **Pond, Stormwater Detention:** A permanent man-made pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such waters.
112. **Pond, Stormwater Retention:** A permanent man-made pond or pool designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.
113. **Professional Office:** Administrative, executive, professional, research, or similar organizations, except health care, having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.
114. **Professional Office - Medical:** A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.
115. **Recreational Vehicle:** A vehicle primarily used for leisure activities including, but not limited to: trailers; boats with or without trailers; all-terrain vehicles and snowmobiles. For the purpose of this code, recreational vehicles do not include four-wheel drive cars or trucks and motorcycles.
116. **Retail Sales Establishment:** Establishments that provide goods directly to the general public for personal or household use, where such goods are available for immediate purchase and removal from the premises by the purchaser, including but not limited to sales of dry goods, prescription drugs, groceries, apparel, print materials, household wares, electronics, and appliances.
117. **Retail Services Establishment:** Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including but not limited to eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement, and recreation services.
118. **Repair Garage:** A facility that provides collision repair services, including body frame straightening, replacement of damaged parts, painting, or major automotive, small engine, or agricultural implement repair.
119. **Restaurant:** A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 70 percent of the gross sales receipts for food and beverages.
120. **Right-of-Way:** A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat on which such right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.
121. **Roadside Stand:** A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to ten (10) feet maximum height.

122. **Salvage (Junk) Yard:** An area, exposed to the weather, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles.
123. **Sanitary Landfill:** Disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals.
124. **Satellite Dish Antenna:** A device incorporating a surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, and satellite microwave antennas. For purposes of this ordinance only, the regulations contained herein shall not apply to satellite dish antennas measuring one (1) meter or less in diameter or width.
125. **Service Station:** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication and minor repairs are conducted; but shall not include establishments where major automotive maintenance activities, such as engine overhauls, vehicle painting, or body work is conducted. See also "convenience store."
126. **Setback:** The minimum horizontal distance between the line of a building or structure and the property line.
127. **Setback Area:** The minimum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.
128. **Setback, Corner Side Yard:** The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.
129. **Setback, Front Yard:** The minimum horizontal distance between the front line of the building or use and the street right-of-way line.
130. **Setback Lines:** Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.
131. **Setback, Rear Yard:** The minimum horizontal distance between the back line of the building or use and the rear lot lines.

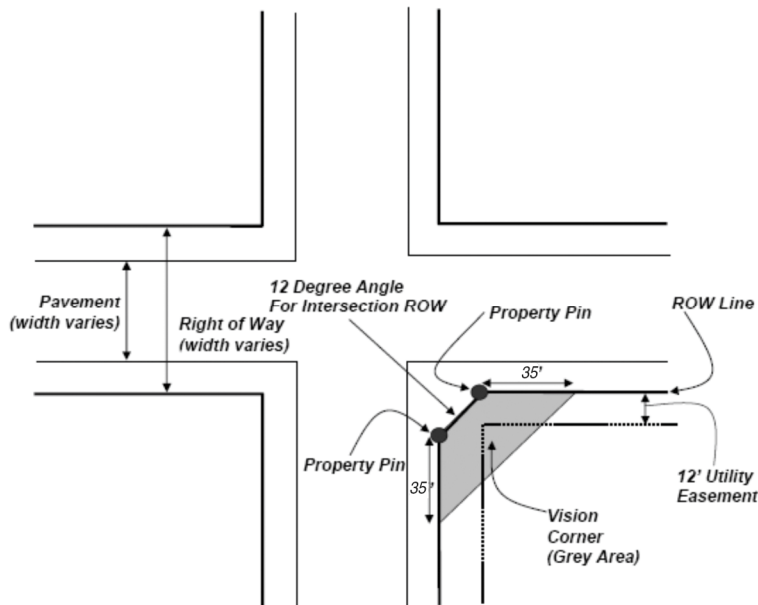
132. **Setback, Side Yard:** The minimum horizontal distance between the side line of the building or use and the side lot lines; unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.



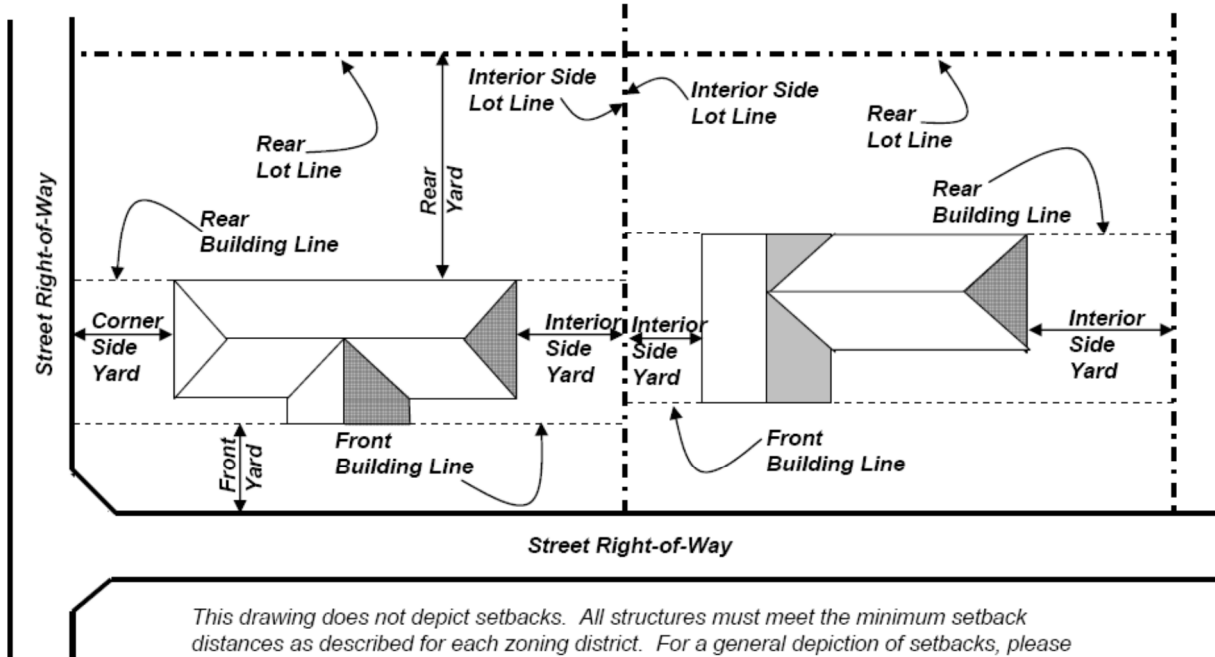
133. **Sign:** A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person institution, organization, or business.
134. **Sign, Advertising:** A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.
135. **Sign, Business:** A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.
136. **Slaughterhouse:** A building or portion thereof used in the conducting of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut, or altered.
137. **Stockfarm:** An agricultural operation, usually non-dairying in nature where livestock is raised.
138. **Story:** That part of a building between any floor and the floor next above and, if there be no floor above, then the ceiling floor. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.
139. **Street:** Means and includes all access ways in common use, such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation; but shall not include those access ways, such as easements and rights-of-way intended for solely limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, or drainage and sanitary sewers.

140. **Structure:** Anything constructed or erected on the ground (to include all types of buildings, attachments to buildings, parking lots, fences, and berms).
141. **Structure, Principal:** A structure or building in which is conducted the principal or main building or use.
142. **Structure, Accessory** A subordinate structure detached from, or attached to, but located on the same lot as a principal building. The use of an accessory structure must be identical and accessory to the use of the principal building.
143. **Structural Alteration:** Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.
144. **Tavern:** An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food may be served or sold as accessory to the primary use.
145. **Town:** The Town of Rockland, Brown County, Wisconsin.
146. **Town Board:** The governing body of the Town of Rockland.
147. **Town Zoning Administrator:** The Administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.
148. **Transitional Residential Facility:** A premises for the temporary placement of two (2) or more unrelated persons who are not considered Handicapped under the Fair Housing Act and are persons whom have been adjudicated juvenile delinquents, current users of illegal controlled substances, persons convicted for the illegal manufacture or distribution of a controlled substance, or convicted sex offenders, all of whom are on parole, extended supervision, or probation in a controlled environment, including supervision or monitoring.
149. **Truck Terminal (Cartage Facility):** A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.
150. **Use, Accessory:** A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.
151. **Use, Conditional:** A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such "conditional use" may or may not be granted, subject to the terms of this ordinance.
152. **Use, Principal:** The main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted," "conditional" or "non-conforming."
153. **Use, Permitted:** A use, which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and standards of such district.
154. **Variance:** A departure from the terms of this zoning ordinance as applied to a specific building, structure, or parcel of land which the Board of Appeals may permit when the Board of Appeals finds that a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain or risk to the public health, safety and welfare. In no case shall a variance be granted to permit any use not permitted in a particular zone.

155. **Vision Corner:** An established line of sight that does not obstruct or impair the line of sight for motorized or non-motorized vehicles traveling in an established right-of-way.



156. **Wildlife:** Animals or plants existing in their natural habitats.
157. **Wind Energy System, Large (LWEF):** A facility that generates electricity or performs other work consisting of one or more wind turbines in which any one turbine has a total height of more than 170 feet and a nameplate capacity of more than 100 kilowatts under common ownership or operating control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. It includes substations, MET towers, cables and wires and other buildings accessory to such facility.
158. **Wind Energy System, Small (SWEF):** A single wind energy system that generates electricity or performs other work, has a total height of 170 feet or less, and has a nameplate capacity of 100 kilowatts or less. Any wind energy facilities not falling under this definition shall be deemed large wind energy facilities.
159. **Wireless Telecommunication Facility:** Includes any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PSC towers, alternative tower structures, and the like as regulated in Chapter 18-06.00 of the Town of Rockland Code of Ordinances.
160. **Yard:** An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.
161. **Yard, Corner Side:** A side yard which adjoins a public street.
162. **Yard, Front:** A yard extending along the full length of the front lot line between the side lot lines and in front of the front building line.
163. **Yard, Interior Side:** A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.
164. **Yard, Rear:** A yard extending along the full length of the rear lot line between the side lot lines and behind the rear building line.



165. **Yard, Transitional:** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.
166. **Zoning District:** Divisions of the town, each area being accurately defined to boundaries and locations on the Official Zoning Map and in the Zoning Ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

18-01.09 GENERAL PROVISIONS

A. **Existing Ordinance.** Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Rockland or are established by Federal, State and County Laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this ordinance shall apply.

B. Buildings and Uses

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt, or moved; and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.
2. All principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot except in the case of planned unit developments.
3. Every publicly sewerer lot shall have a minimum of 4,000 square feet of contiguous buildable area. Every privately sewerer lot shall have a minimum of 6,000 square feet of contiguous buildable area. For purposes of this requirement, contiguous shall be defined as land which is not separated by streets, ways, waterways, environmentally sensitive areas, or rights-of way owned by other persons.
4. If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.
5. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this ordinance. If the lot area is less than the minimum number of square feet required for a dwelling for the district in which it is located-- but was a legal lot of record and met the minimum square footage for the district it was located within prior to adoption of this ordinance-- such lot may be occupied by a dwelling, provided it meets the sanitary ordinance, building code, and other pertinent Town, County, and State requirements.
6. Where the Town Zoning Administrator has issued a Building Permit pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Town Zoning Administrator. For purposes of this section, substantially underway shall be interpreted to mean framing of the principal structure on the site has begun. All residential dwelling unit construction shall be completed within twelve (12) months of building permit issuance by the Town Zoning Administrator. The Town Zoning Administrator may extend this deadline by six (6) months. Following the initial twelve months and six month extension, only the Town Board may extend this timeline further.
7. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied by the use for which originally designed and subject thereafter to the provisions of Chapters 07-01.00 and 18-10.00.
8. No principal building, accessory building, or structure shall be moved from one (1) zone district to another zone district unless so authorized by the Town Planning Commission.
9. Uses not listed as either permitted or conditional uses in this ordinance shall be considered as not allowable, except that the Planning Commission may recommend and the Town Board may allow land uses (permitted or conditional), which, though not contained by name in a zoning district list of permitted or conditional uses, are deemed to be similar in nature and clearly compatible with the listed uses.

10. All structures must maintain a minimum of ten feet of separation distance from each other for fire fighting purposes.
 11. All fuel storage facilities must meet all applicable state and federal regulations.
- C. **Accessory Buildings and Uses.** In addition to the specific zoning district regulations established elsewhere in this ordinance, the following general requirements shall apply to all accessory buildings and uses.
1. **Compatibility and Time of Construction:** Accessory buildings and uses shall be compatible with the principal use of the property and shall not be constructed or established prior to the principal structure.
 2. **Setback of Accessory Buildings:**
 - a) In the RS-1 zoning district, with the exception of multi-family developments, accessory buildings shall not be located in front of, or closer, to a street right-of-way than the front building line, within the corner side lot if on a corner lot, or closer than 10 feet to any interior side or rear property line.
 - b) In the RR-1, ER-2, and ER-5 zoning districts, with the exception of multi-family developments, accessory buildings shall not be located in front of, or closer to a street right-of-way than the front building line, within the corner side lot if on a corner lot, or closer than 25 feet to any interior side or rear property line.
 - c) No part of the roof overhang may extend more than 24 inches into any setback.
 3. **Garages:** In RS-1, RR-1, ER-2, and ER-5 zoning districts, with the exception of multi-family developments, not more than one garage (if detached, not more than 864 square feet) shall be located on a lot.
 - a) Only those residential structures without an attached garage may be permitted to have a detached garage.
 - b) A detached garage does not count toward the maximum square footage of accessory structures permitted on a lot as described in Chapter 18-01.09(C)(4)(f).
 - c) Garages, whether detached or attached, shall not exceed three stalls in width.
 - d) Garages must have a minimum 4:12 roof pitch
 4. **Size and Number of Accessory Structures:** Unless specified differently in an approved PDD document, accessory structures shall comply with the following regulations.
 - a) All accessory structures are required to have an approved permit from the Town of Rockland Zoning Administrator prior to construction.
 - b) Accessory structures in the RS-1, RR-1, ER-2, and ER-5 zoning districts must have a minimum 4:12 roof pitch.
 - c) All floors of accessory buildings with a minimum of six (6) feet of height shall be counted toward the total floor area.
 - d) Two-family residential dwellings may be permitted one accessory structure per unit, provided they meet all the requirements of Chapter 18-01.09(4)(f).
 - e) Pools, decks, and gazebos detached from the principal structure shall not be included in the calculation of accessory structure square footage or as counting toward the thirty percent of buildable area of a rear yard.

- f) Non-Farm Accessory buildings shall not occupy more than thirty (30) percent of the buildable area of a rear yard, and shall not exceed the maximum square footage of accessory buildings as follows:

Parcel Size (acres)	Maximum square footage allowed per parcel
0.99 or less	450
1 to 1.99	1,000
2 to 2.99	1,400
3 to 3.99	1,600
4 to 4.99	2,000
5 or more	2,500

- g) There shall be no maximum number or floor area for accessory farm structures within the Estate Residential (ER-10), Agricultural Non-Participating Working Lands (NPWLI), or Agricultural-Farmland Preservation (AG-FP) zoning districts, provided they are used as a part of a legitimate agricultural operation.
- h) Multi-family structures and on lots zoned B-1, B-2, IN, I-1, or I-2, the number and floor area of accessory structures shall comply with a Town-approved site plan.

D. Area Regulations

1. Lot size shall comply with the required regulations of the established district.
2. No building permit shall be issued for a lot that abuts on a half street.

E. Height Regulations

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged, or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Farm structures, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, tanks, water towers, spires, masts or aerials, telephone poles and lines, wireless telecommunication poles, wind turbines, and power transmission poles and lines, are hereby exempted from the height regulations of this ordinance.
3. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
4. Residential uses may be erected to a height exceeding those listed for each zoning district provided the front, side, and rear yards required in the district in which said building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located. Measurements shall be taken from the building setback line.

F. Front, Side, and Rear Yard Regulations

1. No front yard shall be used for open storage of registered boats, licensed vehicles, or any other equipment except for vehicular parking on driveways.
2. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.

3. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building meets district requirements and the requirements of Chapter 18-01.09(C).

G. Fences, Walls, Hedges, and Berms

1. A fence, wall, hedge, berm, or shrubbery may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding eight (8) feet above the ground level. No fence, wall, hedge, berm, or shrubbery which is located in a front or corner side yard shall exceed a height of three (3) feet.
2. No fence, wall, hedge, berm, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property, to a height exceeding eight (8) feet, unless used as a buffer between zones as approved by the Town Board.
3. In any district no fence, wall, hedge, berm, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade nearest thereto, within 35 feet of the intersection of any street lines or of street lines projected.
4. The owner of a fence, wall, hedge, berm, or shrubbery shall provide proper maintenance and repair, as appropriate. The finished side of a fence shall face the neighboring property. Dead or diseased plants, limbs, or other plant material associated with a hedge or berm shall be replaced.

H. Driveways

1. In the RS-1, RR-1, ER-2, ER-5, ER-10, NPWLI, AG-FP, and IN zoning districts, driveways must be located a minimum of six (6) feet from the property line or as otherwise regulated by the Town of Rockland.

I. Residential Design Standards

1. All one and two family residential structures shall have a roofline pitch of not less than 6:12 and at least one projecting roofline toward the street.

(Historical reference: Amended December 16, 2013)

18-01.10 ESTABLISHMENT OF ZONES

A. **Zone Districts.** For the purpose of this ordinance, the Town of Rockland, Brown County, Wisconsin is hereby divided into the following zoning districts:

1. Residential Sewered (RS-1) District
2. Rural Residential Non-Sewered (RR-1) District
3. Estate Residential 2-Acre (ER-2) District
4. Estate Residential 5-Acre (ER-5) District
5. Estate Residential 10-Acre (ER-10) District
6. Agricultural Non-Participating Working Lands Initiative (NPWLI)
7. Neighborhood Business (B-1) District
8. Community Business (B-2) District
9. Institutional (IN) District
10. Limited Industrial (I-1) District
11. Heavy Industrial (I-2) District
12. Planned Development District Overlay (PDD)
13. Agricultural-Farmland Preservation (AG-FP)

B. **Zoning Map.** The Town of Rockland is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning District Map of the Town of Rockland. The Official Zoning District Map, and all the notations, references and other information found thereon, are as part of this chapter and shall have the same force and effects as if the matters and information set forth on said Map were fully describe herein.

1. The Official Zoning District Map shall be properly attested and kept on file along with the text of the Town Zoning Ordinances in the office of the Town Clerk.
2. The Official Zoning District Map, dated December 16,2013 is hereby adopted as the Official Zoning Map of the Town. All further zoning changes shall be made by reference to the Map. Amendments to the Zoning Ordinance may be made in accordance with 62.23(7).
3. All amendments to the Official Zoning District Map are kept on file in the office of the Town Clerk.

C. **Zone Boundaries.** The following rules shall apply with respect to the boundaries of the various districts as shown on the Official Zoning District Map:

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

D. **Exempted Uses**

1. The following uses are exempted by this ordinance and permitted in any zone district except the Agricultural-Farmland Preservation (AG-FP) district: utilities necessary for development or public improvements, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction. However, wind turbines, navigational aviation towers, radio, television, wireless communications, and other wireless telecommunications transmission and booster towers are subject to the regulations prescribed for such uses within this ordinance.

(Historical reference: Amended December 16, 2013)

18-01.11 RESIDENTIAL SEWERED (RS-1) DISTRICT

A. **Intent.** The intent of the Residential Sewered (RS-1) District is to provide for varied housing options that have access to public sanitary sewer and water in the Town of Rockland.

B. **Uses.** The following uses are allowed in the Residential Sewered (RS-1) zoning district:

1. Permitted Uses

- a) Community Based Residential Facilities serving eight (8) or fewer persons
- b) Detached, single family dwellings
- c) Public parks and playgrounds

2. Conditional Uses (Subject to the regulations specified in Chapter 18-10.11 of this ordinance)

- a) Bed and breakfast establishments
- b) Community Based Residential Facilities serving nine (9) or more persons
- c) Detached, two family dwellings
- d) Golf courses (including driving ranges, pitch and putt establishments, or miniature golf courses)
- e) Multi-family dwellings, as part of a planned development

3. Accessory Uses (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)

- a) Decks
- b) Home occupations as defined in Chapter 18-01.08 of this ordinance.
- c) Landscape ponds
- d) Outbuilding for the storage of common household items
- e) Pools (private)

C. Dimensional Regulations

1. Lots

- a) Lots shall have an area of at least twelve thousand (12,000) square feet
- b) Each lot shall contain a minimum of one hundred (100) feet of street frontage.
- c) Corner lots shall contain a minimum of one hundred ten (110) feet of street frontage.
- d) In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 65 feet.

2. Setback Regulations. Unless otherwise shown on a recorded subdivision plat or certified survey map, the following minimum setback regulations shall apply to all lots in the Residential Sewered (RS-1) zoning district.

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	10' from side and rear lot lines	10' from side and rear lot lines

3. Height Regulations

- a) Principal Structure: 35 feet maximum, except as provided in Chapter 18-01.09(E) of this ordinance.
- b) Accessory Structures shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in Chapter 18-01.09(E) of this ordinance.

D. Building Size

- 1. Minimum size of a single or two-family residential dwelling unit shall be 1,200 square feet of first floor area.
- 2. Minimum size of a multi-family residential dwelling unit shall be 1,000 square feet of first floor area.

E. Parking

- 1. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Other Requirements

- 1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

18-01.12 RURAL RESIDENTIAL NON-SEWERED (RR-1) DISTRICT

A. **Intent.** The intent of the Rural Residential (RR-1) zoning district is to provide for rural residential lots that do not yet have access to public sanitary sewer or water, but may in the near future.

B. **Uses.** The following uses are allowed in the Rural Residential Non-Sewered (RR-1) zoning district:

1. **Permitted Uses.**

- a) Community Based Residential Facilities serving eight (8) or fewer persons
- b) Detached, single family dwellings
- c) Public parks and playgrounds

2. **Conditional Uses** (Subject to the regulations specified in Chapter 18-10.10 of this ordinance)

- a) Bed and breakfast establishments
- b) Detached, two family dwellings
- c) Golf courses (including driving ranges, pitch and putt establishments, or miniature golf courses)
- d) Small wind energy facility

3. **Accessory Uses** (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)

- a) Decks
- b) Home occupations as defined in Chapter 18-01.08 of this ordinance.
- c) Landscape ponds
- d) Outbuildings for the storage of common household items
- e) Pools (private)

C. Dimensional Regulations

1. **Lots**

- a) Lots in the Rural Residential (RR-1) zoning district shall have an area of at least forty thousand (40,000) square feet.
- b) Each lot shall contain a minimum of one hundred fifty (150) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 90 feet.

2. **Setback Regulations**

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	10' from side and rear lot lines	10' from side and rear lot lines

3. **Height Regulations**

- a) Principal Structure: 35 feet maximum, except as provided in Chapter 18-01.09(E) of this ordinance.

- b) Accessory Structure: shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in Chapter 18-01.09(E) of this ordinance.

D. Building Size

- 1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

E. Parking

- 1. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Other Requirements

- 1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

18-01.13 ESTATE RESIDENTIAL 2-ACRE (ER-2) DISTRICT

A. **Intent.** The intent of the ER-2 zoning district is to provide for large, estate residential lots in the more rural parts of the Town.

B. **Uses.** The following uses are allowed in the Estate Residential 2-Acre (ER-2) zoning district:

1. **Permitted Uses**

- a) Community Based Residential Facilities serving eight (8) or fewer persons
- b) Detached, single family dwellings
- c) Floriculture
- d) Forestry
- e) Horticulture
- f) Public parks and playgrounds

2. **Conditional Uses** (Subject to the regulations specified in Chapter 18-10.10 of this ordinance)

- a) Bed and breakfast establishments
- b) Detached, two family dwellings
- c) Golf courses (including driving ranges, pitch and putt establishments, or miniature golf courses)
- d) Greenhouses for wholesale trade
- e) Nurseries
- f) Orchards
- g) Ponds as regulated under Chapter 18-07.00 Man-Made Bodies of Water
- h) Small wind energy facilities, not requiring authorization under Section 196.491(3) Wis. Stats.

3. **Accessory Uses** (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)

- a) Decks
- b) Farm structures
- c) Greenhouses (private, not for on-site retail sales)
- d) Home occupations as defined in Chapter 18-01.08 of this ordinance.
- e) Keeping of domestic animals or livestock as allowed under the Town of Rockland Animal Ordinance.
- f) Landscape ponds
- g) Outbuilding(s) for the keeping of domestic animals, livestock, or common household items
- h) Paddocks
- i) Pools (private)
- j) Roadside stands

C. **Dimensional Regulations**

1. **Lots**

- a) Lots in the Estate Residential 2-Acre (ER-2) zoning district shall have an area of at least two (2) acres.

- b) Each lot shall contain a minimum of two hundred (200) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 115 feet.

2. Setback Regulations

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	25' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	25' from side and rear lot lines	25' from side and rear lot lines

3. Height Regulations

- a) Principal Structure: 35 feet maximum, except as provided in Chapter 18-01.09(E) of this ordinance.
- b) Accessory Structures shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in Chapter 18-01.09(E) of this ordinance.

D. Building Size

1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

E. Parking

1. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Other Requirements

1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

18-01.14 ESTATE RESIDENTIAL 5-ACRE (ER-5) DISTRICT

A. **Intent.** The intent of the ER-5 zoning district is to provide for rural estate lots with the option of keeping domestic animals.

B. **Uses.** The following uses are allowed in the Estate Residential 5-Acre (ER-5) zoning district:

1. Permitted Uses

- a) Community Based Residential Facilities serving eight (8) or fewer persons
- b) Detached, single family dwellings
- c) Floriculture
- d) Forestry
- e) Horticulture
- f) Public parks and playgrounds

2. Conditional Uses (Subject to the regulations specified in Chapter 18-10.10 of this ordinance)

- a) Bed and breakfast establishments
- b) Detached, two family dwellings
- c) Golf courses (including driving ranges, pitch and putt establishments, or miniature golf courses)
- d) Greenhouses for wholesale trade
- e) Indoor kennels
- f) Nurseries
- g) Orchards
- h) Ponds as regulated under Chapter 18-07.00 Man-Made Bodies of Water
- i) Small wind energy facilities, not requiring authorization under Section 16.491(3) Wis. Stats.

3. Accessory Uses (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)

- a) Decks
- b) Farm structures
- c) Greenhouses (private, not for on-site retail sales)
- d) Home occupations as defined in Chapter 18-01.08 of this ordinance
- e) Keeping of domestic animals or livestock consistent with the Town of Rockland Animal Ordinance (Chapter 18-12.00)
- f) Landscape ponds
- g) Outbuilding(s) for the keeping of domestic animals, livestock, or for the storage of common household items
- h) Paddocks
- i) Pools (private)
- j) Roadside stands

C. Dimensional Regulations

1. Lots

- a) Lots in the Estate Residential 5-Acre (ER-5) zoning district shall have an area of at least five (5) acres.
- b) Each lot shall contain a minimum of two hundred fifty (250) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 115 feet.

2. Setback Regulations

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	25' from side lot line	25' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	25' from side and rear lot lines	25' from side and rear lot lines

3. Height Regulations

- a) Principal Structure: 35 feet maximum, except as provided in Section 1.09(E) of this ordinance.
- b) Accessory Structures shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in Chapter 18-01.09(E) of this ordinance.

D. Building Size

1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

E. Parking

1. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Other Requirements

1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

18-01.15 ESTATE RESIDENTIAL 10 ACRE (ER-10) DISTRICT

A. **Intent.** The intent of the Estate Residential 10-Acre (ER-10) zoning district is to establish a zoning category for large, rural estate lots that in some cases may also function as small hobby farms or other general agricultural use, but due to the minimum lot size of 10 acres are not appropriate for the siting of large-scale livestock facilities.

B. **Uses.** The following uses are allowed in the Estate Residential (ER-10) zoning district:

1. **Permitted Uses**

- a) Beekeeping
- b) Community Based Residential Facilities serving eight (8) or fewer persons
- c) Clubs and lodges, nonprofit and fraternal
- d) Community gardens
- e) Detached, single family dwellings
- f) Floriculture
- g) Forestry
- h) General farming, dairying, hatcheries, livestock raising, grazing, pasturage, and poultry raising consistent with the Town of Rockland Animal Ordinance.
- i) Golf course or driving range (including miniature golf courses)
- j) Horticulture
- k) Keeping of domestic animals consistent with the Town of Rockland Animal Ordinance (Chapter 18-12.00)
- l) Public parks and playgrounds
- m) Riding academies and stables
- n) Viticulture

2. **Conditional Uses** (Subject to the regulations specified in Chapter 18-10.11 of this ordinance)

- a) Airport or heliport (private)
- b) Aquaculture
- c) Artificial lakes subject to Chapter 18-07.00 of the Town of Rockland Code of Ordinances.
- d) Bed and breakfast establishments
- e) Campgrounds
- f) Detached, two family dwellings
- g) Game farms
- h) Game preserves
- i) Greenhouses for wholesale trade
- j) Kennels (Indoor)
- k) Manure storage facilities
- l) Medium wind energy facility
- m) Nurseries
- n) Orchards

- o) Ponds as regulated under Chapter 18-07.00 Man-Made Bodies of Water
 - p) Quarries, sand, and gravel pits
 - q) Repair Garages
 - r) Riding academies and stables for more than ten animal units
 - s) Small wind energy facilities, not requiring authorization under Section 196.491(3) Wis. Stats.
 - t) Wildlife sanctuaries
 - u) Wireless telecommunication facilities consistent with the requirements identified in Chapter 18-06.00 of the Town of Rockland Code of Ordinances.
3. **Accessory Uses** (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)
- a) Decks
 - b) Farm structures
 - c) Home occupations as defined in Chapter 18-01.08 of this ordinance.
 - d) Greenhouses (private, not for on-site retail sales)
 - e) Landscape ponds
 - f) Outbuilding(s) for the keeping of domestic animals, livestock, or storage of common household items
 - g) Paddocks
 - h) Pools (private)
 - i) Roadside stands

C. Dimensional Regulations

1. Lots

- a) Lots in the Estate Residential (ER-10) zoning district shall have an area of at least ten (10) acres.
- b) Each lot shall contain a minimum of three hundred (300) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 115 feet.

2. Setback Regulations

Yard	Street Setbacks
Front Yard	40' from ROW
Corner Side Yard	40' from ROW
Interior Side Yard	50' from side lot line
Rear Yard	50' from rear lot line
Accessory Structure – Non-Farm Related	50' from side and rear lot lines
Accessory Farm Structure	50' from side and 75' from rear lot lines

3. Height Regulations

- a) Principal Structure: 35 feet maximum, except as provided in Chapter 18-01.09(E) of this ordinance.
- b) Accessory Structures: shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in Chapter 18-01.09(E) of this ordinance.

D. Building Size

1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

E. Parking

1. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Other Requirements

1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

18-01.16 AGRICULTURAL NON-PARTICIPATING WORKING LANDS INITIATIVE (NPWLI)

A. **Intent.** The intent of this zoning district is to provide locations in the Town for agricultural uses that are NOT participating in the Working Lands Initiative due to the expectation that these areas will not remain agricultural over the next 15 years.

B. **Uses.** The following uses are allowed in this zoning district:

1. Permitted Uses

- a) Aquaculture
- b) Beekeeping
- c) Community gardens
- d) Detached, single family dwellings
- e) Farm structures
- f) Floriculture
- g) Forestry
- h) General farming, dairying, hatcheries, livestock raising, grazing, pasturage, and poultry raising
- i) Greenhouses for wholesale trade
- j) Horticulture, including raising of grain, grass, mint, seed crops, fruits, nuts, berries, and vegetables.
- k) Nurseries
- l) Orchards
- m) Sod farming
- n) Viticulture

2. Conditional Uses (Subject to the regulations specified in Chapter 18-10.10 of this ordinance and consistent with agricultural use. Conditional uses in this zoning district must be found to be necessary in light of alternative locations available for that use.

- a) Commercial feedlots
- b) Clubs and lodges
- c) Farm Family Business
- d) Fur farms
- e) Game farms
- f) Game preserves
- g) Gas and electric utility uses not requiring authorization under Sec 196.491(3) Wis. Stats.
- h) Indoor kennels
- i) Man-made bodies of water subject to Chapter 18-07.00 Town of Rockland Code of Ordinances.
- j) Outdoor gun or archery ranges
- k) Public parks and playgrounds
- l) Riding academies and stables
- m) Wildlife sanctuaries

- n) Wind energy facilities
 - o) Wireless telecommunication facilities, excluding radio and television towers, consistent with the requirements identified in Chapter 18-06.00 of the Town of Rockland Code of Ordinances.
 - p) Additional agricultural, or agricultural-related activities, or other business activities as approved by the Town Board
3. **Accessory Uses** (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)
- a) Decks
 - b) Home occupations
 - c) Greenhouses (private, not for on-site retail sales)
 - d) Landscape ponds
 - e) Manure storage facilities
 - f) Outbuilding for the storage of common household items
 - g) Paddocks
 - h) Pools (private)
 - i) Roadside stands

C. Dimensional Regulations

1. Lots

- a) Lots in the Non-Participating Working Lands (NPWLI) zoning district shall have an area of at least twenty-five (25) acres.
- b) Each lot shall contain a minimum of three hundred (300) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 150 feet.

2. Setback Regulations

Yard	Street Setbacks
Front Yard	40' from ROW
Corner Side Yard	40' from ROW
Interior Side Yard	50' from side lot line
Rear Yard	50' from rear lot line
Accessory Structure – Non-Farm Related	50' from side and rear lot lines
Accessory Farm Structure	75' from side and rear lot lines

3. Height Regulations

- a) Residential dwellings: 35 feet maximum except as provided in Chapter 18-01.09(E).
- b) Accessory structures: 60 feet maximum, except as provided in Chapter 18-01.09(E).

D. Building Size

- 1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

E. Parking

- 1. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Other Requirements

1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

(Historical reference: Adopted December 16, 2013)

18-01.17 NEIGHBORHOOD BUSINESS (B-1) DISTRICT

A. Intent

1. The intent of the B-1 zoning district is to provide for locations for local commercial goods and services serving the immediate neighborhood and vicinity.
2. Businesses zoned B-1 shall be designed and operated in a manner that blends in with nearby residential areas.

B. Uses. The following uses are allowed in the Neighborhood Business (B-1) zoning district, unless a more specific use is listed as a conditional use in this district, or a more specific use is listed as a permitted or conditional use in another district:

1. Permitted Uses

- a) Retail sales establishments under 10,000 square feet of gross first floor area
- b) Retail services establishments under 10,000 square feet of gross first floor area
- c) Banks and financial institutions
- d) Child day care centers (group)
- e) Professional offices and clinics
- f) Public parks and playgrounds
- g) Schools – dance, music, and business
- h) Second story residential dwelling units

2. Conditional Uses (Subject to the regulations specified in Chapter 18-10.10 of this ordinance)

- a) Community Based Residential Facilities
- b) Retail sales establishments between 10,000 and 15,000 square feet of gross first floor area
- c) Retail services establishments between 10,000 and 15,000 square feet of gross first floor area.
- d) Multi-family residential dwellings
- e) Restaurants, excluding drive-through service
- f) Additional business activities as approved by the Town Board (adopted July 1, 2013)

3. Accessory Uses (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)

- a) Outbuilding(s) for the storage of common supplies, provided they are identified in a Town-approved site plan
- b) Uses incidental to and on the same lot as the principal use.

C. Dimensional Regulations

1. Lots

- a) Publicly sewered lots in the Neighborhood Business (B-1) zoning district shall have an area of at least twelve thousand (12,000) square feet and a width measured at the front yard setback distance of at least one hundred (100) feet.
- b) Privately sewered lots in the Neighborhood Business (B-1) zoning district shall have an area of at least forty thousand (40,000) square feet and a width measured at the front yard setback distance of at least one hundred fifty (150) feet.

2. Setback Regulations

- a) Unless otherwise shown on a recorded subdivision plat or certified survey map, the following minimum setback regulations shall apply to all lots in the Neighborhood Business (B-1) zoning district.

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line

3. Height Regulations

- a) Principal Structure: 35 feet maximum, except as provided in Section 1.09(F) of this ordinance.

4. Number of structures

- a) Only one principal structure shall be located on a lot zoned B-1 Neighborhood Business District.

D. Building Size

1. Minimum size of a principal structure shall be 1,200 square feet of first floor area.

E. Parking

- Off-street parking shall be located behind or to the side of the principal structure.
- Parking shall otherwise conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Signs

1. Signage shall meet the requirements as set forth in Chapter 18-04.00, sign regulation.

G. Other Requirements

- All business, service repair, storage, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.
- Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
- Rooftop mechanical equipment shall be screened from ground-level view.
- Building appearance shall be complementary to a neighboring residential district.
- Exterior lighting shall be contained within the Neighborhood Business (B-1) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.
- A minimum of twenty-five (25) percent green space shall be required for lots zoned Neighborhood Business (B-1).
- Where a side or rear lot line in a Neighborhood Business (B-1) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than fifteen (15) feet in depth and shall contain landscaping and planting to provide an effective screen. Such screening shall consist of a landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter at base when planted.

18-01.18 COMMUNITY BUSINESS (B-2) DISTRICT

- A. **Intent.** The intent of the B-2 zoning district is to provide for locations for general commercial goods and services serving the Town of Rockland and other nearby communities.
- B. **Uses.** The following uses are allowed in the Community Business (B-2) zoning district, unless a more specific use is listed as a conditional use in this district, or a more specific use is listed as a permitted or conditional use in another district:

1. Permitted Uses

- a) Retail sales establishments under 40,000 square feet of gross first floor area
- b) Retail services establishments under 40,000 square feet of gross first floor area
- c) Banks and financial institutions
- d) Child day care centers (group)
- e) Clubs and lodges, nonprofit and fraternal
- f) Convenience stores
- g) Extended stay hotels
- h) Hotels and motels
- i) Professional offices and clinics
- j) Public parks and playgrounds
- k) Religious institutions, convents, seminaries, monasteries, rectories, parsonages, and parish houses
- l) Restaurants, may include drive through service
- m) Schools – dance, music, and business
- n) Second story residential dwelling units
- o) Service stations
- p) Undertaking establishments and funeral parlors, excluding crematoriums

2. Conditional Uses (Subject to the regulations specified in Chapter 18-10.10 of this ordinance)

- a) Retail sales establishments 40,000 square feet of gross first floor area and over.
- b) Retail services establishments 40,000 square feet of gross first floor area and over.
- c) Amusement establishments including indoor archery ranges, bowling alleys, indoor shooting galleries, game rooms, swimming pools, skating rinks, and other similar amusement facilities.
- d) Auction rooms
- e) Car washes
- f) Community Based Residential Facilities
- g) Crematoriums
- h) Drive-in and carry-out businesses
- i) Farm machinery and equipment sales
- j) Food processing establishments
- k) Greenhouses, commercial
- l) Indoor kennels

- m) Landscaping supply outlets
 - n) Manufactured and mobile home sales
 - o) Motor vehicle, boat, recreational vehicle, and trailer sales and leasing
 - p) Motor vehicle rental
 - q) Multi-family residential dwellings
 - r) Outdoor gun or archery ranges
 - s) Radio and television stations, transmitting and receiving equipment, wireless communication towers, and antenna towers, provided that preference shall be given for collocation on existing public structures. Uses of this type shall meet the requirements identified in Chapter 18-06.00 of this ordinance.
 - t) Surface parking lots, other than accessory
 - u) Tattoo parlors
 - v) Taverns
 - w) Outdoor sales and rental (adopted July 1, 2013)
 - x) Additional business activities as approved by the Town Board (adopted July 1, 2013)
3. **Accessory Uses** (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)
- a) Outbuilding(s) for the storage of common supplies provided they are identified in a Town-approved site plan.
 - b) Uses incidental to and on the same lot as the principal use.

C. Dimensional Regulations

1. Lots

- a) Publicly sewered lots in the Community Business (B-2) zoning district shall have an area of at least twenty thousand (20,000 square feet) and at least one-hundred (100) feet of frontage measured at the front yard setback line.
- b) Privately sewered lots in the Community Business (B-2) zoning district shall have an area of at least forty thousand (40,000) square feet and at least two hundred (200) feet of frontage measured at the front yard setback line.

2. Setback Regulations

- a) Unless otherwise shown on a recorded subdivision plat or certified survey map, the following minimum setback regulations shall apply to all lots in the Community Business (B-2) zoning district.

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line

3. Number of structures

- a) Only one principal structure shall be located on a lot.

4. Height Regulations

- a) Principal Structure: 35 feet maximum, except as provided in Chapter 18-01.09(F) of this Ordinance

- b) Accessory Structure: Shall not exceed the height of the principal structure, except as provided in Chapter 18-01.09(F) of this Ordinance

D. Building Size

- 1. Minimum size of a principal structure shall be 3,000 square feet of first floor area.

E. Parking

- 1. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Signs

- 1. Signage shall meet the requirements as set forth in Chapter 18-04.00, Sign Regulation.

G. Other Requirements

- 1. Excepting motor vehicle, boat, recreational vehicle, and trailer sales and leasing, all business, service repair, storage, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading, unless otherwise approved by the Town Board.
- 2. Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
- 3. Rooftop mechanical equipment shall be screened from ground-level view
- 4. Exterior lighting shall be contained within the Community Business (B-2) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.
- 5. A minimum of twenty-five (25) percent green space shall be required for lots zoned Community Business (B-2).
- 6. Where a side or rear lot line in a Community Business (B-2) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than fifteen (15) feet in depth and shall contain landscaping and planting to provide an effective screen. Such screening shall consist of a fence and landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter at base when planted.

18-01.19 INSTITUTIONAL (IN) DISTRICT

A. **Intent.** The intent of the Institutional (IN) zoning district is to provide appropriate locations for institutional uses so that traffic and other potential neighborhood impacts may be addressed.

B. **Uses.** The following uses are allowed in the Institutional (IN) zoning district:

1. Permitted Uses

- a) Athletic fields
- b) Community Based Residential Facilities
- c) Fire and police stations and other governmental facilities
- d) Municipal facilities, except for garages
- e) Nursery schools, elementary schools, and junior and senior high schools (Non-boarding)
- f) Public libraries
- g) Public museums
- h) Public parks and playgrounds
- i) Religious institutions, convents, seminaries, monasteries, rectories, parsonages, and parish houses

2. Conditional Uses (Subject to the regulations specified in Chapter 18-10.10 of this code)

- a) Colleges, junior colleges, and universities
- b) Nursery schools, elementary schools, and junior and senior high schools (boarding)
- c) Vocational schools

3. Accessory Uses (Subject to the regulations specified in Chapter 18-01.09(C) of this code)

- a) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- b) Outbuilding(s) for the storage of common supplies provided they are identified in a Town-approved site plan.
- c) Residential quarters for caretakers or clergy

C. Dimensional Regulations

1. Lots

- a) Publicly sewered lots in the Institutional (IN) zoning district shall have an area of at least twelve thousand (12,000) square feet and at least one hundred (100) feet of frontage. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 70 feet.
- b) Privately sewered lots in the Institutional (IN) zoning district shall have an area of at least forty thousand (40,000) square feet and a frontage of at least two hundred (200) feet. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall frontage measured at the right-of-way of a cul-de-sac or curved street be less than one hundred fifteen (115) feet.

2. Setback Regulations

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	10' from side and rear lot lines	10' from side and rear lot lines

3. Number of structures

- a) Only one principal structure shall be located on a lot in the IN Institutional District.
- b) Only one accessory building with a maximum of 225 square feet of total floor area shall be located on a lot and shall be of similar and complementary construction.

4. Height Regulations

- a) Principal Structure: 35 feet maximum, except as provided in Chapter 18-01.09(F) of this ordinance.
- b) Accessory Structures shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in Chapter 18-01.09(E) of this ordinance.

D. Building Size

1. Minimum size of a principal structure shall be 2,000 square feet of first floor area.

E. Parking

1. Off-street parking shall be located behind or to the side of the principal structure.
2. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Signs

1. Signage shall meet the requirements as set forth in Chapter 18-04.00, Sign Code.

G. Other Requirements

1. Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
2. Exterior lighting shall be contained within the Institutional (IN) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.
3. A minimum of twenty-five (25) percent green space shall be required for lots zoned Institutional (IN)
4. Where a side or rear lot line in a Institutional (IN) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than ten (10) feet in depth and shall contain landscaping and planting to provide an effective screen. Such screening shall consist of a landscaped area at least six (6) feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter at base when planted.

18-01.20 LIMITED INDUSTRIAL (I-1) DISTRICT

A. **Intent.** The intent of the I-1 zoning district is to provide for locations for low-intensity industrial uses to build the Town's economic base.

B. **Uses.** The following uses are allowed in the Limited Industrial (I-1) zoning district:

1. Permitted Uses

- a) Bakeries, wholesale
- b) Bottling plants
- c) Building materials sales and storage
- d) Contractor, architect, and engineer offices, shops, and yards
- e) Electronic and scientific precision equipment manufacture
- f) Feed and seed sales
- g) Greenhouses, commercial or wholesale
- h) Lumberyards, including sales offices
- i) Municipal garages
- j) Printing and publishing establishments
- k) Radio and television stations, transmitting and receiving equipment, wireless communication towers, and antenna towers, provided that preference shall be given for collocation on existing public structures. Uses of this type shall meet the requirements identified in Chapter 18-06.00 of this code.
- l) Scientific research facilities
- m) Service stations
- n) Substations, electrical and natural gas
- o) Woodworking and wood products manufacturing
- p) Tire and vehicle parts resale businesses, not including salvage yards

2. Conditional Uses (Subject to the regulations specified in Chapter 18-10.10 of this code)

- a) Food processing establishments
- b) Glass products production
- c) Light machinery production – appliances, business machines, etc.
- d) Manufactured home parks meeting the requirements of Chapter 18-02.00 Town of Rockland Code of Ordinances
- e) Mini-warehouses
- f) Plastic manufacturing
- g) Repair garages
- h) Sewerage treatment plants
- i) Sexually-oriented adult-entertainment establishments as regulated in Chapter 18-08.00 of the Town of Rockland Code of Ordinances.
- j) Tool and die manufacturing
- k) Transitional residential facilities
- l) Truck terminals (cartage facilities)
- m) Welding shops

- n) Outdoor sales and rental (adopted July 1, 2013)
- o) Additional business activities as approved by the Town Board (adopted July 1, 2013)
- 3. **Accessory Uses** (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)
 - a) Outbuilding(s) for the storage of common supplies provided they are identified in a Town-approved site plan.
 - b) Uses incidental to and on the same lot as the principal use.

C. Dimensional Regulations

1. Lots

- a) Publicly sewered lots in the Light Industrial (I-1) zoning district shall have an area of at least thirty thousand (30,000) square feet and frontage of at least one hundred fifty (150) feet. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall frontage measured at the right-of-way line of a cul-de-sac or curved street be less than ninety (90) feet.
- b) Privately sewered lots in the Light Industrial (I-1) zoning district shall have an area of at least forty thousand (40,000) square feet and a frontage of at least two hundred (200) feet. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall frontage measured at the right-of-way line of a cul-de-sac or curved street be less than one hundred fifteen (115) feet.

2. Setback Regulations

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	25' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	25' from side and rear lot lines	25' from side and rear lot lines

3. Height Regulations

- a) 35 feet maximum, except as provided in Chapter 18-01.09(F) of this ordinance.

D. Building Size

- 1. Minimum size of a principal structure shall be 8,000 square feet of first floor area.

E. Parking

- 1. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Signs

- 1. Signage shall meet the requirements as set forth in Chapter 18-04.00, Sign Code.

G. Other Requirements

- 1. No use shall be established, maintained, or conducted in any Limited Industrial (I-1) District that causes any of the following:
 - a) Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, atmospheric pollutants, or any other nuisances beyond the boundaries of the immediate site of the building in which such use is conducted

- b) Hazard of fire or explosion or other physical hazard to any person, building, or vegetation
 - c) A harmful discharge of waste material
 - d) Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
- 2. Exterior lighting shall be contained within the Limited Industrial (I-1) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.
- 3. A minimum of twenty-five (25) percent green space shall be required for lots zoned Limited Industrial (I-1).
- 4. Where a side or rear lot line in a Light Industrial (I-1) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than twenty (20) feet in depth and shall contain landscaping, a wooden privacy fence, and plantings to provide an effective screen. Such screening shall consist of a landscaped area at least ten (10) feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter at base when planted.
- 5. Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.

H. Open Storage

- 1. All storage within 300 feet of a different zoning district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six feet or more than eight feet. Cyclone fencing with wooden or plastic slats shall not be deemed sufficient.
- 2. Open storage of commodities and materials shall be permitted as an accessory use, provided that such open storage shall:
 - a) Be located behind the front building line and corner side yard setback.
 - b) Comply with the setbacks contained within this district.
 - c) Be screened from view from any street by shrubbery or a solid wall or fence (including solid entrance and exit gates).

18-01.21 HEAVY INDUSTRIAL (I-2) DISTRICT

A. **Intent.** The intent of the I-2 zoning district is to provide for locations for higher-intensity industrial uses to build the Town's economic base.

B. **Uses.** The following uses are allowed in the Heavy Industrial (I-2) zoning district:

1. Permitted Uses

- a) Bottling plants
- b) Brick and structural clay products manufacturing
- c) Building materials sales and storage
- d) Commercial bakeries
- e) Commercial greenhouses
- f) Contractor, architect, and engineer offices, shops, and yards
- g) Dairy processing plants for cheese and milk
- h) Electronic and scientific precision equipment manufacture
- i) Feed and seed sales
- j) Lumberyards, including sales offices
- k) Municipal garages
- l) Paper converting facilities
- m) Paper products manufacturing
- n) Printing and publishing establishments
- o) Radio and television stations, transmitting and receiving equipment, wireless communication towers, and antenna towers, provided that preference shall be given for collocation on existing public structures. Uses of this type shall meet the requirements identified in Chapter 18-06.00 of this ordinance.
- p) Repair garages
- q) Scientific research facilities
- r) Service stations
- s) Substations, electrical or natural gas
- t) Tire and vehicle parts resale businesses
- u) Woodworking and wood products manufacturing

2. Conditional Uses (Subject to the regulations specified in Chapter 18-10.10 of this ordinance)

- a) Airports or heliports
- b) Auto salvage yards
- c) Asphalt production plants
- d) Bulk fuel products storage, processing, and sales
- e) Concrete mixing plants
- f) Ethanol and other bio-fuel production plants
- g) Fertilizer manufacturing
- h) Food processing establishments
- i) Foundries and forge plants

- j) Glass products production
- k) Grain storage and processing
- l) Heavy machinery production
- m) Landfills
- n) Light machinery production – appliances, business machines, etc.
- o) Meat packing plants or stockyards or slaughterhouses
- p) Mini-warehouses
- q) Power plants for the production of electricity
- r) Plastic manufacturing
- s) Quarries, sand, and gravel pits
- t) Rendering plants or soap manufacturing
- u) Salvage yards
- v) Sewerage treatment plants
- w) Tool and die manufacturing
- x) Truck terminals (cartage facilities)
- y) Welding shops
- z) Outdoor sales and rental (adopted July 1, 2013)
- aa) Additional activities as approved by the Town Board (adopted July 1, 2013)

3. **Accessory Uses** (Subject to the regulations specified in Chapter 18-01.09(C) of this ordinance)

- a) Outbuilding(s) for the storage of common supplies provided they are identified in a Town-approved site plan.
- b) Uses incidental to and on the same lot as the principal use.

C. Dimensional Regulations

1. **Lots**

- a) Publicly sewered lots in the Heavy Industrial (I-2) zoning district shall have an area of at least sixty thousand (60,000) square feet and frontage of at least two hundred (200) feet.
- b) Privately sewered lots in the Heavy Industrial (I-2) zoning district shall have an area of at least two and a half (2.5) acres and a frontage of at least two hundred fifty (250) feet.

2. **Setback Regulations**

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	40' from ROW	50' from ROW
Corner Side Yard	40' from ROW	50' from ROW
Interior Side Yard	20' from side lot line	30' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	25' from side and rear lot lines	25' from side and rear lot lines

3. **Height Regulations**

- a) 35 feet maximum, except as provided in Chapter 18-01.09(F) of this ordinance.

D. Building Size

1. Minimum size of a principal structure shall be 15,000 square feet of first floor area.

E. Parking

1. Parking shall conform to the requirements set forth in Chapter 18-05.00, Off-Street Parking Requirements.

F. Signs

1. Signage shall meet the requirements as set forth in Chapter 18-04.00, Sign Code.

G. Other Requirements

1. No use shall be established, maintained, or conducted in any Heavy Industrial (I-2) District that causes any of the following:
 - a) Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted
 - b) Hazard of fire or explosion or other physical hazard to any person, building, or vegetation
 - c) A harmful discharge of waste material
 - d) Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
2. Exterior lighting shall be contained within the Heavy Industrial (I-2) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.
3. Where a side or rear lot line in a Heavy Industrial (I-2) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than thirty (30) feet in depth and shall contain solid wooden privacy fencing, landscaping, and plantings to provide an effective screen. Such screening shall consist of a landscaped area at least fifteen (15) feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter base when planted.
4. Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.

H. Open Storage

1. All storage within 300 feet of a different zoning district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six feet or more than eight feet. Cyclone fencing with wooden or plastic slats shall not be deemed sufficient.
2. Open storage of commodities and materials shall be permitted as an accessory use, provided that such open storage shall:
 - a) Be located behind the front building line.
 - b) Comply with the setbacks contained within this district.
 - c) Be screened from view from any street or non Heavy Industrial (I-2) zoned lot by shrubbery and a solid wall or fence (including solid entrance and exit gates).

18-01.22 PLANNED DEVELOPMENT DISTRICT OVERLAY (PDD)

A. Purpose

1. The purpose of the Planned Development District Overlay (PDD) is to encourage and provide a means for creating desirable and quality development by permitting greater flexibility and design freedom than permitted under the basic zoning district regulations. These regulations are established to permit latitude in the development of the building sites if such development is found to be in accordance with the purpose, spirit, and intent of this ordinance, comprehensive plan of the Town of Rockland, and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the Town of Rockland.
2. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, landscaping, structures, open spaces, lot sizes, and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services and to encourage and facilitate the preservation of open space and other natural features such as the Niagara Escarpment, woodlands, floodplains, and wetlands by incorporating these features into the overall development.

B. Application to Existing Zoning Districts

1. This section shall serve as an option to the permitted uses and regulations applicable to all zoning districts in the Town, and shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Development District Overlay by the Town Board. Existing zoning shall continue in full force and effect and shall be solely applicable until such time as the Town Board grants final approval for the Planned Development District Overlay Zone.
2. In areas of the Town outside of the Agricultural Transition Zone, only conservation subdivisions meeting the requirements of Chapter 18-01.22(E)(1)(b) and Chapter 18-01.22(G)(2) of this ordinance shall be considered for PDD Overlay Zoning. Conservation subdivisions in this area shall meet the overall density required under the Estate Residential – 5 Acre (ER-5) Zoning District and shall provide for the conservation of the Niagara Escarpment ledge, wetlands, floodplains, and/or other Environmentally Significant Areas.
3. All required improvements, construction standards, design standards, and all other engineering standards contained within the Town of Rockland Code of Ordinances shall be complied with, except where specifically varied through the provisions of this section of the Code.

C. Minimum Size of PDD Overlay District

1. No district shall be established unless it contains the minimum area specified in this section and has at least two hundred (200) feet of frontage or Town approved private road access.
2. The minimum gross area required for a PDD Overlay District is as follows:
 - a) Two (2) acres where the overlay is placed upon base residential districts.
 - b) One (1) acre where the overlay is placed upon base commercial or industrial districts.

D. Definitions

1. **Basic Zoning Regulations:** Means such zoning regulations as are applicable to the use district other than the regulations set forth in this section.

2. **Building Site:** Is a tract of land not divided by public streets or into lots, excepting single-family dwelling purposes, and which will not be subdivided, or where the tract of land, if so divided is in single ownership or is owned by a condominium group. (The site must be located on a public street or highway.)
3. **Comprehensive Plan:** Shall mean the document adopted by ordinance by the Town of Rockland Board that meets the requirements of Sec. 66.1001 Wis. Stats, which is now or may hereafter be in effect.
4. **Density:** Shall mean the number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land use.
5. **Final Plan:** Shall mean the proposal for development of a planned unit development, including a plat of subdivision (if any), all covenants, easements, and other conditions relating to use, location, and bulk of buildings, density of development, common open spaces and public facilities. The Final Plan shall include such information as required by Section L (Final Plan requirements) herein.
6. **Improved Open Space:** Shall mean the above parcels and any structure or improvements which are placed upon such parcels (i.e. restrooms, tennis courts, ball diamonds, etc.)
7. **Open Space:** Shall mean a parcel or parcels of land or an area of water, or a combination thereof with the site designated and intended for the use or enjoyment of residents of the Planned Development and/or the public at-large.
8. **Preliminary Plan:** Shall mean the preliminary drawings described in Section J(4) (preliminary plan requirements) herein, indicating the proposed manner and/or layout of the Planned Development District to be submitted to the Planning Commission for approval.
9. **Unimproved Open Space:** Shall mean open space kept free of structure or improvements except for hiking, horseback riding, bicycle trails, ponds, picnic areas, and nature parks.

E. Uses Permitted

1. **Basic Zoning Uses.** The following uses are permitted in a Planned Development District upon obtaining all necessary approvals required under this ordinance:
 - a) All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.
 - b) Conservation subdivision plats having a minimum of 50 percent open space, of which at least 25 percent must be outside of environmentally sensitive areas, as described in the Brown County Subdivision Ordinance. Stormwater management facilities, group on-site private wastewater treatment system absorption fields, and other public facilities may be located within the 25 percent of land outside of environmentally sensitive areas.
 - c) A mixture of residential types, recreational, commercial and institutional uses may be developed to serve the residents of the PDD and/or residents of the surrounding area, provided such uses can be supported by the residents as indicated by an appropriate market study provided by the developer. Also, parking, signage, and any additional use restrictions for the uses shall be addressed in the ordinance adopted that authorizes and establishes the proposed PDD development.
2. **Building Restrictions**
 - a) Requirements for building height, size and floor area, lot size, setbacks (front, side, rear and corner side), density and open space shall be delineated in the Preliminary and Final Development Plans and the ordinance adopted that authorizes and establishes the proposed PDD. In no case shall these requirements be less than stated in other sections of the PDD ordinance and shall be found to not be hazardous, harmful, offensive or otherwise adverse to the environment, property

values, or the character of the proposed development, surrounding neighborhood or community or adverse to the health, safety, and welfare of the residents of the PDD and/or community as a whole. Notwithstanding the foregoing, if the Final Development Plan does not address a specific zoning requirement (the "Non-addressed Requirement"), the provisions of the Town of Rockland Zoning Ordinance shall apply to the development plan to the extent of the Non-addressed Requirements.

F. General Provisions

1. Engineering Design Standards

- a) The width of rights-of-way, width and location of street, sidewalks, or other paving requirements, outdoor lighting types and locations, electrical, gas and communication and utility easements if necessary, public sanitary sewer or private on-site wastewater treatment systems, storm sewer, and water lines, provision for stormwater retention and drainage, and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to perform the specific function in the specific situation; provided, however, that in no case shall construction standards be less than necessary to insure the public safety and welfare. The Town reserves the right to have an engineer of the Town's choosing review all engineering aspects of the development at cost to the developer.

2. Approvals

- a) The applicant shall develop the site in accordance with the terms and conditions of development presented to and approved by the Town Board. Any changes or additions to the original approved development site, structures, or plans of operation shall require resubmittal and recommendation by the Planning Commission, and approval by the Town Board.

3. Rescinding Approval

- a) Failure to comply with conditions, commitments, guarantees, or the recommendations established in the approval of such development project shall be cause for rescinding the approval of the same. Upon notice given by the Town Clerk, the applicant or agent then shall be required to appear before the Town Board at its next public meeting to explain any such failure to comply. The Town Board at such hearing shall determine whether or not the developer has failed to comply, and if there has been such a failure, may either:
 - (i) Rescind its approval, whereupon such recession and cessation of all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the thirty-first (31) day following a written notice of such decision sent by certified mail, return receipt, to the developer at his or her last known address; or
 - (ii) Adjourn such hearing for a period not to exceed sixty-five (65) days to enable the developer to comply; whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time that there be such compliance. If the developer has not established to the reasonable satisfaction of the Town Board that there will be compliance in the future, the Board will proceed in accordance with subparagraph a.

G. Criteria for Approval. As a basis for determining the acceptability of a PDD proposal, the following criteria shall be applied to the development proposal, with specific considerations as to whether or not it is consistent with the spirit and intent of this ordinance and the Town of Rockland Comprehensive Plan.

1. Character and Intensity of Land Use. The uses proposed and their intensity and arrangement on the site shall be a visual, aesthetic, and operational character which:

- a) Is compatible to the physical nature of the site, with particular concern for preservation of the Niagara Escarpment, woodlands, open space, or other environmentally sensitive areas.

- b) Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability, and functional practicality compatible with the general development plans as established by the community.
 - c) Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pickup, fire protection, or other municipal services.
 - d) Would provide sufficient and accessible off-street parking and loading facilities. Creativity in addressing the provision of parking is encouraged. Alternate parking arrangements may be used (such as exterior or interior satellite parking lots, provision of mass transportation, (etc.) to provide adequate parking within the requirements of the PDD ordinance.
 - e) Would be developed in a manner that encourages alternative means of transportation through the provision of sidewalks and/or off-street trails, and a well-connected street pattern.
 - f) Is consistent with the Town of Rockland Comprehensive Plan.
2. **Preservation and Maintenance of Open Space.** Adequate provisions shall be made for the permanent preservation and maintenance of common open space and rights-of-way either by private reservation or dedication to the public.
- a) Any identified reserved open space within a Planned Development shall first be offered to the Town for conveyance and dedication for public open space.
 - b) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Town, as part of the conditions for project approval, an open space easement over such open areas restricting the areas from any further building or use except as specifically authorized as part of the development plan, or, subsequently, with the express approval of the Town Board following the recommendation of site and operational plans by the Planning Commission.
 - c) In the event that the designated open space is to remain in agricultural use, the following uses shall be permitted only in the designated open space areas:
 - (i) General farming activities, such as dairying, cropping, apiculture, floriculture, forestry, horticulture, tree and shrub nurseries, pasturage, orchards, and similar non-intensive agricultural activities.
 - (ii) Existing farmstead, barns, and associated outbuildings
 - d) Proposed new construction or additions outside of the existing footprint of agricultural-related buildings shall require obtaining an amendment to the PDD as identified in Section N: Amendments. Agricultural-related buildings shall not be interpreted to mean new residential, commercial, or industrial buildings.
 - e) In the case of roadways, other rights-of-way, and stormwater management facilities, which are not dedicated to the public, as part of the conditions for project approval there shall be granted to the Town such easements over the same as may be necessary to enable the Town to provide suitable and adequate fire protection, sanitary and storm sewer water, maintenance, recreational trail connections, and other required municipal services to the project area.
 - f) The construction, care, and maintenance of such open space reservations, stormwater management facilities, and rights-of way shall be assured either by establishment of an appropriate management organization for the project, acceptance of dedication to the Town, or by agreement with the Town for establishment of a special service district and levy the cost thereof as a special assessment on the tax bill of properties within the project area.
 - g) In any case the Town shall have the right to carry out, and levy an assessment for the cost of any maintenance that it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of assuring maintenance and

assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title of each property. The developer shall submit a landscape maintenance schedule and stormwater management plan with the final plan for approval by the Town that satisfies the above requirements.

- h) Ownership, maintenance, construction (if necessary), and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Town and made a part of the conditions of plan approval.

3. Implementation Schedule

- a) The petitioners for a PDD Overlay shall submit a reasonable schedule for implementation of the development to the satisfaction of the Planning Commission and the Town Board, including suitable provisions (and the Town may require the furnishing of a sufficient performance bond for construction) for assurance that each phase could and should be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.

4. Additional Factors that May be Considered by the Planning Commission and Town Board:

- a) Height of structures
- b) Screening and fencing
- c) Landscaping
- d) Setbacks
- e) The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics
- f) Nature and use of the proposed structures, and design, architecture and materials to be used.
- g) Highway access to the site, number of driveways and location
- h) Traffic generation, number of vehicles parked, and rate of turnover per hour.
- i) Stormwater management
- j) Capacities required for sewer, water, and other necessary utilities.
- k) Educational capacity capabilities (number of families and school load).
- l) Economic impact on the Town, its inducements, attractions, and detractions.
- m) Lighting
- n) Proposed hours of operation.
- o) Comparison of open space as required by the underlying basic zones with that proposed project.
- p) Operational control
- q) Commencement and completion dates
- r) Highway/street dedication
- s) Signage
- t) Deed restrictions and sureties deemed necessary to protect the health, safety, and welfare of the community.
- u) Impact on groundwater resources.
- v) Method of sanitary waste disposal.

- w) If development is not proposing to have public sewer and water, the development's ability to be efficiently and cost-effectively connected to public sewer and water, when available.
- x) Such other limitations, conditions, special requirements, or characteristics to the use as may be deemed necessary to protect the health, safety, and welfare of the Town.

H. Procedures. No development shall be permitted within this district unless it is submitted, reviewed, and approved subject to the following procedures:

I. Pre-Application Conference

- 1. Prior to filing of an application for PDD, the applicant of the proposed PDD shall contact the Town Clerk to arrange a conference with Town representatives and/or staff. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys, and other data.

J. Preliminary Approval

1. Notice and Fee

- a) A person desiring to develop a particular site as a planned development project shall apply to the Town Clerk on such forms as shall be provided by the Town and shall pay a fee equal to cover the cost to the Town of Rockland for reviewing the plans and specifications. All PDD fees shall be reviewed and set annually. The fee must accompany said forms. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, a contact name, address, and telephone number, if different, and a description of the development site. Appropriate supporting documents and maps, as required in Section J (4) shall be filed with the application.

2. Notice to Planning Commission

- a) The Town Clerk shall inform the Planning Commission of such desire and shall secure a date for a preliminary discussion between the developer and the Planning Commission, and shall notify the developer of such date.

3. Preliminary PDD Planning Commission Recommendation

- a) The Planning Commission, after such preliminary discussions and such further discussions as may be required with the applicant, shall report in writing such proposed project development to the Town Board, together with its recommendation for either approval, approval with modifications, or denial of the same. Such report and recommendation of the Commission shall be made to the Town Board no later than three (3) months from the filing of the application with the Town Clerk, unless agreed upon in writing by the Town and applicant. A recommendation of approval from the Commission shall in no way be binding on the Town Board.

4. Information Required. The following information shall be provided by the applicant in adequate detail to satisfy the Planning Commission for its recommendation regarding preliminary approval:

- a) A statement describing the general character of the intended development.
- b) An accurate map of the project area, drawn to a maximum scale of one (1) inch equals two hundred (200) feet, showing the nature, use, and character of abutting properties prepared by a registered surveyor.
- c) Twelve (12) copies of a general development plan of the proposed project drawn to a maximum scale of one (1) inch equals two hundred (200) feet showing the

following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in Subsection (G) of this ordinance:

- (i) Tract boundaries and a statement of the total acreage of the tract;
 - (ii) Significant physical features within the tract and outside the tract to a distance of 200 feet from the outer boundary of the tract, including existing two (2) foot contours, watercourses, drainage, ponds, lakes, wetlands, and other potential environmentally sensitive areas;
 - (iii) Existing zoning district(s) on the property and within four hundred (400) feet adjacent to the proposed project;
 - (iv) Property lines (if any) within the proposed project;
 - (v) All contemplated land uses within the tract;
 - (vi) An indicator of the contemplated intensity of use; i.e., gross density in residential development; number of prospective tenants in office, commercial and industrial development or recreational development;
 - (vii) Number and type of dwelling units;
 - (viii) Existing buildings that may affect future development and proposed location of all principal structures and associated parking area;
 - (ix) Proposed lot coverage of buildings and structures;
 - (x) Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site;
 - (xi) Existing rights-of-way and easements, which may affect the project;
 - (xii) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages;
 - (xiii) The location of sanitary and storm sewer lines, water mains, fire hydrants, and lighting;
 - (xiv) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, parks, etc.;
 - (xv) Description and proposed location of proposed stormwater management facilities;
 - (xvi) General landscape treatment, including parking and refuse areas.
- d) Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development, and any other data pertinent to the evaluation under the criteria of subparagraphs 1, 2, 3, and 4 of subsection (G).
 - e) Architectural drawings and sketches illustrating the design and character of proposed structures.
 - f) General outline of intended organization structure related to property owners association, deed restrictions, and private provision of common services, if any.
 - g) Economic feasibility and impact report may be required by the Planning Commission to provide satisfactory evidence of the project's economic feasibility, of available adequate financing, and if its not adversely affecting the economic prosperity of the Town or the values of surrounding properties.

5. Preliminary PDD Public Hearing

- a) The Town Board shall hold a public hearing on the Preliminary PDD within forty-five (45) days of receipt of the Planning Commission recommendation, unless the applicant and Town agree to an extension in writing. A Class 2 notice pursuant to

Wisconsin State Statute 985 shall publish time, place, and purpose of the hearing. Such notification appearing in the Town's Official Newspaper shall appear once during each of the two weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The Town shall also mail notice of the hearing within two weeks prior to the scheduled date of such hearing to all parties of interest who have requested notification and property owners within 100 feet of the outer boundaries of the proposed PDD overlay.

6. Preliminary PDD Town Board Action

- a) The Town Board shall approve, approve with modifications, deny, or refer the proposed development back to the Planning Commission. The Town Clerk shall provide a written summary of the Town Board action and any modifications to the Preliminary Plan and mail them to the applicant.
- b) Approval of the preliminary development plan shall entitle the developer to final approval if the final development plan is submitted within one (1) year of the date of approval of the preliminary plan, conforms to such layout and conditions of the approved preliminary plan, and required final approval information, and the applicant and Town have executed a Developer's Agreement.
- c) No building permits may be issued on land within the planned development until the Final Plan is approved and all public improvements are in place and accepted by the Town.

K. Amendment of Preliminary Plan Approval

1. The recommendation of the Planning Commission and the preliminary approval of the Town Board, shall be based on, and include as conditions thereto, the building, site and operational plans for the development as approved as well as all other commitments offered or required with regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out as presented in the approved plans.
2. Detailed construction time, and the approval of such Preliminary Plan shall be conditional upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Planning Commission, and if, in the opinion of the Planning Commission, such change or addition constitutes a substantial alteration of the original plan, it shall within forty-five (45) days make an appropriate recommendation to the Town Board relating to an amendment of the preliminary approval.
3. An applicant desiring to amend an approved preliminary PDD shall apply to the Town Clerk on such forms as shall be provided by the Town and shall pay a fee equal to cover the cost to the Town of Rockland for reviewing the plans and specifications. The fee must accompany said forms. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, a contact name, address, and telephone number, if different, and a description of the development site. Appropriate supporting documents and maps, as required in Section J (4) shall be filed with the application.
4. The Town Board shall hold a public hearing on the preliminary PDD amendment within forty-five (45) days, following the Planning Commission recommendation, unless the applicant and Town agree to an extension in writing. A Class 2 notice pursuant to Wisconsin State Statute 985 shall public time, place, and purpose of the hearing. Such notification appearing in the Town's Official Newspaper shall appear once during each of the weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The Town shall also mail notice of the hearing to all adjoining property owners of the proposed PDD overlay and parties of interest who have requested notification .

L. Final Approval

1. Petition for Final Approval

- a) When the Town Board has issued its preliminary approval of the proposed plan, then the applicant may file with the Town Clerk a petition executed by the owner, or its agent, of the property to be developed for the final approval stating that it seeks to develop such property under the provisions of the section. Such petition shall include (unless previously submitted and unchanged from preliminary plan):
 - (i) The names, mailing addresses and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application that no longer have an interest in the project, in the event there has been a change in owners or developers since the date of application.
 - (ii) An accurate topographical map drawn to a maximum scale of one (1) inch equals two hundred (200) feet showing topographical data at 2 foot intervals and extending within 200 feet beyond the exterior boundaries of such site, showing all public rights-of-way and all buildings accurately located within 200 feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and capacities thereof and high water elevations along rivers.
 - (iii) A map drawn to a maximum scale of one (1) inch equals 200 hundred (200) feet showing the location, type and size of every proposed structure and its proposed use; also driveways, driveway access roads, refuse areas, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaping areas, and utility easements.
 - (iv) A statistical table showing the size of the site in square feet, the acreage (exclusive of public streets), proposed population densities, and open areas (both in square feet and as a percentage of the project area).
 - (v) Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.
 - (vi) A table showing the approximate cost of structures.
 - (vii) A statement showing the starting and completion dates of the project.
 - (viii) Any other pertinent data, statements, drawings, or plans, which may be required by the Planning Commission or the Town Board. The following additional information for commercial and industrial developments:
 - (ix) Square footage of buildings;
 - (x) Square footage of offices, production areas and the proposed number of employees in such area;
 - (xi) Detailed signage sketch elevations;
 - (xii) Details of proposed use or uses and manner of operation; and
 - (xiii) The municipal services that may be required to serve the area.

2. Final PDD Planning Commission Recommendation

- a) The Planning Commission shall make a formal recommendation to the Town Board and provide written findings of fact upon which its recommendation is based in the official minutes of the Planning Commission meeting. The Planning Commission shall make a recommendation to the Town Board within forty-five (45) days of the submittal of a Final Plan to the Town Clerk, based upon the criteria in Section F and the information provided by the applicant.

3. Final PDD Town Board Action

- a) The Town Board shall have an additional forty-five (45) days after the Public Hearing in which to approve, approve with modifications, refer back to the Planning Commission, or deny the application, unless an extension is granted through written agreement between the Town and applicant. The Town Board shall base its decision on the criteria in Section G, information provided by the applicant, and official testimony at the public hearing.
- b) The Town Board shall provide written findings of fact regarding their action and direct the Town Clerk to provide written notification to the applicant of the Town Board action and the findings of fact.
- c) The applicant is responsible for any County or State filings and fees.
- d) A Developer's Agreement shall be negotiated and executed by the applicant and Town prior to final approval.

M. Failure to Begin Construction or Establish Use

- 1. If no construction has begun, or no use has been established in the PDD within six (6) months from the approval of the Final Plan, the Final Plan and related restrictions and conditions shall lapse and be of no further effect. In its discretion and for good cause, the Town Board may extend for not more than six (6) months the period for the beginning of construction or the establishment of a use.

N. Amendments

- 1. The Town Board must approve any amendment to regulations, restrictions, or conditions for an approved final PDD. Such regulations, restrictions, or conditions may include but are not limited to changes or alterations to landscaping, architectural design, type of construction, sureties, lighting, fencing, planting screens, operational control, hour of operations, signs, improved traffic circulation, deed restriction, highway access restrictions, minor alterations or minor additions, building height or area of existing structures, off-street parking or loading requirement changes.
- 2. The applicant shall pay a fee for the cost of review and processing of an amendment.

O. Interpretation

- 1. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed in a limitation or repeal of any other power granted by the Wisconsin Statutes.
- 2. Further, development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this subchapter or any PDD adopted under this subchapter they shall take precedence and be controlling when there is conflict between their provision and those of the zoning provisions of this code.

(Historical reference: adopted November 7, 2005)

18-01.23 AGRICULTURAL - FARMLAND PRESERVATION (AG-FP) ZONING ORDINANCE

A. DEFINITIONS. In this farmland preservation ordinance:

1. “Accessory use” means any of the following land uses on a farm:
 - a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c) A farm residence, including normal residential appurtenances.
 - d) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (i) It is conducted on a farm by an owner or operator of that farm.
 - (ii) It requires no buildings, structures, or improvements other than those described in par. (a) or (c).
 - (iii) It employs no more than 4 full-time employees annually.
 - (iv) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
2. “Agricultural use” means any of the following activities conducted for the purpose of producing an income or livelihood:
 - a) Crop or forage production.
 - b) Keeping livestock.
 - c) Beekeeping.
 - d) Nursery, sod, or Christmas tree production.
 - e) Floriculture.
 - f) Aquaculture.
 - g) Fur farming.
 - h) Forest management.
 - i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
3. “Agriculture-related use” means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
 - a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
 - b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
 - c) Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.

- d) Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
 - e) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
4. “Common ownership” for purposes of the farmland preservation ordinance means ownership by the same person or persons. “Common ownership” includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
 5. “Contiguous” means adjacent to or sharing a common boundary. “Contiguous” includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.
 6. “Farm” means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
 - a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
 - b) A majority of the land area is in agricultural use.
 7. “Farm residence” means a single-family residence that is the only residential structure on the farm.
 8. “Governing Body” means the Town Board of Rockland, Brown County Wisconsin.
 9. “Gross farm revenue” means gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. “Gross farm revenue” includes receipts accruing to a renter, but does not include rent paid to the land owner.
 10. “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
 11. “Open space parcel” means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
 12. “Person” means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
 13. “Prime farmland” means all of the following:
 - a) An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - b) Land, other than land described in par. (a), which is identified as prime farmland in the county’s certified farmland preservation plan.
 14. “Prior nonconforming use” means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.
 15. “Protected farmland” means land that is any of the following:

- a) Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
- b) Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
- c) Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.
- d) Otherwise legally protected from nonagricultural development.

B. LAND USE IN FARMLAND PRESERVATION ZONING DISTRICT; GENERAL. Only the following land uses are allowed in a farmland preservation zoning district:

- 1. Uses allowed under Section C without a conditional use permit.
- 2. Uses allowed under Section D with a conditional use permit.
- 3. Prior nonconforming uses, subject to s. 60.61(5), Wis. Stats.

C. PERMITTED USES. The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

- 1. Agricultural uses on farms, including:
 - a) Crop or forage production.
 - b) Keeping of livestock.
 - c) Beekeeping.
 - d) Nursery, sod, or Christmas tree production.
 - e) Floriculture.
 - f) Aquaculture.
 - g) Fur farming.
 - h) Forest management.
 - i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- 2. Undeveloped natural resource and open space areas including snowmobile trails.
- 3. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

D. ACCESSORY USES. The following land uses are allowed accessory to a permitted use in a farmland preservation zoning district:

- 1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:
 - a) A facility to store or process raw agricultural commodities, all of which are produced on the farm.
 - b) A facility used to keep livestock on the farm.
 - c) A facility used to store or process inputs primarily for agricultural uses on the farm.
 - d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.

- e) A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 - f) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.
 - g) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
2. An activity or business operation that is an integral part of or incidental to, an agricultural use.
 3. A farm residence, including normal residential appurtenances such as a pool, deck, or patio.
 4. A home business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - a) It is conducted on a farm by an owner or operator of that farm.
 - b) It requires no buildings, structures, or improvements other than those described in par. (a) or (c).
 - c) It employs no more than 4 full-time employees annually. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

E. Conditional uses.

1. General.

- a) The governing body may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. The governing body shall follow the procedures described in the Town of Rockland Code of Ordinances.
- b) Before issuing a conditional use permit under par. (a), the governing body shall determine in writing that the proposed use meets applicable conditions under this section. The governing body may issue the permit subject to any additional conditions which the governing body deems necessary to carry out the purposes of this ordinance.

2. Certain Agricultural Related Conditional Uses.

- a) The governing body may issue a conditional use permit for the certain agricultural and agriculture-related uses under par. D(2)(b) if all of the following apply:
 - (i) The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
 - (ii) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (iii) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (iv) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.

- (v) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- (vi) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

b) The following Agriculture-Related Uses:

- (i) Riding stables and/or boarding facilities
- (ii) Farmstead food processing facilities
- (iii) Farmstead retail outlets
- (iv) On-farm fuel or agrichemical storage facilities
- (v) A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
- (vi) A dairy plant that processes or handles milk from farms.
- (vii) A meat slaughter establishment.
- (viii) A food processing plant that processes raw agricultural commodities received from farms.
- (ix) A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
- (x) An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce bulk fuel or other bulk products.
- (xi) A sawmill or other facility that processes wood or other forest products received directly from farms.
- (xii) A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
- (xiii) A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
- (xiv) A facility that is primarily engaged in providing agronomic or veterinary services to farms.

3. Compatible Infrastructure.

- a) The governing body may issue a conditional use permit for a proposed use under par. (b) if all of the following apply:
 - (i) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (ii) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (iii) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

- (iv) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 - (v) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
 - b) The governing body may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under par. (a):
 - (i) Transportation uses, including rail facilities, and agricultural aeronautic facilities.
 - (ii) Communication uses, including cell towers, antennae and broadcast towers.
- 4. Government, Institutional, Religious and Nonprofit Community Uses.
 - a) The governing body may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the governing body determines that all of the following apply:
 - (i) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (ii) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (iii) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - (iv) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 - (v) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
 - b) Government and Nonprofit Community Conditional Uses Include:
 - (i) Fire stations, police stations, post offices, and other government administration buildings
 - (ii) Schools, colleges, and universities
 - (iii) Religious institutions, including cemeteries and mausoleums
 - (iv) Public parks and recreation areas

F. Rezoning land out of a farmland preservation zoning district.

- 1. Except as provided in sub. (2), the governing body may not rezone land out of a farmland preservation zoning district unless the governing body finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:
 - a) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - b) The rezoning is consistent with any comprehensive plan, adopted by the governing body, which is in effect at the time of the rezoning.

- c) The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- 2. Subsection (1) does not apply to any of the following:
 - a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
 - b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- 3. By March 1 of each year, the Town will provide to the Department of Agriculture, Trade, and Consumer Protection (DATCP) and to Brown County a report of the number of acres rezoned out of the farmland preservation district during the previous year and a map that clearly shows the location of those acres.

G. Dimensional Requirements

- 1. All lots and structures under this ordinance shall comply with the dimensional requirements set forth in the Town of Rockland Code of Ordinances Rural Residential Non-Sewered (RR-1) District section.

(Historical reference: Adopted December 16, 2013)

18-02.00 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

18-02.01 PURPOSE

- A. This section shall regulate the parking, location and maintaining of all manufactured homes parks.
- B. Manufactured Homes Class II may only be allowed in the Agricultural Non-Participating Working Lands (NPWLI).
- C. Manufactured home parks may be allowed as Conditional Uses in the Limited Industrial Zone.
- D. Manufactured home parks shall be prohibited in all other zoning districts within the Town of Rockland.

18-02.02 DEFINITIONS

- A. The following definitions shall apply in the interpretation and enforcement of this Ordinance:
 - 1. **Foundation.** A closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground a minimum of 48 inches on footings below finish grade.
 - 2. **Manufactured Home - Class I.** A structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single-family or two-family home and, therefore, may be located in any district permitting such use.
 - 3. **Manufactured Home - Class II.** A structure transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.
 - 4. **Manufactured Home Class II Park.** Any park, court, campsite, lot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes Class II and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home Class II park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.
 - 5. **Unit.** One (1) manufactured home.
 - 6. **Non-Dependent Unit.** A manufactured home that has a bath or shower and toilet facilities.
 - 7. **Dependent Unit.** A manufactured home which does not have a bath or shower and toilet facilities.
 - 8. **Space.** A plat of ground in a manufactured home park designed for the location of only one (1) manufactured home.
 - 9. **Person.** Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.
 - 10. **Occupied Area.** That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.
 - 11. **Park Management.** The person who owns or has charge, care, or control of the manufactured home park.

18-02.03 APPLICATION AND LICENSE FOR MANUFACTURED HOME PARK

- A. No person shall establish, operate, maintain, or permit to be established, operated, or maintained upon any property owned, leased, rented, or controlled by him/her, a manufactured home park within the Town of Rockland without first securing a license for each park from the Town Board, pursuant to this chapter. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this chapter for additional periods of one (1) year.
- B. The application for such a license or renewal thereof shall be approved by Town Board. Before a license is issued, an applicant shall pay an annual fee as identified in the Town of Rockland Fee Schedule and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond as identified in the Town of Rockland Fee Schedule for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provision of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the Town Board, provided that said licensee has abided by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.
- C. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan showing the following, either existing or as proposed:
 - 1. The extent and area for park purposes.
 - 2. Roadway and driveways.
 - 3. Locations and designation of dependent and independent manufactured home spaces.
 - 4. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
 - 5. Complete layout of storm, sanitary and water systems for service building and spaces.
 - 6. Method and plan of garbage removal.
 - 7. Plan for electrical or gas lighting of spaces.
 - 8. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and makes the application.

18-02.04 REVOCATION AND SUSPENSION

- A. The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.0435(2)(d), Wisconsin Statutes.

18-02.05 LOCATION OF MANUFACTURED HOME PARKS

- A. An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit this type of use.

18-02.06 MANUFACTURED HOME PARK PLAN

- A. Manufactured home spaces shall be clearly defined and shall consist of a minimum of four thousand two hundred (4,200) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving ease of access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provide for adequate storm water drainage, said drainage to be determined by the Town Planning Commission. The roadways shall be well lighted and shall not be obstructed.
- B. The park shall be so laid out that no dependent unit shall be further than two hundred (200) feet from the toilets and service building, provided for herein, and walkways to such building shall be paved and well lighted.
- C. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
- D. All manufactured homes within a manufactured park shall be parked within the designated spaces.
- E. For the protection of abutting property owners, as well as manufactured homeowners, a twenty-five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty-five (25) foot buffer strip.
- F. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:
 - 1. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
 - 2. The hitch used for pulling the manufactured home may protrude into the front yard setback.
- G. Two (2) off-street parking stalls shall be provided within each manufactured home space, said stall to be in accordance with Chapter 18-05.03(L).
- H. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland to be used for the accommodation of necessary water and sanitary connections.
- I. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in 18-02.04(E) and (F) above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
- J. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space.
- K. Foundation is required.
- L. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Zoning Administrator. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition of awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback side yard and rear yard requirements for manufactured home units.

- M. For each fifteen (15) manufactured homes, the applicant shall designate one site as green space for the purpose of creating a common park/playground for the residents of the park. For thirty (30) or more homes, said green space sites shall be adjoining. Minimum lighting is required for safety and security purposes.
- N. For each fifteen (15) manufactured homes, the applicant shall construct a storm shelter designed to withstand a category F3 tornado/storm event and capable of holding a minimum of 30 people.

18-02.07 SANITARY REGULATIONS

- A. All manufactured homes parks shall conform to the sanitation and health regulations as set forth by the State of Wisconsin, and Brown County.

18-02.08 OPERATION OF MANUFACTURED HOME PARKS: RESPONSIBILITY OF PARK MANAGEMENT

- A. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.
- B. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
 - 1. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
 - a) Name and addresses of all owners and occupants of each manufactured home.
 - b) Number of children of school age.
 - c) State of legal residence.
 - d) Date of entrance and departure of each manufactured home.
 - e) Make, model, year, and serial number of each manufactured home and license number of towing or other motor vehicles and state, territory or country issuing such licenses.
 - f) Place of employment of each occupant.
- C. Notify park occupants of the provisions of this Ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violation of this Ordinance or any other violations of law which may come to their attention.
- D. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
- E. Supervise the placement of each manufactured home on its foundation which includes securing its stability and installing all utility connections.
- F. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- G. Maintain the park free from growth of noxious weeds.
- H. Maintain the designated green space site(s) and buffer strip(s), including but not limited to grass cutting.

18-02.09 VARIANCES

- A. The requirements of Chapter 18-02.06(A), (E), (F), (G), (H), (I), and (J) shall not apply to manufactured home parks existing prior to the adoption of this Ordinance. All provisions of

this Ordinance, however, shall apply to additions to existing manufactured home parks and new manufactured home parks.

18-02.10 ENFORCEMENT AND PENALTY PROVISION

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00.
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance

(Historical reference: Amended December 16, 2013)

18-03.00 SEXUALLY-ORIENTED ADULT ENTERTAINMENT ZONING

18-03.01 DEFINITIONS

A. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. **Specified sexual activities** is defined as:
 - a) Human genitals in a state of sexual stimulation or arousal
 - b) Acts of human masturbation, sexual intercourse, or sodomy
 - c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts
2. **Specified anatomical areas** is defined as less than completely and opaquely covered:
 - a) Human genitals, pubic region
 - b) Buttock
 - c) Female breasts below a point immediately above the top of the areola.
3. **Sexually-oriented adult-entertainment establishments** includes bookstores, motion picture theaters, mini-motion picture theaters, bath houses, massage parlors, motel, modeling studios, body painting studios, cabarets, and novelty shops; and are more specifically defined as:
 - a) **Adult bookstore.** An establishment having fifty percent of its stock and trade in books, magazines, video, computer software, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.
 - b) **Adult motion picture theater.** An enclosed building with a capacity of 50 or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patron therein.
 - c) **Adult motion picture theater (outdoor).** A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”.
 - d) **Adult mini-motion picture theater.** An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.
 - e) **Adult bath house.** An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in “specified sexual activities” as defined in this ordinance.
 - f) **Adult motel.** A hotel, motel, or similar commercial establishment which:
 - (i) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or specified anatomical areas; and has a sign visible from the

- public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (ii) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (iii) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
- g) **Adult modeling studio.** An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
- h) **Adult body painting studio.** An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall be deemed to include a tattoo parlor or a body piercing studio.
- i) **Adult cabaret.**
 - (i) An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.
 - (ii) Any adult cabaret, as defined above, which features such entertainment on a periodic and infrequent basis, is considered an adult entertainment establishment only during those times when the adult entertainment is being presented or the entertainers are on the premises; and all provisions of this ordinance shall apply during those presentations. The establishment shall notify the Brown County Sheriff's Department at least 24 hours prior to the date on which such adult entertainment is to take place.
 - (iii) Any periodic adult establishment, as defined above, shall be licensed yearly in accordance with the licensing provision hereinafter set forth in Town of Rockland Code of Ordinance Chapter 12-01.00.
- j) **Adult novelty shop.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities as defined herein or stimulating such activity.

18-03.02 GENERAL STANDARDS

- A. Sexually-oriented adult-entertainment establishments (hereinafter adult establishments) shall locate only in areas zoned Limited Industrial (I-1), and then only as a conditional use. Such application for conditional use may only be granted if the following requirements are met:
 - 1. No more than one adult establishment shall be located on any one parcel, and such adult establishment shall be at least 1,500 feet from any other adult establishment. Further, no adult establishment shall be permitted within 2,500 feet of the following:
 - a) Any existing residential dwelling;
 - b) Any land zoned RS-1, RR-1, ER-2, or ER-5;
 - c) A historic site identified on the "National Register", or as an adopted historic district by this chapter;
 - d) Any public or private elementary or secondary school or licensed nursery school or day care center;
 - e) A church or established place of worship or cemetery;
 - f) A public park or parkway;

- B. Signs advertising any of the aforementioned adult uses shall be in accordance with Chapter 18-04.00 Sign Code with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will inform only the establishment name and address and will not depict specified sexual activities and/or specified anatomical areas as defined in the ordinance, and provided further that there shall be no flashing or traveling lights located outside the building. The location and wording of such sign shall be shown on the plat plan required by the Zoning Ordinance for the Town of Rockland and submitted contemporaneously with the request for conditional use.
- C. Adequate parking shall be provided in a lighted area in accordance with Chapter 18-05.00 Off Street Parking. Such parking provisions shall be shown on the site plan required by the Town Ordinance and submitted contemporaneously with the request for conditional use.
- D. There shall be no display windows on the premises.
- E. In the case of adult cabarets, the hours of operation shall be limited to the same hours of operations for bars and taverns within that community within which the district is located.
- F. Outdoor adult motion picture theaters are prohibited.
- G. Prior to the granting of a conditional use permit, an inventory of the surrounding area and population shall be made by the Town Planning Commission along with a study of the proposed development and plans for the area.
- H. All adult establishments shall be licensed in accordance with the Town Ordinance pertaining to the licensing of sexually-oriented adult entertainment establishments.

18-04.00 SIGN CODE

18-04.01 PURPOSE

- A. To regulate the size, type, construction standards, maintenance and placement of signs situated within the boundaries of the Town of Rockland, Wisconsin and to promote the public health, safety, welfare and comfort of the general public, Chapter 18-04.00 of the Town of Rockland Code of Ordinances is hereby enacted and shall be known as the “Town of Rockland Sign Code” (the “Sign Code”). This Sign Code accomplishes its purposes by:
1. Reducing distractions and obstructions from signs that would adversely affect traffic safety, and alleviating hazards caused by signs projecting over or encroaching upon the public right-of-way.
 2. Discouraging excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses and activities to the public.
 3. Preserving or enhancing the natural beauty and unique physical characteristics of the Town of Rockland by requiring new and replacement signage which is harmonious with the buildings to which signs relate, surrounding neighborhood aesthetics and other signs in the area and is complementary to the Town's suburban architectural character and unobtrusive commercial developments.
 4. Promoting a healthy and properly designed business environment.
 5. Protecting property values within the Town.
 6. Ensuring safe construction of signage.

18-04.02 SCOPE OF REGULATIONS

- A. Except as otherwise noted herein, the regulations of this section shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction standards, erection, attachment, support, lighting, anchorage, maintenance, appearance and aesthetics.

18-04.03 SUBSTITUTION CLAUSE

- A. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

18-04.04 DEFINITIONS

- A. The following definitions shall apply in the interpretation and enforcement of this Ordinance:
1. **Abandoned Sign:** Any sign which contains information which is no longer correct, fails to advertise a bona fide business, lessor, lessee, owner, product, service or activity, conduct or product available or when a rental, sale or compensation is no longer provided
 2. **Animated Sign:** Any sign that uses movement, change of lighting or lights—either natural, artificial, or the appearance thereof—to depict action or motion, or to create a special effect or scene, or to convey a message. It does not include a changeable copy sign or a sign which contains a "time and temperature" portion as its only changeable part.
 3. **ATM:** Automated teller machine
 4. **Banner:** A sign intended to be hung either with or without a frame, and that possesses characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind, but shall not be interpreted to include a canopy sign. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.
 5. **Base Setback Line:** The edge of the established ultimate street right-of-way or property line.

6. **Beacon:** A stationary or revolving light that flashes or projects illumination, single-color or multicolored, in any manner that is intended to attract or divert attention. Such signs are prohibited.
7. **Billboard:** A structure for the display of off-premises advertising.
8. **Building Identification:** Any sign indicating the name of a building, date, and incidental information about construction, or any such information, which sign is cut into a masonry surface or is mounted on other permanent material.
9. **Bulletin Board:** Any sign erected by a charitable, educational or religious institution or a public body, upon the same property as said institution, for purposes of announcing events which are held on the premises, and which contains no commercial message.
10. **Canopy Sign:** Any sign that is attached to or part of an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.
11. **Changeable Copy Sign:** A sign or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times a day or more than once an hour shall be considered an animated sign and not a changeable copy sign for the purpose of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.
12. **Commercial Sign:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.
13. **Construction Sign:** A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building/lot upon which the sign sits and/or identifying the future use of the building/lot upon which the sign sits.
14. **Directional or Incidental Sign:** A sign, generally informational or directional, that has a purpose secondary to the use of the premises on which it is located, such as "no parking," "entrance," "exit only," "loading only," "telephone," "ATM," and other similar messages. A sign with a commercial message legible from a position off premises on which the sign is located or where the display area does not exceed three square feet or extend higher than three feet above the center line of the adjacent street grade shall not be considered an incidental sign.
15. **Display Surface:** The surface made available on the sign, either for the direct mounting of letters and decorations, or for the mounting of facing material intended to carry the entire advertising message.
16. **Double-Faced Sign:** A sign with copy on two parallel faces that are back to back, facing in opposite directions.
17. **Drop Box:** A device used to hold mail, packages or items for charitable contributions.
18. **Erect:** To build, construct, attach, hang, place, suspend, or affix any thing, including painting of a wall sign.
19. **Façade:** The front or main face of the building.
20. **Facing:** The surface of the sign or billboard upon, against, or through which the message of the sign or billboard is displayed.
21. **Flag:** Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
22. **Flashing Sign:** A sign whose illumination is not kept constant in intensity at all times when in use and/or which exhibits changes in light, color, direction, animation and

word/text changes. Illuminated signs that indicate the date, time and temperature will not be considered flashing signs.

23. **Garage Sale Sign:** A private sale of personal property, including estate sales, yard sales or rummage sales used to dispose of personal household possessions; not for the use of any commercial venture.
24. **Government Sign:** Any sign erected by the Town of Rockland or any other governmental entity in the exercise of official government business and authority.
25. **Ground Sign:** A sign on which the bottom edge of the display area has open space between the bottom edge of the display area and the natural grade. The sign is freestanding and not attached to any structure, not to exceed eight feet in height from natural grade.
26. **Illuminated Sign:** A sign in which an artificial source of light is used in connection with the display of such sign.
27. **Illumination, External:** Illumination of a sign with an exterior light source.
28. **Illumination, Internal:** Illumination of a sign in which the source of light is contained within the sign itself.
29. **Lot:** A fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of the Town of Rockland Subdivision and Platting Regulations and Zoning Ordinance for a building site.
30. **Mansard Roof:** Any roof that has an angle greater than 45° from the horizontal and which derives part of its support from the building wall and is attached to (but permitted to be not necessarily a part of) a low-slope roof, and which extends along the full length of the front building wall or at least three quarters of the length of a side building wall. For purposes of this chapter, a "low-slope roof" shall mean any roof with a pitch of less than three inches' rise per 12 inches' horizontal.
31. **Marquee:** A permanent roof-like structure attached to and supported by the building and projecting over public property. For the purpose of this chapter, a marquee shall be considered part of the building.
32. **Marquee Sign:** A sign attached to, painted on, or supported by a marquee.
33. **Memorial Sign:** A sign which serves as a remembrance of a person, event or place.
34. **Multiple-Tenant Identification Sign:** A sign which serves as a common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.). Such sign may name the persons or businesses included, but not limited, and shall carry no other advertising matter.
35. **Neon Sign:** A sign illuminated by a light source consisting of a neon or other gas tube that forms letters, symbols, lines or other shapes.
36. **Nonconforming Signs:** A sign for which a permit has been issued, existing at the effective date of the adoption of this ordinance that does not conform to the terms of this ordinance.
37. **Off-Premises Signs:** Any sign that advertises, calls attention to or identifies an occupant, business or property situated on a different lot than the sign.
38. **On-Premises Signs:** Any sign that advertises, calls attention to or identifies an occupant, business or property situated on the same lot as the sign.
39. **Outdoor Menu Board:** An outdoor sign, associated with restaurants with drive-through windows, which gives a detailed list of food or services that are available at a restaurant, car wash, etc.
40. **Parapet Wall:** A low wall above the roof used as a rated fire wall.

41. **Parcel:** A continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
42. **Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
43. **Person:** Any natural person, and any firm, partnership, association, corporation, company, or organization, singular or plural, of any kind or nature.
44. **Portable Sign:** Any sign not permanently attached to the ground or any permanent structure, or a sign designed to be transported, including but not limited to: signs designed with wheels; signs converted to A- or T-frames; menu and sandwich boards; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of way, unless said vehicle is used in the normal day-to-day operations of business.
45. **Projecting Sign:** An anchored (immovable) sign affixed or attached directly to the external wall of a building or structure any part of which, including illumination devices, extends more than 13 inches from the exterior wall of the building or structure. This definition shall be interpreted to include canopy signs.
46. **Real Estate Sign:** A sign placed upon property for the purpose of advertising to the public the sale, lease or rent of said property.
47. **Roof Sign:** A sign that projects above the lowest point of the eaves or the top of the parapet wall of any building, or that is painted on or fastened to a roof.
48. **Sandwich Board Sign:** An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto, and which is usually two sided.
49. **Sign:** A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person institution, organization, or business.
50. **Spot Light Illumination:** Illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.
51. **Temporary Sign:** A sign erected for a period of 30 consecutive days or less.

18-04.05 PERMITS

- A. **Authority:** Except as expressly provided in this Sign Code, it shall be unlawful for any person to erect, repair, alter, or relocate any sign without first obtaining a sign permit.
- B. **Application for Permit:** Sign permit applications, including all required fees, shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy. Applications shall contain or have attached thereto the following information:
 1. Name, address, and telephone number of the applicant and the location of the building, structure, or parcel to which or upon which the sign is to be attached or erected.
 2. Name of person, firm, corporation, or association erecting the sign.
 3. Written consent of the owner of the building, structure, or parcel to which or upon which the sign is to be affixed.
 4. A scale drawing of such sign indicating the dimensions, materials to be used, color scheme, type of illumination, if any, and the method of construction or attachment.
 5. A scale drawing indicating the location, position and color scheme of such sign in relation to nearby buildings or structures.
 6. Additional information as may be required by the Town.

C. Issuance of a Permit

1. Upon the filing of a complete application for a sign permit, the Zoning Administrator shall examine the application to determine whether the proposed sign is in compliance with the requirements of this ordinance and any other applicable regulations of the Town of Rockland.
2. Within 30 days of filing the application, unless the applicant consents to a longer period of review:
 - a) If the proposed sign is not in compliance with the structural and dimensional requirements of this Sign Code or other applicable regulations, the Zoning Administrator shall deny such permit and provide written notice to the applicant stating with specificity the reasons therefore with citations to applicable regulations and an explanation of the appeal process set forth under Chapter 18-04.19 of this ordinance.
 - b) If the proposed sign is a temporary sign, and the Zoning Administrator determines that the sign complies with this Sign Code and other applicable regulations, the Zoning Administrator shall issue or conditionally issue the permit. If the application is conditionally approved, written notice shall be provided to the applicant of the conditions of approval. Temporary signs shall also meet the requirements of Chapter 18-04.16 of this ordinance.
 - c) If the proposed sign is a permanent sign, and the Zoning Administrator determines that the sign complies with all structural and dimensional requirements of this Sign Code and other applicable regulations, the Zoning Administrator shall issue or conditionally issue the permit. If the application is conditionally approved, written notice shall be provided to the applicant of the conditions of approval. The permit shall expire six months from the date of issuance if construction of the sign is not substantially complete.

18-04.06 FEES

- A. Administrative fees for sign permit review shall be in accordance with the Town of Rockland's established fee schedule.

18-04.07 AREA COMPUTATION OF SIGNS

- A. Sign area shall be the area within the smallest regular polygon that will encompass all elements of the actual sign face, including any writing, representation, emblems or any figure or similar character, together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed.
 1. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols, together with any background of a different color than the natural color, or finish material of the building.
 2. The main supporting sign structure (i.e., brackets, posts, foundation, etc.) shall not be included in the area measurement if such framework is incidental to the display.
 3. When a sign has two or more faces, the area of all faces shall be included in determining the area of the sign.

18-04.08 PROHIBITED SIGNS

- A. The following types of signs are prohibited in the Town of Rockland:
 1. Abandoned signs.
 2. Roof signs.
 3. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or

activity. This subsection shall not be interpreted to prohibit signs placed on or affixed to vehicles and trailers while the vehicle is parked or used incidentally to the primary use of the vehicle or trailer and are stored during periods of nonuse inconsistent with functional advertising.

4. Signs that are attached or otherwise affixed to trees or other living vegetation.
5. Signs that contain objectively false or misleading information.
6. Signs that imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
7. Animated signs.
8. Flashing signs.
9. Signs containing reflective elements, which sparkle or twinkle in the sunlight.
10. Sandwich boards.
11. Banners, pennants, streamers, balloons and other gas-filled figures, except as a permitted temporary sign under Chapter 18-04.16 of this ordinance.
12. Off-premises signs (including billboards). Off premises signs are prohibited in the Town of Rockland unless noted as not requiring a sign permit in Chapter 18-04.09 of this ordinance or through written permission from the Rockland Town Board.
13. Portable signs except as a permitted temporary sign under Chapter 18-04.16 of this ordinance or as otherwise expressly allowed under this ordinance.
14. Signs attached to, erected or maintained on any standpipe, exterior stairway, fire escape, tower, or balcony so as to interfere with the use thereof.
15. Signs erected at or near the intersection of any streets in such manner as to obstruct free and clear vision thereof; or at any location where, by reason of the position, shape or color, they may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which make use of the words "STOP," "LOOK," "DANGER" or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
16. Signs erected, constructed or maintained so as to obstruct any exit, any window opening necessary for required light or ventilation, or which prevents free passage from one part of a roof to another.
17. Signs entirely supported by a parapet wall.
18. Signs, cards, banners, pictures, handbills, sign posters, advertising, or notice of any kind, on any curb, street-walk, public thoroughfare surface, fence, board, barrel, box, case, railing, pole, post, bridge, tree, barricade, material, bridge fender, dock, pile, building or structure of any kind on public ground or public waterways within the Town of Rockland except as approved by the Town Board.
19. Neon tubing exposed to view and not covered with an opaque cover of Plexiglas or other similar material.
20. It shall be unlawful for any person to continue in operation, erect or maintain any attraction device or sign which contains a beacon of any type.

18-04.09 SIGNS NOT REQUIRING PERMIT

- A. The following outdoor signs, advertising structures or devices shall not require a permit under this ordinance. However, they shall be safely constructed and shall comply with all minimum setback requirements imposed by this ordinance:
 1. Memorials, grave markers, statuary or other remembrances of persons or events, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other nonreflective, unobtrusive and incombustible materials.

2. Government signs.
3. Signs in ER-10, NPWLI, or AG-FP districts on parcels of land containing not less than 10 acres. No more than one sign, not to exceed 15 square feet in area, may qualify for this exemption per parcel.
4. Garage sale signs; provided that no person shall attach posters, notices or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the Town; and that no person shall put up any notice upon any building, wall, fence, or other property of another person without having first obtained the written consent of the owner of such property. The maximum time limit for all garage sale signs is three consecutive days and nine cumulative days in a one-year period. Such signs shall not exceed 12 square feet in area.
5. Temporary, nonilluminated window signs where 75% of the total window area remains free of signage.
6. Real estate signs
 - a) Number
 - (i) There shall not be more than one real estate sign for each lot, except that where a lot abuts two or more streets one real estate sign may be allowed for each abutting street frontage.
 - b) Area.
 - (i) In RS-1, RR-1, ER-2, and ER-5 Residential Districts, temporary "for sale" or "for rent" real estate signs shall not exceed 12 square feet in gross surface area.
 - (ii) In ER-10, NPWLI, AG-FP, IN, B-1, B-2, I-1, I-2, and Planned Development Overlay Districts, temporary "for sale" real estate signs shall not exceed 25 square feet in gross surface area and temporary "for lease" or "for rent" real estate signs shall not exceed 10 square feet in gross surface area unless land is undeveloped, in which case such sign shall not exceed 25 square feet in gross surface area.
 - (iii) "Sold" signs or stickers may be added so long as they do not exceed 25% of the original sign area.
 - c) Location.
 - (i) Real estate signs shall be set a minimum of 10 feet from any abutting side or rear property line or driveway. Additionally, signs shall be set back 10 feet out of the right-of-way, or out of the vision corner intersection. Additionally, signs shall be set back at least the height of the sign plus two feet, out of the right-of-way and out of the vision corner intersection.
 - d) Removal.
 - (i) Real estate signs shall be removed within seven days of the sale or lease of the premises upon which the sign is located.
 - e) Height.
 - (i) Real estate signs shall not project higher than six feet, as measured from the natural grade at the base of the sign.
7. Construction Signs.
 - a) Number.

- (i) There shall not be more than two construction signs for each project or development, except that where a project or development abuts two or more streets, two signs may be allowed for each abutting street frontage.
- b) Area.
 - (i) Residential area. In all residential areas, construction signs shall not exceed 16 square feet on one side or 32 square feet in gross surface area using two sides.
 - (ii) Nonresidential areas. In all nonresidential areas, construction signs shall not exceed 32 square feet on one side or 64 square feet in gross surface area using two sides.
- c) Location.
 - (i) Construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs shall be set back a minimum of 10 feet from any abutting property line, road right-of-way or driveway. Such signs shall be set back a minimum of 10 feet from any abutting property line or driveway and at least the height of the sign plus two feet from the road right-of-way and out of vision corner intersection.
- d) Height.
 - (i) Construction signs shall not project higher than six feet, as measured from the natural grade at the base of the sign.
- e) Other Conditions.
 - (i) Temporary construction signs shall be permitted only as accessory to an approved building permit and the names of the contractors, engineers, architects, and financial institutions involved in the project development
 - (ii) Construction signs may be erected and maintained for a period not to exceed 30 days prior to the commencement of construction and shall be removed within 30 days of the termination of construction of the project or development.
 - (iii) The address of the construction site shall be on the construction sign.
- 8. Election and Campaign Signs. An election or campaign sign is a sign which promotes a candidate for public office, a particular position on a referendum or other matter on an election ballot. Election and campaign signs are subject to the following restrictions:
 - a) Area.
 - (i) Election and campaign signs shall be no larger than 16 square feet.
 - b) Location.
 - (i) Election and campaign signs may be no closer than 10 feet to the public right-of-way at a street intersection, nor over the right-of-way.
 - (ii) Election and campaign signs may be closer than 10 feet to other election and campaign signs.
 - c) Erection and Removal.
 - (i) The candidate for public office or a position on a referendum or other matter on an election ballot wishing to place a political sign under this permit exemption with their name or position on it within the Town limits must in fact be, or have their position or matter eligible to be, on the ballot in the Town of Rockland.

- (ii) The first day to place election or campaign yard signs within the Town limits is the first day that candidates are eligible to circulate nomination papers.
 - (iii) All political yard signs must be removed within five days following the election.
9. Noncommercial signs: one sign per parcel carrying any lawful noncommercial message not exceeding 11 square feet in area, except in agricultural areas where they may be up to 15 square feet. Larger noncommercial signs shall be allowed according to permit standards set forth in Chapter 18-04.14 of this ordinance and will count toward the total signage area for the parcel upon which they are located.
10. Noncommercial flags. Noncommercial flags may be flown upon a single flagpole as follows:

a) For all nonresidential uses:

Flagpole Height (Feet)	Flag Size (Feet)	Flagpole Height (Feet)	Flag Size (Feet)
20	4 x 6	50	8 x 12 to 10 x 15
25	5 x 8	60 to 65	10 x 15 to 10 x 19
30 to 35	6 x 10	70 to 80	10 x 19 to 12 x 18
40 to 45	6 x 10 to 8 x 12	90 to 100	20 x 38 to 30 x 50

- b) For all residential uses, no flagpole may be greater than 25 feet high or carry a flag greater than four feet by six feet. A flagpole 20 feet or shorter shall not carry a flag larger than three feet by five feet.
11. Personal messages: a sign announcing births, anniversaries, birthdays, retirement, graduations and other similar events of personal significance not exceeding a total of 20 square feet in area and displayed not longer than seven consecutive days.
12. No trespassing/no dumping signs: signs erected to give notice of prohibitions on trespassing or dumping not exceeding 11/2 square feet in area.
13. Home improvement signs. On-site home improvement signs may be placed in the yard where and when said improvements are being made. No sign shall be placed on any tree or rock. Home improvement signs shall be freestanding ground signs not exceeding six square feet, nonilluminated and may be placed during construction, but must be removed no later than 14 calendar days after construction is completed.

18-04.10 ILLUMINATION STANDARDS

- A. In addition to complying with the provisions of this ordinance, all signs in which electrical wiring and connections are to be used shall be subject to applicable provisions of the State of Wisconsin Code or National Electrical Code, whichever provision is more restrictive.
- B. The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device, is expressly prohibited.
- C. All sign lighting shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties or into the sky, except for flag lights.
- D. In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60 footcandles when measured with a standard light meter held perpendicular to the sign face at a distance of 10 inches.

18-04.11 LANDSCAPING STANDARDS

- A. In the case of any pole or ground sign for which a permit is required, a landscape area shall extend a minimum of five feet from the base of the sign.

- B. Where any sign is proposed to be externally illuminated using ground-mounted fixtures (i.e., floodlight), landscape plantings shall be installed in such a manner as will entirely shield the light source from the surrounding view. Landscaping plantings shall be of a type as will ensure effective year-long screening.

18-04.12 LOCATION STANDARDS

- A. No signage may cause a reduction in required or previously existing off-street parking spaces, or in any manner interfere with the use of such off- street parking spaces.
- B. In any zoning district, no sign or sign support structure shall be set back less than 10 feet from any abutting lot line or driveway, and shall be at least the height of the sign plus two feet, but not less than five feet, from the right-of-way and out of the vision corner intersection.
- C. Placement of all signs may be subject to more stringent setback requirements where, according to professional traffic engineering standards, required to preserve traffic sight lines.
- D. No nonresidential sign shall be located closer than 50 feet to an abutting residential zone.

18-04.13 BONDING REQUIREMENTS

- A. All sign contractors and/or installers are to file with the Town of Rockland a non-interest bearing deposit or a surety bond based on the Town's bonding schedule .

18-04.14 SIGNS ALLOWED BY PERMIT

- A. All signs under this section shall be allowed by issuance of a sign permit under Chapter 18-04.05 of this ordinance.
- B. Signs allowed in RS-1, RR-1, ER-2, and ER-5 Residential Districts:
 - 1. Subdivision/neighborhood identification signs. A permanent sign used to designate a residential subdivision entrance shall be permitted subject to Planning Commission and Town Board approval and the following criteria:
 - a) Type. Subdivision identification signs shall be ground or monument signs.
 - b) Number. There shall not be more than two subdivision identification signs for each point of vehicular access to the subdivision.
 - c) Area. Subdivision identification signs shall not exceed 32 square feet in area per sign.
 - d) Location. Subdivision identification signs shall not be located closer than 10 feet to any property line, right-of-way or driveway.
 - e) Placement of sign shall be subject to the vision setback regulations as put forth in the Code of the Town of Rockland.
 - f) Height. Subdivision identification signs shall not exceed six feet as measured from pre-construction grade at the base of the sign.

2. Signs accessory to conditional uses.

- a) Limited to one ground sign and one wall sign per parcel. No more than 33% of the total sign area may consist of changeable copy.
- b) Total sign area permitted for signs accessory to conditional uses shall be determined by the length of the front facade of the principal building, not including home occupation signs. When the parcel fronts two or more streets, the front facade shall be the side of the building where the main entrance is located.

Length of Façade	Maximum Size (Square Feet)	Length of Façade	Maximum Size (Square Feet)
15 feet or less	40	80 feet or less	92
20 feet or less	44	85 feet or less	96
25 feet or less	48	90 feet or less	100
30 feet or less	52	95 feet or less	104
35 feet or less	56	100 feet or less	108
40 feet or less	60	105 feet or less	112
45 feet or less	64	110 feet or less	116
50 feet or less	68	115 feet or less	120
55 feet or less	72	120 feet or less	124
60 feet or less	76	125 feet or less	128
65 feet or less	80	150 feet or less	148
70 feet or less	84	175 feet or less	168
75 feet or less	88	200 feet or less	188
		225 feet or less	200

- 3. Home occupation signs. Signs advertising a home occupation shall not exceed six square feet in size and shall not be illuminated

C. Signs allowed in ER-10, NPWLI, AG-FP, B-1, B-2, I-1, and I-2, zones.

1. Type

- a) Wall signs. Total signage area allowed shall be determined according to Chapter 18-04.14(C)(3).
- b) Ground signs. No ground sign shall exceed 200 square feet, and the ground sign shall contain the address number.
- c) Awing, canopy and marquee signs.
- d) Multiple-tenant identification signs. Where multiple tenants occupy a single parcel, total signage area allowed shall be determined according to Chapter 18-04.14(C)(3) and shall be divided among the tenants.
- e) Window signs. Temporary, non-illuminated window signs covering less than 25% of the window area shall be allowed. Business decals not exceeding 50% of the display area shall be allowed.
- f) Changeable copy signs. No more than 33% of total sign area may consist of changeable copy.
- g) Drop boxes, ATMs, vending machines and newspaper dispensers. If the lettering from any drop box, ATM, vending machine, newspaper dispenser or similar device is legible by a person of ordinary eyesight from any distance off the zoning lot for which it is approved, the signage thereon shall count toward total signage area allowed on the zoned lot.
- h) Home occupation signs. Signs advertising a home occupation shall not exceed six square feet in size and shall not be illuminated.

- i) Outdoor menu boards. Outdoor menu boards are only allowed on lots which have previously been approved for drive-through-type businesses such as restaurants and car washes under the following conditions:
 - (i) Only one outdoor menu board shall be permitted per order window or wash bay, on a lot.
 - (ii) Display surface area shall not exceed 24 square feet.
 - (iii) If the sign is lighted it may be lighted by internal illumination only and only during business hours.
 - (iv) The outdoor menu board lettering may not be legible from any distance off the zoned lot for which it is approved.
2. Number. There shall not be more than one ground sign for each parcel.
3. Total sign area shall be determined by the length of the front facade of the principal building, not including home occupation signs. When the parcel fronts two or more streets, the front facade shall be the side of the building where the main entrance is located.

Length of Façade	Maximum Size (Square Feet)	Length of Façade	Maximum Size (Square Feet)
15 feet or less	40	80 feet or less	92
20 feet or less	44	85 feet or less	96
25 feet or less	48	90 feet or less	100
30 feet or less	52	95 feet or less	104
35 feet or less	56	100 feet or less	108
40 feet or less	60	105 feet or less	112
45 feet or less	64	110 feet or less	116
50 feet or less	68	115 feet or less	120
55 feet or less	72	120 feet or less	124
60 feet or less	76	125 feet or less	128
65 feet or less	80	150 feet or less	148
70 feet or less	84	175 feet or less	168
75 feet or less	88	200 feet or less	188
		225 feet or less	200

4. Location. A ground sign may not be located closer than 10 feet to any property line or driveway and at least the height of the sign plus two feet, but not less than five feet, to any right-of-way and out of the vision corner intersection.
5. Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed. A wall sign shall not exceed 20 feet in height from the base of the building wall to which the sign is affixed. A ground sign shall not project higher than eight feet, as measured from the natural grade at the base of the sign. A canopy or marquee sign shall not project higher than the top of the awning, canopy or marquee to which such sign is to be attached.

D. Signs allowed in IN Institutional District.

1. Type
 - a) Wall signs. Total signage area allowed shall be determined according to Chapter 18-04.14(D)(3).
 - b) Ground sign and shall contain the address number. No ground sign shall exceed 200 square feet, and the ground sign shall contain the address number.

2. Number. Except for the case of multiple-tenant buildings, there shall not be more than one wall sign for each principal building. There shall not be more than one freestanding ground sign for each principal building.
3. Area. Total sign area shall be determined by the length of the front facade of the principal building. When the parcel fronts two or more streets, the front facade shall be the side of the building where the main entrance is located.

Length of Façade	Maximum Size (Square Feet)	Length of Façade	Maximum Size (Square Feet)
15 feet or less	40	80 feet or less	92
20 feet or less	44	85 feet or less	96
25 feet or less	48	90 feet or less	100
30 feet or less	52	95 feet or less	104
35 feet or less	56	100 feet or less	108
40 feet or less	60	105 feet or less	112
45 feet or less	64	110 feet or less	116
50 feet or less	68	115 feet or less	120
55 feet or less	72	120 feet or less	124
60 feet or less	76	125 feet or less	128
65 feet or less	80	150 feet or less	148
70 feet or less	84	175 feet or less	168
75 feet or less	88	200 feet or less	188
		225 feet or less	200

4. Location. A wall sign may be located on the outermost wall of any principal building but shall not project more than 13 inches from the wall to which the sign is to be affixed. A ground sign shall not be located closer than 10 feet to any property line or driveway and at least the height of the sign plus two feet, but not less than five feet, to any right-of-way and out of the vision corner intersection.
 5. Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed. A wall sign shall not exceed 20 feet in height from the base of the building wall to which the sign is affixed. A ground sign shall not project higher than eight feet, as measured from natural grade at the base of the sign.
- E. Planned Development Districts (Chapter 18-01.22). Type, number, total sign area, location and height of signage in any Planned Development District shall be established according to an approved signage plan reviewed in conjunction with the approval of the Planned Development District. Said signage plan shall not constitute part of the applicable zoning, but shall be enforced as part of this sign code. Amendments to the signage plan shall require approval by the Town Board upon written request submitted to the Town Clerk including a detailed description of the requested amendments and payment of the fee prescribed in the Town of Rockland fee schedule.

18-04.15 NONCONFORMING SIGNS

- A. Existing signs which become nonconforming upon adoption of this ordinance shall not be remodeled, relocated or changed in size or content unless such action will make the sign conforming in all respects with this ordinance.
 1. Where a nonconforming sign is destroyed by violent wind, vandalism, fire, flood, ice, snow, or other act of God, it may be reconstructed to the size, location, and use that it had immediately prior to being damaged or destroyed.
- B. At any such time as the owner of any building or lot, on which a nonconforming sign(s) is/are located requests Planning Commission or Town Board approval for any changes to the use, building or lot, the Planning Commission or Town Board may require that such nonconforming

sign(s) be removed or made to conform with this ordinance as a condition of building or site approval.

- C. Nonconforming signs shall further adhere to the requirements identified in Chapter 18-09.00 of this ordinance.

18-04.16 TEMPORARY SIGNS

- A. No person, firm, or corporation shall erect or display any form of temporary commercial sign without first obtaining a sign permit from the Zoning Administrator.
- B. Application for a temporary commercial sign shall be made on a form provided by the Zoning Administrator and shall be accompanied by a permit fee.
 - 1. A permit fee shall not be required for a bona fide non-profit group advertising a fund raiser or other similar event.
- C. The term of a temporary sign permit shall not exceed 30 consecutive days from the date of issuance and must be wholly within any one calendar year, at the end of which term such permit shall expire and any sign or advertising device allowed by said permit shall be removed.
- D. No person, firm, or corporation shall erect or display more than one temporary advertising device or temporary sign in any one calendar year.
- E. Each face of a temporary sign shall not exceed 32 square feet in area, and the total area of such device or sign shall not exceed 64 square feet. The maximum height of a temporary freestanding sign is restricted to seven feet.
- F. The failure to remove a sign or advertising device upon expiration of the sign permit shall be a violation of this ordinance, and each day of violation thereafter shall be considered a separate offense.
- G. Any such sign or device shall not contain more than two faces, each of which shall be on a different side of the sign or device.
- H. No sign or device may be placed in the vision corner or any other portion of the public right-of-way. Signs shall be setback a minimum of 10 feet from the public right-of-way.
- I. Banners shall not be displayed for more than 14 consecutive days. However, banners may be authorized for use up to three times per year, and up to two banners may be displayed at one time.
- J. Each temporary sign shall be appropriately secured and constructed consistent with public safety.

18-04.17 DESIGN, CONSTRUCTION, AND ERECTION STANDARDS

- A. Architectural/engineering design.
 - 1. Ground signs. These signs shall be architecturally integrated with the principal building in the following manner:
 - a) The base of the sign shall be constructed with permanent building materials that are complementary in color to the building.
 - b) The color scheme of the sign and sign frame shall be complementary to the building and surrounding area.
 - c) Architectural features (e.g., sills, piers, reveals, capstone, medallions, etc.) that are part of the architectural style of the principal building shall be incorporated into the sign.
 - d) The sign face shall be constructed with an opaque surface to allow internal light to only project through the cut-out lettering and/or logos.
- B. Structure design.

1. Wind pressure. All signs shall be constructed, erected and maintained to safely withstand wind pressure as specified by the Wisconsin State Statutes and applicable Administrative Code.
2. The design, construction and erection of all signs shall be by a competent professional in the sign design and construction industry.
3. Wall signs attached to exterior building walls shall be anchored or attached in such a manner as will ensure stability and safety.

18-04.18 MAINTENANCE OF SIGNS

- A. The owner of any sign as defined and regulated by this ordinance shall be required to properly maintain the appearance and safety of all parts and supports of their sign.
- B. In event that the sign owner does not provide sign maintenance within 60 days after written notification from the Town, the Zoning Administrator shall take enforcement action as provided by this Sign Code.

18-04.19 APPEALS AND VARIANCES

A. Appeals.

1. The Board of Appeals, shall hear all appeals by any person aggrieved by any actions or decisions of the Zoning Administrator or other Town officer or employee charged with implementing the provisions of this Ordinance where it is alleged an error has been made in any factual determination or application of any provision of this Ordinance or any applicable state or federal law. For purposes of this section, an aggrieved person is an applicant for a sign permit, a holder of a sign permit or any person who is alleged to have violated any provision of this ordinance.
2. A written request for an appeal, including the name and address of the appellant and a brief statement of the nature of the appeal, shall be filed with the Town Clerk within 10 days of receiving written notice of the decision being appealed. The Board of Appeals shall hold a hearing on said appeal within 30 days of filing the appeal, and written notice of the hearing shall be mailed to the address given by the appellant.
3. The Board of Appeals shall issue and mail to the appellant a written decision within 10 working days of the hearing. Appeals of the Board of Appeals shall be by certiorari review to the Brown County Circuit Court or as otherwise provided by law.
4. Appeals under this section shall not relieve any person facing enforcement action under Chapter 18-04.20 of this ordinance from complying with any procedural requirements of the court exercising jurisdiction over said action.

B. Variances.

1. The Planning Commission may, in its judgment, authorize such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

18-04.20 ENFORCEMENT AND PENALTY PROVISION

- A. **Penalty.** Any person, firm, company or corporation who or which violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be subject to enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00. Each day that a violation exists shall constitute a separate violation and be punishable as such.
- B. **Declared nuisances.** Any sign or similar advertising structure erected, structurally altered, painted, moved or maintained in violation of the provisions of this chapter is hereby declared to

be a nuisance per se, by the Town Board, and the Town may apply to any court of competent jurisdiction to restrain or abate such nuisance.

C. Removal of certain signs

1. Any sign now or hereafter existing that no longer advertises a bona fide business or project, or that is dilapidated, out of repair, unsafe, insecure, or has been constructed, erected or maintained in violation of the provisions of this ordinance shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which such sign may be found. If, within 10 days after written notification from the Town, the sign owner fails to comply with such notice, the Town may remove such sign. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within 30 days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected pursuant to Section 66.0627 Wis. Stats.
2. Any sign that is constructed without a sign permit shall be removed unless a sign permit application is filed within 10 days' written notice to the owner by the Town. If a sign permit application is not filed and the sign is not removed, or if the application for a sign permit is denied and the sign is not removed within 10 days' written notice, the Town may remove such sign. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within 30 days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected pursuant to Section 66.0627 Wis. Stats.
3. The Zoning Administrator may cause any sign or other advertising structure that he/she determines to be an immediate peril to persons or property to be removed summarily and without notice. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within 30 days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected pursuant to Section 66.0627 Wis. Stats.

D. Revocation of permits. The Zoning Administrator may, in writing, suspend or revoke a permit issued under provisions of this Sign Code whenever the permit is issued on the basis of a misstatement of fact or fraud. The written revocation shall describe the appeal process set forth under Chapter 18-04.19. The Zoning Administrator shall send the revocation by certified mail, return receipt requested, to the sign owner.

E. Election of remedies. The Town may elect to enforce this ordinance under any or all enforcement actions authorized by this section.

(Historical reference: Amended December 16, 2013)

18-05.00 OFF-STREET PARKING

18-05.01 GENERAL REQUIREMENTS

- A. The following regulations shall apply to all zone districts within the Town of Rockland.
1. The design of parking lots and areas in the B-1, B-2, IN, I-1, and I-2 zoning districts shall be subject to site plan approval.
 2. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall conform to the requirements herein.
 3. Any application for a building permit, or for any occupancy certificate, where no building permit is required, shall include therewith a site plan, drawn to scale and fully dimensional, showing any off-street parking or loading facilities to be provided in compliance with this ordinance.
 4. All off-street parking facilities shall be designed with appropriate means for vehicular access to a street or alley in a manner which will least interfere with traffic movement.

18-05.02 PARKING STANDARDS

- A. Each required off-street parking space shall be at least ten (10) feet in width measured at right angles to the center of car as parked, and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps or columns. Aisles shall be not less than twenty four (24) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between center line of parking space and center line of aisle), and twelve (12) feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to twenty-three (23) feet.
- B. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress.
- C. Any lighting used to illuminate off-street parking areas shall be directed downward and away from residential properties and public streets in such a way as not to create a nuisance.
- D. All off-street parking lots shall adhere to Wisconsin Statutes as to requiring handicap parking.
- E. All driveways are means by which vehicles travel between the street and the approved parking spaces and are not to be considered for approved parking spaces.
- F. Parking areas may be located in any yard space within the Institutional, Community Business District, and the Limited and Heavy Industrial Districts, and in any yard space but the front yard in the other districts, however, no parking space or area including driveway shall be permitted within five (5) feet of a property line in a side yard and/or ten (10) feet of a street right-of-way.
- G. All parking areas and appurtenant passageways and driveways shall be hard surfaced.
- H. When parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- I. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Lighting shall be directed downward to prevent light pollution. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones and road traffic from the glare of such illumination and from that of automobile headlights.
- J. No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
- K. No parking space required under this ordinance may be used for any other purpose; provided, however, that open spaces required by this ordinance for setback and side yards may be used

for such parking spaces or approaches there to, except on corner lots there shall be no parking in a vision clearance triangle.

- L. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently pursued to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- M. **Existing buildings with parking deficiencies.** When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
- N. **Existing buildings without parking deficiencies.** When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction in excess of one half (1/2) shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- O. None of the off-street parking facilities required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case, the provisions of this ordinance shall apply to the enlarged portion of the building or use.
- P. Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this ordinance.
- Q. In any B-1, B-2, IN, I-1, or I-2 District wherever a lot abuts upon a public or private alley or street, sufficient loading space shall be provided on the lot or adjacent thereto in connections with any business or industrial use so that the alley or street shall at all times be free and unobstructed to the passage of traffic.
- R. Parking lots containing ten (10) or more parking spaces which are located in the RS-1, RR-1, ER-2, or ER-5 districts or adjacent to these districts shall be subject to site plan review. These parking lots shall be screened along the side or sides of such lot which about the lot lines of the listed residential zoning lots by a solid wall, fence, evergreen planting, or equivalent capacity or other equally effective means, built or maintained at a minimum height of four feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.
- S. Parking lots shall provide for safe and accessible pedestrian ways to the principal use on the parcel.

18-05.03 SPECIFIC REQUIREMENTS

- A. **Apartment Hotels.** One and one half (1 1/2) parking spaces shall be provided for each dwelling unit or lodging room and additional space as shall be required for supplemental uses.
- B. **Educational (Non-Boarding) and Cultural Institutions**
 - 1. Elementary and middle schools. One (1) parking space shall be provided for each employee and adequate visitor space to be determined by the Board of Education.
 - 2. Senior high schools. One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty four (24) hour period.
 - 3. Public libraries, art galleries, museums, and aquariums. One (1) space shall be provided for each two (2) employees, plus additional parking space equal to fifty (50) percent of capacity in persons.

4. School auditoriums and gymnasiums. One (1) parking space shall be provided for each eight (8) seats.
5. Stadiums and grandstands. One (1) parking space shall be provided for each eight (8) seat.
6. Colleges, junior colleges, and universities. One (1) parking space shall be provided for each employee and one (1) parking space provided for each 4 (4) students, based on the maximum number of students attending classes on the premises at any one time during any twenty four (24) hour period.
7. Fraternities, sororities, and dormitories in conjunction with colleges, junior colleges, and universities. One (1) parking space shall be provided for each three (3) active members or dormitory residents, plus one (1) parking space for the manager.

C. Health and Medical institutions

1. Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children and sanitariums. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
2. Hospitals. One (1) parking space shall be provided for each four (4) hospital beds, plus one (1) parking space for each two (2) employees and doctors assigned to the staff.
3. Group homes. One (1) parking space for each four (4) occupants authorized one (1) parking space for each employee on the maximum shift.

D. Multiple Family Dwellings

1. Two (2) parking spaces will be provided for each dwelling unit. In addition, visitor parking will be provided as follows:
 - a) For one bedroom units, one additional parking space will be provided as guest parking for every six (6) units or fraction thereof.
 - b) For two and three bedroom units, one additional parking space will be provided as guest parking for every four (4) units or fraction thereof.

E. Philanthropic and Charitable Institutions. One (1) parking space shall be provided for each employee, plus one (1) space per patron to the maximum capacity.

F. Planned Developments (Chapter 18-01.22). Parking spaces shall be provided on the basis of the required spaces for each individual use.

G. Public Utility and Service Uses. One (1) parking space shall be provided per one and one half (1 1/2) employees, plus one (1) space per every company vehicle.

H. Radio and Television Stations. One (1) parking space shall be provided for each employee.

I. Religious Institutions

1. Churches, chapels, temples, and synagogues. One (1) parking space shall be provided for each four (4) seats.
2. Convents, seminaries, monasteries, rectories, parsonages, parish houses and religious retreats. One (1) space for every two (2) beds.

J. Recreational

1. Stadiums, ballparks, and other outdoor sports' arenas. One (1) parking space for each four (4) permanent seats. Such parking shall be located no further than eight hundred (800) feet to the nearest corner of the property on which the place of assembly is located.
2. Theaters, indoor sports' arenas, and auditoriums other than those incidental to schools. One (1) parking space for each four (4) seats, plus one (1) additional parking space for each two (2) employees on the maximum shift.

3. Bowling alleys. Four (4) parking spaces per alley, plus additional requirements for such other uses as eating and drinking establishments.
 4. Dance hall, skating rinks, lodge halls, exhibition halls, without fixed seats. One (1) parking space for each eighty (80) square feet of usable floor area.
 5. Golf driving ranges or shooting ranges. One (1) parking space for each driving tee or shooter station.
 6. Miniature courses or putting greens. Two (2) parking spaces for each golf hole.
 7. Games and athletic courts. Two (2) parking spaces for each court.
 8. Golf courses. Six (6) parking spaces per hole, plus one (1) space per employee, plus one (1) space for each two hundred (200) square feet of gross floor area for adjoining accessory commercial uses.
 9. Swimming pools (Public) (other than those uses in accessory uses with residential and commercial uses). One (1) parking space for every one hundred (100) square feet of pool area, one (1) parking space for each employee on the maximum shift. Customer pickup and drop-off zone shall be provided on a curbed directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
 10. Marinas, harbors and launching ramps. One (1) parking space for each boat berth or on-site storage space. In addition, eighteen (18) double length car-trailer spaces shall be required for each parking ramp.
- K. Rooming Houses.** One and one half (1 1/2) parking spaces shall be provided for each rooming unit, plus one (1) space for the owner manager.
- L. Single-Family Detached Dwellings.** Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.
- M. Two-Family Dwellings.** Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.
- N. Day Care Centers and Nursery Schools.** One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, such parking requirements for children authorized may be reduced to one (1) parking space per ten (10) children, if a customer pickup and drop-off zone is provided on a curved directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
- O. Day Care Homes, Family.** One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, if the staff resides in the home, the required spaces and driveway standards of a single family home shall also apply.
- P. Commercial and Retail Service Uses**
1. Animal hospitals and kennels. Two (2) parking spaces shall be provided for each employee
 2. Dry Cleaning establishments, laundromats, and receiving stations. One (1) parking space shall be provided for each two (2) employees and every two (2) automatic self-service units.
 3. Funeral homes and mortuaries. One (1) parking space for each five (5) seats or one hundred (100) square feet of floor area for each chapel or parlor, whichever is greater.
 4. Hotels. One and one fourth (1 1/4) parking spaces shall be provided for each lodging room, plus one (1) parking space for each employee, plus additional spaces for affiliated uses, as required by this ordinance.
 5. Medical and dental clinics. Three (3) parking spaces shall be provided per treatment room, plus one (1) for each doctor or dentist.

6. Motels and rooming units. One and one fourth (1 1/4) parking spaces shall be provided for each dwelling unit or lodging room, plus one (1) parking space for each employee, plus additional parking for affiliated uses, as required by this ordinance.
7. Nurseries and greenhouses. One (1) parking space per three hundred (300) square feet of sales floor area.
8. Planned development. Parking facilities shall be provided on the basis of the required spaces for each individual use.
9. Restaurants, taverns, supper clubs, cocktail lounges, and night clubs. One (1) parking space for every three (3) seats, plus one (1) space for each employee.
10. Shopping centers. One (1) parking space shall be provided for each two hundred (200) square feet of floor area, plus one (1) per employee on maximum shift.
11. Schools-music, dance or business. One (1) parking space shall be provided for each two (2) employees, plus one (1) space for each five (5) students.
12. Theaters, indoor. Parking spaces equal in number to thirty (30) percent of the seating capacity in persons shall be provided.
13. Banks, savings and loan associations and other financial institutions. One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
14. Drive-in banks, savings and loan associations and other financial institutions. One (1) space per each two hundred (200) square feet of gross floor area, plus six (6) stacking spaces for first drive-in window and four (4) stacking spaces for each additional window.
15. Barber shops, beauty salons and other similar personal service use. Two (2) spaces per operator's station and one (1) space per employee on the maximum shift.
16. Bus and motor coach depot or station. One (1) space per employee during maximum shift, plus six (6) spaces per bus at peak loading capacity.
17. Bus and motor coach service garage. One (1) space per employee on the maximum shift, plus suitable area for servicing and parking bus and motor coaches.
18. Carry-out restaurants, confectioneries and drive-in restaurants. One (1) parking space per sixty (60) square feet of net patron floor area, excluding restrooms, plus one (1) space per employee on the maximum shift, plus six (6) stacked parking spaces for each vehicle service window.
19. Automobile service station uses and automobile wash facilities. One (1) space per employee on the maximum shift and two (2) spaces per service stall or bay, plus three (3) stacked spaces per each fueling position or car washing staff.
20. Motor vehicles, machinery sales and repair garage. One (1) parking space for each four hundred (400) square feet of floor area, plus one (1) space per employee on the maximum shift.
21. Shops repairing household appliances and equipment. One (1) parking space per to hundred fifty (250) square feet of floor area, plus one (1) space per employee on the maximum shift.
22. Furniture and large appliance store. One (1) parking space for each five hundred (500) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
23. Outdoor sales' areas, such as for new or used automobile, boat or trailer sales, lumber or building materials yards, plant nurseries or similar uses. One (1) parking space for each one thousand (1,000) square feet of uncovered sales' area, plus one (1) parking space per employee on the maximum shift.
24. General retail sales, including department stores not located in a shopping center. One (1) parking space per two hundred (200) square feet of gross floor area.

25. Offices. Business, governmental and professional offices (except health care, but including counseling services). Four (4) parking spaces shall be provided for each one thousand (1,000) square feet of floor area for the first twenty thousand (20,000) square feet of gross floor area, plus three (3) per one thousand (1,000) square feet of floor area more than twenty thousand (20,000) square feet.
 26. Cultural and community centers, such as libraries, art galleries, and museums. One (1) parking space for every three hundred (300) square feet or visitor use area, plus one (1) parking space for each one and five tenths (1.5) employees on the maximum shift.
- Q. Industrial Districts and Uses.** Off-street parking spaces accessory to uses allowed in the several industrial districts shall be provided in accordance with the following minimum requirements.
1. In the Industrial districts and for any industry, one (1) space for every one thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls. Industries operating more than one (1) shift must have additional spaces to provide for change of personnel at shift change time.
- R. Off-Street Loading Requirements.** There shall be provided on the same lot with every building structure or part thereof erected hereafter to be used for other than exclusive dwelling purposes, adequate space for standing, loading motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately and specifically provided for, shall include a twelve (12) by sixty five (65) foot loading space with fifteen (15) feet height clearance, and one (1) such space shall be provided for when the gross floor area exceeds twenty thousand (20,000) square feet. No portion of the vehicle shall project into a public right of way.
- S. Uses Not Listed.** For uses not listed, the zoning administrator shall determine the appropriate parking standards based on the particular use.

18-06.00 TELECOMMUNICATION ANTENNAS AND TOWERS

18-06.01 DEFINITIONS

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

1. **Alternative tower structure** shall mean man-made structure such as elevated tanks, electric utility transmission line towers, non-residential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Free standing signs are not considered to be alternative tower structures.
2. **Antenna** shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
3. **FAA** shall mean the Federal Aviation Administration.
4. **FCC** shall mean the Federal Communications Commission.
5. **Governing authority** shall mean the governing authority of the Town of Rockland.
6. **Preexisting towers and antennas** shall have the meaning set forth in Chapter 18-06.02(D).
7. **Height** shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
8. **Tower** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, and the like.

18-06.02 APPLICABILITY

- A. **District Height Limitations.** The requirements set forth in this article shall govern the location of towers that exceed, and antennas that are installed at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower exceed the following height limitations;
1. for a single user, up to ninety (90) feet in height;
 2. for two users, up to one hundred twenty (120) feet in height; and
 3. for three or more users, up to one hundred fifty (150) feet in height.
- B. **Public Property.** Antennas located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
- C. **Amateur Radio: Receive-Only Antennas.** This article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receive only antenna.
- D. **Pre-Existing Towers and Antennas.** Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of Chapter 18-06.03(E) and (F). Any such towers or antennas shall be referred to in this article as “pre-existing towers” or “pre-existing antennas”.
- E. **Large, Medium, and Small Wind Energy Facilities.** Large, medium, and small wind energy facilities as defined in Chapter 18-01.08 of the ordinance are regulated in the “Large, Medium,

and Small Wind Energy Facility Ordinance, Town of Rockland, Brown County, Wisconsin” and are therefore exempt from this ordinance.

18-06.03 GENERAL GUIDELINES AND REQUIREMENTS

A. **Purpose, Goals:** The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goal of this article is to:

1. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community,
2. Strongly encourage the joint use of new and existing tower sites,
3. Encourage users of towers and antenna to locate them, to the extent possible, in areas where the adverse impact on the community is minimal,
4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

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

C. **Inventory of Existing Sites.** Each applicant for an antenna or tower shall provide to Town an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Town may share such information with other applicants applying for approvals or Conditional Use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Town is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

D. **Aesthetics and Lighting.** The guidelines set forth in Chapter 18-06.03(D) shall govern the location of all towers, and the installation of all antennas, governed by this article, provided, however, that the governing authority may waive these requirements if it determines that the goals of this article are better served thereby.

1. Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting, alternatives and approve the design that would cause the least disturbance to the surrounding views.

5. Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 ft. above the ground on a placard no larger than 1-1/2 sq. ft.
- E. **Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
- F. **Building Codes, Safety Standards.** To insure the structural integrity of towers, the owner of a tower shall insure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

18-06.04 PERMITTED USE PERMITS

- A. **General.** The uses listed in this Section 6.04. are deemed to be permitted uses and shall not require a Conditional Use permit. Nevertheless, all such uses shall comply with Chapter 18-06.03 and other applicable ordinances.
- B. **Specific Permitted Uses.** The following uses are specifically permitted:
 1. Installing an antenna on an existing alternative tower structure, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and
 2. Installing an antenna on an existing tower of any height, including a preexisting tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.
 3. Wireless telecommunication towers, as defined in Chapter 18-01.08, in the I-1 and I-2 Zoning Districts.

18-06.05 CONDITIONAL USE PERMITS

- A. **General.** The following provisions shall govern Conditional Use permits:
 1. If the tower or antenna is not a permitted use under Chapter 18-06.04 of this article, then a Conditional Use permit shall be required prior to construction of any tower, or the placement of any antenna in the Town of Rockland.
 2. Towers and antennas may only be located as a conditional use in any zone outside of I-1 or I-2 districts subject to the requirements of this ordinance.
 3. The precise location of the proposed tower or antenna shall be identified on a detailed map and submitted to the Town of Rockland with the conditional use permit application.
 4. If a Conditional Use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties and on the property tax

base of the town, and to recoup costs of administering this section of the town zoning ordinance.

a) This may include a fee based on the height of the tower. The fee shall be \$2.50 per vertical foot of height of the tower per year. The height shall be determined by measuring the vertical distance of the structure measured from the average elevation of the finished grade surrounding the tower to the highest point of the tower.

b) Any new antennae on existing towers are subject to a \$2,000 per year fee.

5. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

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

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

1. Height of the proposed tower
2. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for collocation of another provider's equipment
3. Proximity of the tower to residential structures and residential district boundaries
4. Nature of uses on adjacent and nearby properties
5. Surrounding topography
6. Surrounding tree coverage and foliage
7. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
8. Proposed ingress and egress
9. Availability of suitable existing towers and other structures as discussed in Section (D) of this ordinance
10. Compliance with Wisconsin Department of Transportation (DOT) Ordinance 56.04

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

1. No existing tower or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, on the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- E. **Setbacks and Separation.** The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use permit is required; provided, however that the governing authority may, reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby.
1. Towers must be set back a distance equal to 1.1 times the height of the tower from any off-side residential structure, or any parcel of land zoned residential.
 2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
- F. **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a Conditional Use permit is required; provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby.
1. Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screen the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 2. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived altogether.
 3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

18-06.06 REMOVAL OF ABANDONED TELECOMMUNICATION ANTENNAS AND TOWERS

- A. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- B. The site shall be stabilized, graded, and cleared of any debris by the owner of the above antennas or towers or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion.
- C. Any foundation shall be removed to a minimum depth of four (4) feet below grade, or to the level of the bedrock if less than four (4) feet below grade by the owner of the antenna(s) or tower(s) or its assigns. Following removal, the location of any remaining foundation shall be identified on a map as such and recorded with the deed to the property with the Brown County Register of Deeds.
- D. Any access roads shall be removed, cleared, and graded by the owner of the antenna(s) or tower(s) or its assigns, unless the property owner want to keep the access road. The Town of

Rockland will not be assumed to take ownership of any access road unless through official action of the Town Board.

- E. Any expenses related to releasing any easements on the site after decommission and removal shall be the responsibility of the owner or its assigns.
- F. Removal shall conform to the contract between the property owner and the owner/operator, in addition to the requirements set forth in this Ordinance.

18-06.07 ENFORCEMENT AND PENALTY PROVISION

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

(HISTORY: ADOPTED FEBRUARY 1999)

18-07.00 MAN-MADE BODIES OF WATER

18-07.01 APPLICABILITY

- A. The following regulations shall apply to all man-made bodies of water hereinafter constructed or developed within the Town of Rockland.

18-07.02 DEFINITIONS

- A. **Artificial Lake:** A man-made body of water, two acres or greater in size utilized for recreational, aesthetic, or conservation purposes.
- B. **Man-Made Body of Water.** Any excavation or mounding of earth or other material which would create a reservoir in which water can collect or travel
- C. **Pond.** A man-made permanent or temporary body of open water which is equal to or greater than 200 square feet in size and less than two acres in surface area
- D. **Pond, Landscape:** A man-made permanent or temporary body of open water, decorative in nature, which is less than 200 square feet in surface area and has a maximum depth of three feet. Landscape ponds shall be excluded from this ordinance.
- E. **Pond, Stormwater Detention.** A permanent man-made pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such waters.
- F. **Pond, Stormwater Retention.** A permanent man-made pond or pool designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

18-07.03 LOCATION

- A. **Artificial Lakes:** may be allowed as a conditional use in the following districts: Estate Residential (ER-10), Agricultural Non-Participating Working Lands(NPWLI), and Agricultural Farmland Preservation (AG-FP), provided that they are consistent with agricultural use.
- B. **Ponds** may be allowed as a conditional use in the following districts: Estate Residential 2-Acre (ER-2) and Estate Residential 5-Acre (ER-5), Estate Residential (ER-10), Agricultural Non-Participating Working Lands(NPWLI), and in the Agricultural Farmland Preservation (AG-FP) district provided they are consistent with agricultural use.

18-07.04 EXEMPTIONS

- A. Exemptions shall be as follows:
 - 1. Pools (Public and Private), provided all permits are obtained from the Town of Rockland
 - 2. Manure storage pits as defined in Brown County Code Chapter 26, Animal Waste Storage Facility
 - 3. Landscape ponds as defined in Chapter 18-07.02
 - 4. Retention and/or detention ponds as defined in Chapter 18-07.02

18-07.05 PERMIT

- A. A permit is required from the Town of Rockland for all excavations or mounding which will result in a man-made body of water as follows:
 - 1. **Artificial Lakes and Ponds:** The property owner, developer, or his assigned agent shall make application for a conditional use permit to the Town of Rockland Planning Commission prior to construction.
 - 2. **Artificial Lakes and Ponds:** To obtain a building permit, an application shall be made to the Town of Rockland Zoning Administrator on the proper forms provided by the town.

- B. Applications shall be approved, approved with conditions, or denied within 90 days from the date all information is received by the Planning Commission. The Town Planning Commission shall review and approve a site plan before the Town Board issues the conditional use permit. No application shall be processed or approved without the required information.
- C. If the excavation site falls within a county floodplain or shoreland, or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinances for Brown County shall apply. Brown County and the Department of Natural Resource permits must accompany the application, if required. If permits are not required, written confirmation from Brown County and the Department of Natural Resources shall be submitted with the application.

18-07.06 SITE PLAN

- A. Applications shall include a site plan drawn to a maximum scale of one (1) inch equals two hundred (200) feet with the following information contained on the site plan:
 - 1. A map showing the location of the premises and the adjoining properties within 500 feet.
 - 2. Any existing or future residential lots, buildings, easements, property lines, and setbacks.
 - 3. Any existing waterways, floodways, or tile lines.
 - 4. A scaled cross-section view of the man-made body of water in a north-south and east-west direction depicting slopes, safety benches, depths, and high and low water levels.
 - 5. Outflow design with calculations.
 - 6. Fencing, if required
 - 7. The source of water supply for residential dwellings (if appropriate) and the method(s) of maintaining low water levels.
 - 8. Proposed truck and machinery access to the site.
 - 9. Approximate amount of earth material to be excavated or moved off-site. A location needs to be specified for any earth material remaining on-site. Please refer to Chapter 18-08.00 Earth Excavation within the Rockland Code of Ordinance for more information.
 - 10. Proposed site design depicting two-foot contour intervals.
 - 11. Proposed grading and seeding of the site after completion of the excavating.
 - 12. Designated hours of operation during construction of pond or artificial lake.
 - 13. The type of sanitary facilities to be installed if residential development is to take place.

18-07.07 DESIGN STANDARDS

- A. All man-made bodies of water shall be designed within the scope of this chapter. Where no minimum water level is to be maintained, the slope of the bottom may not exceed 3 horizontal to 1 vertical (3:1) and the depth may not exceed 4 feet. When the man-made body of water is greater than 4 feet in depth, a 6-foot horizontal bench shall be constructed 4 feet below the normal high water level. A slope greater than 3 to 1 will only be acceptable below the 6-foot horizontal bench.
- B. All man-made bodies of water shall have an outflow to maintain the maximum normal water level; the size of this outflow shall be determined by design and shall be capable of removing one inch of water from the surface of the entire pond every 12 hours. The minimum size of outflow pipe shall not be less than eight inches in diameter. A ditch or swale may be considered a substitute for a culvert as an outflow. Outflows shall not flow directly on to adjacent parcels of property. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but in no case shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of 3 to 1 or less shall be established and maintained from the

outfall normal high-water level; this area shall be no less than three foot horizontal measured from the water's edge.

- C. All man-made bodies of water shall have a minimum and maximum water level established and sealed with one of the following procedures:
 - 1. Existing clay soils
 - 2. Compacted clay liner
 - 3. Synthetic liner
- D. A minimum of 1-foot of freeboard shall be maintained above the maximum high water level.
- E. The minimum side and rear setback shall be 75'; front setbacks and corner side setbacks shall be 75'.
- F. The Town of Rockland may, at its discretion, require fencing. Where such fencing is required, the following criteria shall be used:
 - 1. A structural fence no less than 4 feet in height and no less than four feet from the water's edge at the high-water line shall be provided. It shall be constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for door or gates. If a picket fence is erected or maintained, the horizontal dimensions shall not exceed four inches. All gates or doors 48 inches or less in width opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. All gates or doors over 48 inches in width opening through such enclosures shall be kept security latched at all times when unsupervised.
 - 2. Side load pressure must withstand 200 pounds of lateral pressure.
- G. The groundwater table in the surrounding area and adjacent to the man-made body of water shall be protected. No residential well water shall be used to fill the man-made body of water.
- H. Town and state permits shall be required if high capacity wells are drilled on the site. Location of all wells shall be provided on the site plans; well logs shall be provided to the town after completion of the well.
- I. Temporary fencing shall be provided as soon as slopes of greater than 3:1 are developed during construction and shall be maintained until minimum water level is obtained.
- J. No screening, sifting, washing, crushing, or other forms of mineral processing shall be conducted upon the premises unless it is located more than 500 feet from a residential dwelling and until completion of the project or 3 months, whichever is less.
- K. At all stages of operations, proper drainage shall be provided to prevent the collection of growth of vegetation not depicted on the approved plan (weeds and cattails), stagnation of water, and to prevent harmful effects and odors upon surrounding properties. The man-made body of water shall be maintained at all times in accordance with the approved plan. No deviation shall be created from the approved plan without the written approval from the Town of Rockland.
- L. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town to revoke the permit.
- M. No fixed machinery shall be erected or maintained within 200 feet of any property or street line. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.
- N. The perimeter of the man-made body of water shall be landscaped and seeded with a perennial ground cover within three months after completion of the excavation, or as soon as weather permits.
- O. Erosion control measures shall follow the Wisconsin Department of Natural Resources Construction Site Best Management Practices Handbook and Technical Standards.

- P. The Town of Rockland retains the right to require any other and/or future restrictions as deemed necessary to protect the health, safety, welfare, and a proper land use fit to the surrounding area.
- Q. The Town of Rockland retains the right to hire an engineer licensed in the State of Wisconsin at their discretion to verify any man-made body of water design or calculation. All Town-incurred engineering costs related to the body of water shall be the sole responsibility of the owner.
- R. Any man-made body of water constructed shall comply with the regulations set forth by all applicable federal, state, county, and local jurisdictions.
- S. A performance bond may be required to be filed with the Town Board prior to the start of construction. The amount of bond per acre shall be specified by the Town Board of Rockland.
- T. The Town shall not approve the application for the conditional use permit unless it is assured that the proposed man-made body of water will not adversely affect adjoining properties or the environment, and shall not cause future land use conflicts.
- U. Must meet FAA regulations.

18-07.08 INSPECTIONS

- A. The owner shall call for the following required inspections 24 hours in advance. Other periodic inspections shall be granted to the Town of Rockland Zoning Administrator, Town Board, and Planning Commission during normal working hours.
 - 1. A site inspection shall be made prior to any excavation. Property lines adjacent to the excavation, easements, proposed excavation boundaries, and outflow termination point shall be clearly marked for site approval.
 - 2. Any excavation inspection shall be made after all slopes are established, and prior to the excavation filling with water. If the excavation fills with water, the Town of Rockland reserves the right to require the water removed to perform the required inspections. All costs associated with removing the water shall be the sole responsibility of the owner.
 - 3. Final inspection by the zoning administrator shall be made when all fencing is in place (if required) and the pond has reached its minimum water level.

18-07.09 MAINTENANCE

- A. The owner of any land on which a man-made body of water shall exist is required to maintain that land and body of water within the limits of this chapter.
- B. A maintenance agreement shall be filed with the Town and shall carry with the property.

18-07.10 PERMIT FEES

- A. Permit fees shall be established and charged as per the Rockland Fee Schedule and the Building Permit Fee Schedule.
- B. A construction deposit shall be required as per the Building Permit Fee Schedule.

18-07.11 ENFORCEMENT AND PENALTY PROVISION

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00.
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

(Historical reference: Amended December 16, 2013)

18-08.00 EARTH EXCAVATION

18-08.01 APPLICABILITY

A. The following regulations shall apply to all future excavations of sand, gravel, stone, loam, dirt and other earth products within the Town of Rockland.

1. All existing gravel pits, sand pits and stone quarries within the Town of Rockland shall also be regulated by this ordinance.
2. Excavations required to develop man-made bodies of water shall be regulated under Chapter 18-07.00 Man-Made Bodies of Water.

B. Applicability and Permit Requirements – Gravel Pits and Stone Quarries

1. The excavation of gravel, sand, stone, and other earthen materials from gravel pits, sand pits, stone quarries or other similar excavation sites may be allowed with a conditional use permit in the Agricultural Non-Participating Working Lands (NPWLI), Agricultural Farmland Preservation (AG-FP), Estate Residential – 10 Acre District (ER-10), and Heavy Industrial District.
2. Application for conditional use permits shall be made as provided in Chapter 18-10.11. All applications must include a detailed site plan containing all information listed in Chapter 18-08.01(D).
 - a) If the conditional use permit is approved by the Town Board, the Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year upon issuance.
 - b) Upon expiration of the permit, the Town shall inspect the site to determine compliance with any conditions attached to the permit as well as compliance with the existing regulations. The Town has the right to attach the additional conditions to the reissuance of the permit. If the regulations have been complied with, then the permit may be reissued by the Town Board for another one (1) year period.
3. All gravel pits and stone quarries shall also meet the requirements of Wisconsin State Administrative Code NR 135 and Brown County Code Chapter 14 Non- Metallic Mining Reclamation Ordinance
4. Gravel pits and stone quarries located within the NPWLI zoning district must be restored to agricultural use.

C. Applicability and Permit Requirements — Other Earth Excavations

1. A permit is required for excavation of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil and other earthen materials exceeding one hundred (100) cubic yards over a period of one (1) year on any single parcel of land recorded in the Brown County Register of Deeds office.
2. All other earth excavations requiring a permit from the Town of Rockland shall also meet the requirements of Wisconsin Sate Administrative Code NR 135 and Brown County Code Chapter 14 Non-Metallic Mining Reclamation Ordinance.
3. All other earth excavations requiring a permit from the Town of Rockland and located within the EA zoning districts must be restored to agricultural use.
4. Exceptions. A permit is not required for:
 - a) Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.
 - b) Normal agricultural activity.
 - c) Excavation and grading for public road construction purposes within the right-of-way.

- d) The Zoning Administrator shall have the authority to issue permits for all excavations not included in paragraph 1. All applications must include a detailed site plan containing all information listed in Chapter 18-08.01(D).

D. Site Plan Requirements: The following additional information shall be submitted on a site plan when applying for an excavation permit to operate a gravel pit, sand pit, or stone quarry.

1. A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn to a maximum scale of one (1) inch equals two hundred (200) feet.
2. Proposed truck and machinery access to the site
3. Types and location of temporary or permanent buildings to be erected on the site
4. Approximate number of trucks and other types of machinery to be used at the site
5. Designated hours of operation
6. A time table for the commencement and cessation of nonmetallic mining operations and, if seasonal operations are intended, the months of operation shall be identified.
7. Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed
8. Amount of and location of parking spaces
9. Location and means of storing fuel
10. Security plans for site
11. Propose regrading and re-vegetation of the site after completion of the fill or excavating operations

E. Operation of Gravel Pits, Sand Pits, and Stone Quarries

1. The following regulations shall apply to the operation of all gravel pits, sand pits, stone quarries, and other similar sites of excavation. All existing sites of excavation shall comply with this section prior to any additional expansions or alterations of the existing site.

a) Trucks and Machinery

- (i) No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.
- (ii) Truck access to the fill or excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

b) Material Handling

- (i) No excavation shall take place within fifty (50) feet of any property line or street line if below the established grade of the street.
- (ii) No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling.

c) Other Requirements

- (i) At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- (ii) All property owners within 1,000 feet of the quarry shall be notified of proposed blasting.
- (iii) The Town of Rockland shall be notified 24 hours prior to blast time.

- (iv) Any entity providing blasting services shall provide proof of insurance to the Town of Rockland prior to blasting.
- (v) The premises shall be filled and/or excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendation of the Town Planning and Zoning Commission.
- (vi) When excavating and removal operations are no longer used, as determined by the Zoning Administrator, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area, except exposed rock surfaces to a minimum depth of four (4) inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.
- (vii) If the excavation site shall fall within a county floodplain, shoreland or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinance for Brown County shall apply.
- (viii) Town employees shall be allowed on the premises during scheduled operating hours for inspection purposes.
- (ix) A Performance Bond in such amount as the Town Board shall deem sufficient to insure completion of the work following excavation pursuant to the conditions set forth in this ordinance. Said performance bond may be in the form of a cash bond, certificate of deposit, or insurance bond, the minimum value of which shall be the weekly extraction value of material taken from the site, plus an amount to cover the cost of restoration of the site in question.

18-08.02 ENFORCEMENT AND PENALTY PROVISION

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures an injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

18-08.03 NONMETALLIC MINING, EXPLOSIVES AND BLASTING

Additional information is contained in Chapters 21 and 22; refer to those chapters.

(Historical reference: Amended December 16, 2013)

18-09.00 NON-CONFORMING USES, STRUCTURES, AND LOTS (DRAFT 20131105)

18-09.01 PURPOSE, INTENT

- A. The purpose and intent of this article is to provide for the regulation of non-conforming structures, uses, and lots, and to specify those circumstances and conditions under which such non-conforming structures, uses, and lots shall be permitted to continue in conformance with Sections 60.61, 61.351, and 62.23 Wis. Stats.

1. General

- a) Any non-conforming structures, uses, or lots which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure, land or other use which shall become non-conforming upon the adoption of this ordinance, or of any subsequent amendments thereto, may be continued subject to the regulations which follow.
- b) Any non-conforming structures, uses or lots which existed lawfully at the time of the certified amendment of the Town of Rockland zoning ordinance incorporating Agricultural Farmland Preservation (AG-FP) zoning and which remains non-conforming, and any such building, structure, land or other use which shall become non-conforming upon the adoption of this ordinance, or of any subsequent amendments thereto, may be continued subject to the regulations which follows.
 - (i) A non-conforming use may be changed once to another non-conforming use of the same or greater restriction, but shall not thereafter be changed again to another non-conforming use
 - (ii) If such non-conforming use is discontinued or terminated for a period of 12 months, any future use of the building, structure, land, or other use shall thereafter conform to the provisions of this ordinance.
 - (iii) When a non-conforming structure is damaged by fire, explosion, flood, violent wind, vandalism, ice, snow, mold, infestation, the public enemy, act of God, or other calamity, the non-conforming structure may be replaced provided that the structure will be restored to the size, location, and use that it had immediately before it was damaged or destroyed in accordance with Section 62.23(7)(hc) Wis. Stats.
 - a) A structure larger than the size it had immediately before it was damaged or destroyed may be constructed only if necessary to comply with applicable state or federal requirements.
 - (iv) Once a non-conforming use, lot, or structure has been changed to conform, it shall not revert back to a non-conforming use of this structure.
 - (v) Repairs and alterations may be made to a non-conforming building or structure provided the respective structure is not added to or enlarged in size unless necessary to comply with applicable state or federal requirements.
 - (vi) No building or structure shall be moved in whole or in part to any other location on the same lot or any other lot in the zone district unless every portion of such building or structure which is moved, shall conform to the zone district requirements.

(Historical reference: Amended December 16, 2013)

18-10.00 ADMINISTRATION AND ENFORCEMENT

18-10.01 PURPOSE

- A. This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of the Town of Rockland Code of Ordinances.

18-10.02 GENERAL

- A. This ordinance shall provide for the position of Zoning Administrator, Board of Appeals, and Town Planning Commission
- B. This section shall provide the authority and necessary requirements for issuance of building permits and occupation permits; variances, appeals, amendments, conditional uses, fees and penalties.

18-10.03 ZONING ADMINISTRATOR

- A. The Town of Rockland Zoning Administrator shall have the following duties:
 - 1. Issue all building permits and make and maintain records thereof.
 - 2. Issue all rezoning certificates and make and maintain records thereof.
 - 3. Conduct inspection of buildings, structures and use of land to determine compliance with the terms of this ordinance.
 - 4. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
 - 5. Forward to the Town of Rockland Planning Commission all applications for conditional uses and for amendments to this ordinance that are initially filed with the office of the Zoning Administrator.
 - 6. Forward to the Board of Appeals applications for appeals, variances, or other matters on which the Board of Appeals is required to pass under this ordinance.
 - 7. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.
 - 8. Initiate, direct and review, from time to time, a study of the provisions of the Code of Ordinances and make reports of its recommendations to the Town of Rockland Planning Commission.

18-10.04 BOARD OF APPEALS

- A. **Authority.** The Board of Appeals is hereby established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23
- B. **Jurisdiction.** The Board of Appeals is hereby entrusted with the jurisdiction and authority to:
 - 1. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this ordinance.
 - 2. Hear and pass upon the application for variances from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
 - 3. Hear and decide all matters referred to it or upon which it is required to pass under this ordinance, as prescribed by Chapter 62.23 of the Wisconsin State Statutes.
- C. **Meetings and Rules**
 - 1. All members of the Board of Appeals shall be held at the call of the Chairman of the Board of Appeals, and at such times as the Board of Appeals may determine.
 - 2. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.

3. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
4. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
5. All of final proceedings regarding the action of the Board of Appeals shall be a matter of public record and placed on file with the Board of Appeals.
6. The Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.

D. Decisions

1. All decisions and findings of the Board of Appeals on appeals or upon application for a variance, shall be by the concurring vote of the majority of the Board and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.

E. Board Membership

1. The Board of Appeals shall consist of five (5) members and two (2) alternates appointed by the Rockland Town Chairman and subject to confirmation by the Rockland Town Board.
2. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and one (1) for two (2) years; and one for three (3) years.
3. The members shall be removable by the Town Board for cause upon written charges.
4. Vacancies shall be filled for the unexpired terms of members.
5. The Town Chairman shall appoint personnel to fill the vacancies subject to approval by the Town Board of Rockland.

18-10.05 PLANNING COMMISSION

A. **Authority.** The Planning Commission shall be the authorized planning agency and shall perform the duties of the Planning Commission as set forth in Section 62.23 of the Wisconsin State Statutes.

B. **Jurisdiction.** The Rockland Planning Commission shall carry out the following duties under this ordinance.

1. Review all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments and conditional uses.
2. Receive from the Zoning Administrator his recommendations as related to the effectiveness of this ordinance and report his conclusions and recommendations to the Rockland Town Board.
3. Hear and decide matters upon which it is required to pass under this ordinance.
4. Initiate, direct, and review from time to time, a study of the provisions of this Code of Ordinances and make reports of its recommendations to the Zoning Administrator and/or the Town Board.

C. Meetings

1. All meetings of the Town Planning Commission shall be held at the call of the Chairman of the Commission, at such times as the Commission may determine.
2. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions.

D. Decisions

1. All actions of the Planning Commission shall require the vote of a majority of the members of the Commission.

E. Membership

2. The Planning Commission shall consist of seven (7) members appointed by the Rockland Town Chairman and subject to confirmation by the Rockland Town Board.
3. Planning Commission members shall consist of not more than two (2) members of the Rockland Town Board. The remaining Planning Commission members shall be additional citizens from the Town of Rockland. If two (2) Town Board members are members of the Planning Commission, they must follow the open meeting rules. No Town Board member can be the Planning Commission Chairperson.
4. The term shall be for three (3) years, except that of those first appointed; two (2) shall serve for one (1) year; two (2) for two (2) years; and three (3) for three (3) years.
5. Planning Commission members shall be removable by the Town Board of Rockland for cause upon written charges.
6. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Rockland.

18-10.06 BUILDING PERMIT

- 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 building permit has been issued by the Town Zoning Administrator.
- B. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. Every building permit shall state that the use complies with the provisions of this ordinance.
- C. Application for said building permit shall be made in writing to the Rockland Town Zoning Administrator by the land owner or his authorized agent.
- D. Each building permit shall be accompanied by a plat in accordance with requirements as specified in Chapter 18-10.07, Plats.
- E. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit shall be forwarded in writing by the Town Zoning Administrator to the applicant.
- F. This section shall be in accordance with Chapter 7 Building Codes of the Rockland Code of Ordinances.

18-10.07 PLATS

- A. All applications for building permits for business and industrial uses shall be accompanied by the following:
 1. A plat, in duplicate, of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof drawn to a maximum scale of one (1) inch equals two hundred (200) feet showing the actual dimension, as certified by a "registered land surveyor" or a "registered professional engineer", the piece or parcel, lot, lots, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.
 2. A plat in duplicate, drawn to a maximum scale of one (1) inch equals two hundred (200) feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Planning Commission and Zoning Administrator for the proper enforcement of this ordinance.

- B. Said plat material shall be submitted to the Planning Commission. Required plat material shall be submitted in conjunction with an application for a building permit.

18-10.08 VARIANCES

A. Application

1. An application for a zoning variance shall be filed with the Town Board of Appeals. The application shall contain such information as the Board of Appeals by rule may require.

B. Hearing Notice

1. The Board of Appeals shall hold a public hearing on the application for a variance. Time, place, and purpose of the hearing shall be noticed by publication of a Class 2 Notice pursuant to Wisconsin State Statute 985. Such notification appearing in the town Official Newspaper shall appear once during each of the 2 weeks prior to the scheduled date of such hearing, the last of which shall appear at least one week prior to the hearing. The town shall also mail notice of the hearing to the parties in interest including adjoining property owners at least 10 days prior to the date of the hearing. The Board of Appeals shall thereafter reach its decision within 60 days from the filing for the variance.

C. Standards for Variances

1. The Board of Appeals shall not vary the regulations as set forth in Section 1.00 unless it shall make findings based upon the evidence presented to it in each specific case:²
 - a) Because of the particular physical surrounds, shape, or topographical condition of the specific property involved, an unnecessary hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - b) Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
 - c) Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.³
 - d) Granting of the variance shall not be detrimental to the public interest or injurious to other property or improvements in the neighborhood in which the property is located.
 - e) Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

D. Authorized Variances

1. Variances shall be granted by the Board of Appeals only in accordance with the standards established in Chapter 18-10.08(C) and may be granted only in the following instances and in no other:
 - a) To permit any yard or setback less than the full yard or setback requirements by the applicable regulations if strict compliance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome.

² See *State ex. rel. Ziervogel v. Washington County Board of Adjustment*, 2004 WI 23, 24 for details on different tests. For “use variances” test is “no reasonable use” and “area variances” test is “unnecessary hardship”.

³ *Circumstances of an applicant are not a factor. For example, the applicant’s growing family or needs for a larger garage are not hardships based on the physical limitations of the property.*

- b) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area or width and there is no reasonable use of the property without a use variance. The respective area and width of the lot shall be at least 80 percent of the required area and width.
- c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hour of the same days of the week.
- d) Reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the required facilities, whichever number is greater.
- e) Increase by not more than 20 percent the maximum gross floor area of any use so limited by the applicable regulations.
- f) No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained, and the erection or alteration of a building is started.

18-10.09 APPEALS

A. Scope of Appeals

1. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Planning Commission or Zoning Administrator.
 - a) Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Planning Commission or Town Zoning Administrator, a notice of appeal specifying the grounds thereof.
 - b) The Planning Commission or Town Zoning Administrator shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

B. Findings on Appeals

1. An appeal shall terminate all further proceedings on action unless the Planning Commission certifies to the Board of Appeals, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of record or notice from the Planning Commission on due cause.
2. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties by one(1) publication in the Official Newspaper and also by mailing notice thereof to the parties in interest, said publications and mailings to be made at least 10 days prior to the date of the hearing.
3. The Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal. Application paperwork must be complete and fees received before the appeal is considered filed.
4. The Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, that in its opinion, ought to be done - and to that end, shall have all the powers of the officer to whom the appeal is taken.
5. The Town Clerk shall maintain records of all action of the Board of Appeals relative to appeals.

18-10.10 AMENDMENTS

A. Authority

1. The Rockland Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per Chapter 18-01.05 of this ordinance.
2. Comprehensive ordinance revisions to the AG-FP zoning district must be certified by DATCP in order for the landowners within the AG-FP zoning district to qualify for farmland preservation tax credits.

B. Initiation

1. Amendments may be proposed by any governmental body of any interested person or organization.

C. Application

1. An application for an Amendment shall be filed with the Planning Commission in such form and accompanied by such information as required by the Planning Commission. Said application shall be reviewed and a written recommendation submitted thereon to the Town Board.

D. Hearing Notice

1. The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published by a class 2 notice pursuant to Wisconsin State Statute 985. Such notification appearing in the town Official Newspaper shall appear once during each of the 2 weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The town shall also mail notice of the hearing to the parties of interest at least 10 days prior to the date of the hearing.

E. Findings and Recommendations

1. The Planning Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
2. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - a) Existing uses of property within the general area of the property in question.
 - b) Zoning classification of property within the general area of the property in question.
 - c) Suitability of the property in question to the uses permitted under the existing zoning classification.
 - d) Trend of development, if any in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
 - e) Adequate public facilities to serve the development are present or will be provided.
 - f) Providing these facilities will not be an unreasonable burden to the Town of Rockland.
 - g) The land is suitable for development and development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

- h) The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
- i) The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
- 3. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property out of the AG-FP zoning district, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
 - b) Provision of public facilities to accommodate development will not place an unreasonable burden the ability of affected local units of government to provide them.
 - c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

F. Town Board Action

- 1. 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 Commission on the proposed amendment.
- 2. 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 to this ordinance, be duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent, extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.
- 3. 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 is received by the Town Board it shall be deemed to have been denied.

18-10.11 CONDITIONAL USES (DRAFT 20131111)

A. Purpose

- 1. To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need, Conditional uses shall be of two types.
 - a) Uses publicly operated or traditionally affected with a public interest.
 - b) Private uses in character, or an unusual nature that their operation may give use to unique problems with respect to their impact upon neighboring property as public facilities.

B. Initiation

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

C. Application

1. The application for a conditional use shall be filed with the Rockland Planning Commission on a form so prescribed by the Town of Rockland. The application shall be accompanied by such plans and/or data prescribed by the Planning Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Planning Commission and a written recommendation submitted thereon to the Town Board.

D. Hearing on Application

1. Upon receipt in proper form of the written recommendation referred to in Chapter 18-10.11(C), the Town Board shall hold a public hearing on the proposed conditional use. Time, place, and purpose of the hearing shall be noticed by publication of a Class 2 Notice pursuant to Wisconsin State Statute 985. Such notification appearing in the Town Official Newspaper shall appear once during each of the two weeks prior to the scheduled date of such hearing, the last notice which shall be at least one week before the hearing. The town shall also mail notice of the hearing to the parties of interest at least 10 days prior to the date of the hearing.

E. Authorization

1. For each application for a conditional use, the Planning Commission shall direct to the Town Board its findings and recommendation including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon within 90 days of the date upon which such application is received by the Rockland Town Board, it shall be deemed to have been denied.

F. Standards

1. No conditional use shall be recommended by the Planning Commission unless said Commission shall find that the conditions comply with Chapter 18-01.05 Purpose.
2. In the AG-FP zoning district conditional uses must be found to be necessary in light of alternative locations available for that use.

G. Review Criteria

1. When reviewing an application for a conditional use, the Town of Rockland Planning Commission and Town Board shall consider the following criteria:
 - a) The statement of purposes of this ordinance and specific zoning district.
 - b) Consistency with the Town of Rockland Comprehensive Plan.
 - c) The potential conflict with agricultural use.
 - d) The availability of alternative locations.
 - e) Compatibility with existing or permitted uses on adjacent lands.
 - f) The impact of the proposed use on the Town's natural resources.
 - g) Proposed plans for the storage and disposal of animal wastes, exclusive of the AG-FP zoning district.
 - h) Proposed stormwater management plans.
2. The Town of Rockland Planning Commission and Town Board may attach the following conditions to conditional use permits:
 - a) Increased setbacks and yards
 - b) Specifications for water supply facilities
 - c) Liquid waste and solid waste facilities, exclusive of the AG-FP zoning district

- d) Landscaping and planting screens
- e) Operational controls
- f) Sureties
- g) Pollution controls
- h) Erosion prevention measures
- i) Locations, remediation, and removal of the use.
- j) Any other requirements found necessary to fulfill the purpose of this ordinance.

H. Conditions and Guarantees

1. Before issuing a conditional use, the Planning Commission may recommend and the Town Board shall stipulate, such conditions and restriction upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 10.10(G). In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

18-10.12 FEES

- A. Any application for an amendment, conditional use, variance, appeal, or building permit, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee which has been set by resolution of the Rockland Town Board and is available from the Rockland Town Clerk, website: TownofRockland.org, or Zoning Administrator. All fees shall be paid to the Town according to the fee schedule.

18-10.13 ENFORCEMENT AND PENALTY PROVISION

- A. This section shall apply to all ordinances within the Town of Rockland Code of Ordinances as though it were separately listed in each ordinance and in accordance with the Town of Rockland Citation Ordinance 01-01.00. Where an ordinance within this code of ordinances has a separately identified penalties section, the more severe penalties shall apply.
- B. Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure or use.
- C. The Zoning Administrator shall report all such violations to the town attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.
- D. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of the Rockland Code of Ordinances shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-1.00. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- E. This section shall not preclude the Town of Rockland from maintaining any appropriate action to prevent or remove a violation of this section.

(Historical reference: Amended December 16, 2013)

18-11.00 THE LARGE, MEDIUM, AND SMALL WIND ENERGY ORDINANCE

18-11.01 TITLE

- A. This ordinance shall be known as, referred to, or cited as The Large, Medium, and Small Wind Energy Ordinance, Town of Rockland, Brown County, Wisconsin.

18-11.02 APPLICABILITY

- A. The requirements of this Ordinance shall apply to all Wind Energy Systems (Large, Medium, and Small) for which an application for a conditional use permit has been determined complete by the Town of Rockland after the effective date of this ordinance.
- B. Wind Energy Systems for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this ordinance; provided, however, that any such pre-existing Wind Energy System which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Ordinance prior to recommencing conversion of energy. However, no modification or alteration to an existing Wind Energy System shall be allowed without full compliance with this Ordinance.

18-11.03 PURPOSE

- A. The purpose of this ordinance is to provide a regulatory means for the siting, construction and operation of Large, Medium, and Small Energy Systems in the Town of Rockland, subject to reasonable restrictions, which will preserve the public health and safety.

18-11.04 FINDINGS OF FACT

- A. These regulations are adopted under the authority granted pursuant to Wisconsin Statute Sec. 66.0401 (2009) which provides regulation relating to solar and wind energy systems
 - 1. Sec. 66.0401 Wis. Stats: Authority to Restrict Systems Limited. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in Sec. 13.48(2)(h)1.g. Wis. Stats, or a wind energy system, as defined in Sec. 66.0403(1)(m), unless the restriction satisfies one of the following conditions:
 - a) Serves to preserve or protect the public health or safety
 - b) Does not significantly increase the cost of the system or significantly decrease its efficiency
 - c) Allows for an alternative system of comparable cost and efficiency.
- B. The operation of Large, Medium, and Small Wind Energy Systems can provide significant negative health and safety issues if not governed by reasonable restrictions and regulations.
- C. The best way to enforce the reasonable restrictions on the planning, installation, operation, location, and removal of Wind Energy Systems is to require a conditional use permit for any of the foregoing activities.
- D. It is necessary and appropriate to protect the unique natural resources and geological features of the Town of Rockland, including the Niagara Escarpment.
- E. The public health, safety, and welfare are best served by providing reasonable restrictions on Wind Energy Systems in the area of the Niagara Escarpment, a unique natural resource.
- F. The Town of Rockland recognizes that groundwater supply is susceptible to contamination due to karsts and other geological features located in the town.
- G. It is not the intent of this ordinance to significantly increase the cost or significantly decrease the efficiency of any Wind Energy System proposed to be located in the Town.

18-11.05 DEFINITIONS

A. As used in this Ordinance, the following terms shall have the meanings indicated:

1. **Ambient Sound:** The lowest sound level present at a location for which ninety per cent of the time louder sounds were measured during the nighttime hours between 10 p.m. and 4 a.m.
2. **Commission:** The Town of Rockland Planning Commission.
3. **Decommissioning:** The process of Use Termination and removal of all or part of a Large or Medium Wind Energy System by the owner or assigns of the Large or Medium Wind Energy System.
4. **FAA:** The Federal Aviation Administration.
5. **Hub Height:** When referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.
6. **Karst Feature:** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressional areas with no surface drainage.
7. **MET Tower:** A meteorological tower used for the measurement of wind speed and/or direction.
8. **Non-Participating Property:** Real property on which there is no Wind Energy System as part of the subject project.
9. **Owner:** The person or entity who develops, operates or owns a Wind Energy System, whether an individual, proprietorship, corporation, association, partnership, limited liability entity or any other legal entity. For purposes of this ordinance, Owner also includes the applicant and any assignees.
10. **Participating Property:** Real property on which there exists or is a proposal to site a Wind Energy System within its property lines and the Wind Energy System is owned by the Landowner of the property, or is subject to an agreement between the Landowner and the Owner of the Wind Energy System, allowing the construction and operation of the Wind Energy System.
11. **Shadow Flicker:** Moving shadows caused by the rotation of the turbine blades passing in front of the sun.
12. **Total Height:** When referring to a wind turbine, the distance measured from ground level to the blade end tip extended at its highest point.
13. **Town:** Town of Rockland, Brown County, Wisconsin.
14. **Use Termination:** The point in time at which a Wind Energy System Owner provides notice to the Town of Rockland or the Town determines that the Wind Energy System or an individual Wind Turbine is no longer used to convert energy unless due to a temporary shutdown for repairs. Such notice of Use Termination by the Owner shall occur no less than 30 days prior to actual Use Termination.
15. **Wind Energy System:** Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.
16. **Wind Energy System, Large (LWES):** A Wind Energy System that generates electricity or performs other work consisting of one or more Wind Turbines in which any one turbine has a Total Height of more than 170 feet or nameplate capacity of more than 100 kilowatts or equivalent power units under common ownership or operating control and includes substations, MET towers, cables/wires and other buildings

accessory to such system, whose main purpose is to supply electricity to off-site customers or convert wind to other energy forms.

17. **Wind Energy System, Medium (MWES):** A Wind Energy System that generates electricity or performs other work consisting of one or more Wind Turbines in which any one turbine has a Total Height of 170 feet or less but more than 110 feet, or has a nameplate capacity of 100 kilowatts or equivalent power units or less but more than 25 kilowatts or equivalent power units. Any Wind Energy System which total more than 300 kilowatts or equivalent power units in one project shall be deemed a LWES
18. **Wind Energy System, Small (SWES):** A Wind Energy System that generates electricity or performs other work consisting of one or more Wind Turbines in which each turbine has a Total Height of 110 feet or less but more than 25 feet, or has a nameplate capacity of 25 kilowatts or equivalent power units or less but more than 1 kilowatt. Any Wind Energy System which total more than 300 kilowatts or equivalent power units shall be deemed a LWES.
19. **Wind Energy System, Partially Exempt:** A Wind Energy System consisting of no more than three Wind Turbines in which each turbine has a Total Height of no more than 25 feet and has a nameplate capacity of 1 kilowatt or equivalent power units or less.
20. **Wind Turbine:** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator or other power convertor, and includes the turbine, blade, tower, base, and pad transformer, if any.

18-11.06 REGULATORY FRAMEWORK

A. Zoning

1. LWES may only be constructed in areas that are zoned for agriculture with an approved conditional use permit and building permit from the Town of Rockland provided all setbacks and other restrictions for public health and safety are met.
2. MWES may only be constructed in areas zoned for agriculture and in the ER-10 zoning district with an approved conditional use permit and building permit from the Town of Rockland provided all setbacks and other restrictions for public health and safety are met.
3. SWES may be constructed in areas zoned for agriculture and in the ER-5 and ER-10 zoning districts with an approved conditional use permit and building permit from the Town of Rockland provided all setbacks and other restrictions for public health and safety are met.
4. Partially Exempt Wind Energy Systems may be constructed in any areas in which they are a permitted use. Requirements for setbacks specified for other structures shall apply to Exempt Wind Energy Systems as determined by the Zoning Administrator. A conditional use permit is not required but a building permit is required.
5. No Wind Energy System consisting of a Wind Turbine with a Total Height of 500 feet or more shall be constructed in the Town. The Town may provide a waiver if no landowners of property within one mile object to the construction, if the Public Service Commission of Wisconsin approves the Wind Energy System, if the FAA issues a "Determination of No Hazard to Air Navigation" and if all conditional use requirements considered necessary by the Town for safety, health, and general welfare of the residents, including those over and above the provisions contained in this ordinance, are met.

B. Process

1. At least 90 days before an Owner files an application to construct a Wind Energy System, an Owner shall hand-deliver or use commercially reasonable methods with

an acknowledged receipt to provide written notice of the planned Wind Energy System with a project description and construction timeline to all of the following:

For LWES —

- a) Landowners and political subdivisions within one mile of a planned Wind Energy System host property that is referred to as the Participating Property in this Chapter. In addition, an Owner shall provide any landowner with whom the Owner may be seeking an agreement to use or affect the landowner's property or be seeking waivers for impacting the landowner with written information describing the landowner's rights and considerations for negotiating land use and the possible effects of Wind Energy System as prescribed by the Town. This information shall be provided at least twenty business days prior to the Owner negotiating the terms of any agreement or waiver. A landowner who agrees to a waiver does not waive any rights or protections granted to a Non-participating landowner unless specifically waived in the agreement.
- b) Town of Rockland
- c) Emergency first-responders and air ambulance service providers serving a political subdivision within one mile of where the Wind Energy System may be located.
- d) Wisconsin Department of Transportation.
- e) Public Service Commission of Wisconsin, if required.
- f) Wisconsin Department of Natural Resources.
- g) Wisconsin Department of Agriculture, Trade and Consumer Protection.
- h) The office of the deputy undersecretary of the U.S. Department of Defense.
- i) Electric utility serving the area.
- j) All public libraries in the county and adjacent counties within one mile of the Wind Energy System.

For MWES —

- a) All landowners of real property adjacent to the Participating Property along with those with property within 1500 feet of the Wind Energy System.
- b) Town of Rockland
- c) Electric Utility serving the area if the Wind Turbine generates electricity.

For SWES —

- a) All landowners of real property adjacent to the Participating Property along with those with property within 600 feet of the Wind Energy System.
- b) Town of Rockland
- c) Electric Utility serving the area if the Wind Turbines generate electricity.

For Partially Exempt Wind Energy Systems —

- a) Town of Rockland
 - b) Electric Utility serving the area if the Wind Turbines generate electricity
2. An applicant for a LWES shall schedule, at applicant's expense, a pre-application public meeting with the Town Board and Planning Commission, at which no official Town action shall be taken. Notice of the meeting shall be sent by the Owner to all landowners within one mile of the proposed boundary of the Wind Energy System. If the Owner

does not contact each landowner directly but instead sends the notice by mail, the Owner shall provide the Town with a certificate of mailing for each landowner. The Owner shall send the notice twenty business days prior to the date of the meeting. A pre-application public meeting shall be held in order for the applicant to accomplish the following:

- a) Inform Town residents of the project and provide answers to Town residents with questions.
 - b) Provide informational displays of the areas of the Town that meet the requirements of the Town ordinance and are likely locations for a LWES including the Wind Turbines, service roads, trenches, and appurtenances.
 - c) Town residents who are not able to attend the meeting shall have the option to provide written comments or questions to the applicant and/or Town.
 - d) In no instance shall this meeting take the place of a formal public hearing for the conditional use permit.
3. Twelve copies of the application for a conditional use permit for a Large, Medium, or Small Wind Energy System shall be submitted to the planning commission secretary with information as follows:
- a) Name, address, any legal corporate status and telephone number of the applicant, which by definition herein is the Owner, responsible for the accuracy of the application and site plan.
 - b) Name, address, legal corporate status and telephone number of the future Owner of the proposed Wind Energy System if it is known that the future Owner will be different from the Owner making the application.
 - c) For a LWES, a signed statement indicating that the Owner has legal authority to develop, construct, and operate the LWES under state, federal and local laws and regulations, including Federal Aviation Administration (FAA). The FAA will issue a signed "Determination of No Hazard to Air Navigation" when the precise location has been determined and evaluated. Building permits will not be issued prior to receiving all signed statements, but a conditional use permit may be granted.
 - d) For a LWES, an applicant shall also provide copies of the Proof of a Certificate of Authority or Certificate of Public Convenience and Necessity from the Public Service Commission of Wisconsin and the Public Service Commission of Wisconsin Environmental Impact Assessment, if applicable and when available.
 - e) Description of the number and kind of Wind Energy System(s) to be installed.
 - f) Description of the Wind Energy System's Total Height and design, including a cross section, elevation, and diagram of how the Wind Energy System will be anchored to the ground.
 - g) Site plan, drawn to a scale of not less than 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2 foot contours for the subject site and 100 feet beyond the subject site, specific location of each Wind Turbine, karst features, support systems, access, and proposed landscaping or fencing. An Owner of a Medium or SWES may provide less detail as determined by the Town.
 - h) Photo exhibits visualizing the proposed Wind Energy System.
 - i) Statement from the Owner that all Wind Energy System(s) will be installed in compliance with manufacturer's specifications and a copy of those manufacturer's specifications.
 - j) Information regarding the impact of the Wind Energy System as to local infrastructure, anticipated sound, anticipated shadow flicker, line-of-sight communication, airports, aircraft landing fields and airspace, including aerial spraying.

- k) A site grading, erosion control and storm water drainage plan shall be submitted to the Town. If not available in its final form, the final approved plan shall be submitted to the Zoning Administrator prior to issuing a building permit. At the Town's discretion, these plans may be reviewed by the Town's engineering firm. The cost of this review will be the responsibility of the Owner of the Wind Energy System.
 - l) Information regarding use and modifications of roads and other public property during construction, operation, and decommissioning.
 - m) For LWES, copy of all emergency plans prepared in collaboration with appropriate first-responders.
 - n) Plan for decommissioning and site restoration.
 - o) Evidence (a signed statement from the Owner and countersigned by the Participating Property Landowner) that the Owner has negotiated with adjacent Landowners and has obtained written agreements with all Landowners whose wind rights may be affected by the Wind Energy System's conditional use or who could otherwise potentially interfere with the Owner's wind access.
 - p) Copy of the Wisconsin Distributed Generation Application Form and the Wisconsin Distributed Generation Interconnection Agreement
 - q) Copy of the Statement indicating what hazardous materials will be used and stored on the site, and how those materials will be stored and disposed.
 - r) A statement indicating how the LWES will be lit with the latest technology to minimize the on-time, if lighting is required.
 - s) A list of all potential permits or approvals the Owner anticipates may be necessary for construction of the Wind Energy System.
4. After the Owner notifies the Town in writing that all application materials have been filed, the Town shall notify the Owner no later than 45 days whether or not the application is considered complete. If considered incomplete, the Town will state the reasons for that determination. The day after the Town receives responses to all items that were considered incomplete, another 45-day completeness review period begins. If the Town fails to determine whether the application is complete or incomplete within 45 days after the application is filed, the application is considered to be complete. The Town may request additional information after the application is considered complete. The Town shall approve or disapprove the application no later than 90 days after the day on which the Town notified the Owner that the application was complete. Within the 90-day approval period, the Town may authorize an extension of the approval period for reasons allowed by Wisconsin statute s. 66.0401(a)4. The Town shall make a record of its decision-making proceedings as required by s. 66.0401(a)4.
 5. The applicant shall acquire all other permits, including driveway/culvert permits and permits for work done in right-of-ways prior to construction.
 6. The Wind Energy System may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per Wind Turbine at Town Board's discretion. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation, conversion, storage or distribution of the converted energy.
 7. An applicant may submit one conditional use permit application for an entire Large, Medium, or SWES project located in the Town of Rockland, provided that a detailed map identifying parcel locations for all proposed Wind Turbines is provided to the Town of Rockland at the time a conditional use application is submitted. Each Wind Turbine's

characteristics and specific siting will be considered individually but not independently as to its impact on health and safety.

8. No grading, filling, or construction may begin until the Town of Rockland Zoning Administrator issues a building permit. A separate building permit is required for each Wind Turbine to be constructed.
9. All Owners shall maintain insurance coverage commencing upon construction of the system and continuing in effect for the life of the project as follows:
 - a) The LWES Owner shall, at its expense, maintain a broad-form comprehensive coverage policy of public liability insurance insuring Applicant and Participating Landowners against loss or liability caused by Owner's occupation and use of the Property under the Lease, in an amount not less than five million dollars (\$5,000,000) of combined single limit liability coverage per occurrence, accident or incident, which has a commercially reasonable deductible. The Town shall be named as an additional insured on the policy. For SWES and MWES, the Owner shall have an insurance policy rider for the Wind Energy System for personal liability in the amount deemed appropriate by the Owner's insurance provider with the Town named as an additional insured.
 - b) For LWES, the Owner shall have worker's compensation coverage in an amount required by Wisconsin law. The Owner shall require subcontractors and others not protected under its insurance to obtain and maintain worker's compensation and employers' liability insurance.
 - c) Certificates of insurance evidencing compliance with these requirements shall be provided to the Town. The insurer will provide notice to the Town in the event there is any change in the policies' owner(s), provisions, terms or conditions. All policies other than worker's compensation shall be written on an occurrence and not on a claim-made basis.
 - d) Upon each renewal of any of these insurance policies, proof of continuous liability insurance as required above shall be submitted to the Town of Rockland indicating coverage for potential damages or injury to Landowners, occupants, Town property and Town roads, and other third parties. The Town shall be named as an additional insured on the policy.
10. For a LWES or MWES, the Town of Rockland shall require an irrevocable letter of credit, bond, cash escrow, and/or personal guarantee, held in trust in favor of the Town of Rockland to recover the costs associated with removal of a use-terminated Wind Energy System and appurtenant systems. The amount of the irrevocable letter of credit, bond, cash escrow, and/or personal guarantee shall be negotiated by the Town of Rockland prior to conditional use permit approval and shall remain in effect until released by the Town. The Rockland Town Board will determine which method of financial security will be allowed. The Town may solicit estimates from consultants or construction entities to determine the dollar amount required to dismantle and dispose of the Wind Energy System. Every five years the Town may evaluate whether the dollar amount of the decommissioning funds are still adequate and, if necessary, require an adjustment to the amount by requiring additional funds from the Owner.
11. On-site construction of a Wind Energy System authorized by conditional use permit shall be started within twenty- four (24) months of issuance of the conditional use permit and completed within thirty-six (36) months of issuance of the conditional use permit, or in accordance with a timeline approved by the Town Board. Upon request of an Owner and for good cause, the Town Board may grant an extension of time.
12. The Owner of a LWES or MWES shall submit a copy of all "as-built" plans including structural engineering and electrical plans for all towers following construction to the

Town to use for decommissioning of LWES or MWES, if Owner or its assigns fail to meet the requirements of this ordinance.

13. The Town may require additional conditions to ensure safety and proper land use fit to the surrounding area.
14. The Town of Rockland will periodically review any conditional use permits. The first review will be one (1) year after operation commences. Thereafter, a review will take place every five (5) years. The purpose of the review is to determine whether the Owner has complied with the terms and conditions of the conditional use permit. There will be a charge at the Owner's expense for the review process. The Town may alter the frequency of these reviews for SWES and MWES.
15. An Owner shall not make any material changes in an approved design, location, construction, or operation of a Wind Energy System without the prior written approval of the Town.
16. The conditional use permit issued to the Owner is not assignable (except as collateral to obtain financing) or transferable to any other person, firm or corporation, whether by operation of law or otherwise, without the express prior written consent of the Town, for which consent is not to be unreasonably withheld. In addition to any other requirement imposed by the Town with regard to a proposed assignment, the assignee must submit an affidavit demonstrating its agreement to assume all of the Owner's rights, duties and obligations under the conditional use permit, including, without limitation, the financial security provisions.
17. The Owner shall cooperate with any study of the effects of Wind Energy System coordinated by a state agency.
18. The conditional use permit issued to the property shall be recorded with the Brown County Register of Deeds.
19. A "Determination of No Hazard to Air Navigation" from the Wisconsin Department of Transportation, Bureau of Aeronautics (Wis. Stat. 56.04) and from the FAA (14CFR Part 77)
20. The Town may require additional conditions to ensure public health and safety.

C. Principal or Accessory Use

1. Wind Energy Systems may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy System or a part of such system on such lot. Wind Energy Systems that are constructed and installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
4. A building permit, issued by the Town of Rockland Zoning Administrator, shall be required for each individual Wind Turbine prior to construction of said Wind Turbine.

18-11.07 GENERAL REQUIREMENTS FOR WIND ENERGY SYSTEMS

A. Design and Installation

1. Wind Turbines shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white.
2. At LWES sites, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the LWES to the natural setting and existing environment.

3. All landscaping must be properly maintained, including grass cutting.
4. Minimum lighting necessary for safety and security purposes shall be permitted. Techniques shall be implemented to prevent casting glare from the site, except as otherwise required by the FAA or other applicable authority. Technology which turn-on lighting only when aircraft approaches the area shall be used by the Owner unless specifically not permitted by the FAA.
5. No form of advertising shall be allowed on the pole, turbine, blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer or contact information of the Owner of the Wind Energy System.
6. All Wind Energy Systems shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
7. To the extent applicable, all Wind Energy Systems shall comply with all applicable building, mechanical, electrical and industry codes and standards. To ensure the integrity of the Wind Turbines which are part of a LWES, the owner shall maintain the Wind Turbines in compliance with Good Utility Practice for Wind Turbines. If, upon inspection by and advice to such effect from a qualified expert in Good Utility Practice, the Town reasonably concludes that any of the Wind Turbines fail to comply with Good Utility Practice or constitute a danger to persons or property, then upon notice being provided to the Owner, the Owner shall have 30 days to bring the non-compliant Wind Turbines into compliance with such standards, or if the 30 days is insufficient time to cure the non-compliance, the Owner shall present a plan to the Town describing the reason for the delay and the timeframe for the cure to be put in place. The Town shall determine whether the plan is acceptable or has to be redone to avoid the decommissioning process as provided for in this Chapter.
8. Electrical controls, control wiring, and power lines shall be wireless or not above ground except where wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
9. All electrical components of the Wind Energy System shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards, including IEEE1547, UL 1741 and PSC 114. At the discretion of the Town, the Town may hire a licensed Professional Engineer or other expert as an electrical consultant to oversee the installation of the Wind Energy System. The cost of the consultant will be the responsibility of the owner of the Large or Medium Wind Energy System.
10. The Owner of a Wind Energy System shall defend, indemnify, and hold harmless the Town of Rockland and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the Owner or the Owner's contractors concerning the construction or operation of the Wind Energy System without limitation, whether said liability is premised on contract or tort.
11. The Owner of a Wind Energy System (applicant) shall reimburse the Town and/or County for any and all repairs and reconstruction to the public roads, culverts, and natural drainageways resulting directly from the construction of the Wind Energy System. For a LWES, a qualified independent third party, agreed to by the Town and/or County and applicant, and paid for by the applicant, shall be hired to inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, videotape, and rate road conditions prior to the construction of the LWES and again within 30 days after the LWES project is complete. Any road damage done by the Owner or subcontractors shall be repaired or reconstructed at the Owner's expense. The Town of Rockland may require a bond or cash escrow, held in trust in favor of the Town

of Rockland to recover the costs associated with the repair of roadways damaged by the construction of any Wind Energy System.

12. Where Wind Energy System construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to properly drain the site to the satisfaction of the landowner.
13. Any recorded access easement across private lands to a Wind Energy System shall in addition to naming the Wind Energy System Owner as having access to the easement shall also name the Town of Rockland as having access to the easement for purposes of inspection or decommissioning with 24-hour advance notice to the property owners and Wind Energy System Owner, if different.
14. The owner of a MWES or LWES shall reimburse the Town of Rockland for any and all legal notices, meeting fees, and reasonable fees for consulting, legal advice, and engineering. The Town shall submit copies of all related Town-paid invoices to the MWES or LWES Owner for repayment to the Town.
15. Any Wind Turbine or Wind Energy System that does not produce energy or do work for a continuous period of twelve months shall be considered abandoned and shall be removed in accord with the removal provisions of Section 11.19 of this Ordinance.
16. A LWES Owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information shall be supplied to the Town Clerk.
17. No blasting shall occur in connection with the construction of the Wind Energy System unless the Owner has provided prior notification to the property owner, any abutting property owners, property owners within 1500 feet of the blasting site, and the Town Board. All blasting shall be done in accordance with all applicable laws, regulations and ordinances.
18. At the discretion of the Town, the Town may consult with the Land Conservation Office of Brown County to review site plans prior to construction to ensure the least amount of impact on farm fields and sensitive areas. The LWES Owner will be responsible for all costs associated with this.
19. The Owner shall cooperate with the Brown County Land Conservation and/or the DNR to identify sensitive areas as defined by either agency during the construction. The Wind Energy System Owner will be responsible for any costs.

18-11.08 SETBACKS

A. The following setbacks and separation requirements shall apply to all Wind Turbines.

1. Inhabited Structures

- a) Each Wind Turbine associated with a LWES shall be set back from the nearest residence, school, hospital, church, public library, place of business or other human-occupied structure a distance of no less than the greater of 3.3 times its total height or one thousand (1,000) feet.
- b) The Rockland Town Board may grant a waiver to this requirement for a participating and/or non-participating landowner to decrease the setback after reviewing site-specific study data for shadow flicker, sound and other safety and health impacts. In no instance shall the setback be decreased to less than 1.5 times the Total Height of the Wind Turbine. This waiver shall be signed by the impacted property owner(s) and recorded with the property with the Brown County Register of Deeds.
- c) Each Wind Turbine associated with a Small or Medium Wind Energy System shall be set back from the nearest residence, school, hospital, church, public library, place of business or other human-occupied structure a distance of no less than 1.5 times Total Height of the Wind Turbine.

1. Property Lines

- a) Each Wind Turbine that is part of a LWES shall be setback from the nearest non-participating landowner's property line a distance no less than 2640 feet. Each Wind Turbine that is part of a MWES or SWES shall be setback no less 1.5 times the Total Height of the Wind Turbine.
- b) The Rockland Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest. In no instance shall the setback be decreased to less than 1.5 times the Total Height of the Wind Turbine for a LWES or 1.3 times for a MWES or SWES. This waiver shall be signed by the impacted property owner(s) and recorded with the property with the Brown County Register of Deeds.

2. Public Roads

- a) Each Wind Turbine shall be set back from the nearest public road right-of-way a distance of no less than 1.5 times its Total Height.
- b) The Rockland Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest. In no instance shall the setback be decreased to less than 1.3 times the Total Height of the Wind Turbine.

3. Communication and Utility Lines

- a) Wind Energy Systems must meet all utility setbacks and/or easements. The Owner of the Wind Energy System is responsible for contacting the appropriate utility or private owner to determine location of all above and underground utility lines on the site including, but not limited to, electricity, natural gas, petroleum, propane, water, cable television, and communication.
- b) Utility line and/or easement locations shall be provided to the Town of Rockland for verification.

4. Niagara Escarpment Ledge Face

- a) The Town of Rockland recognizes the limitations imposed on it by Section 66.0401 Wis. Stats to require a setback from the Niagara Escarpment Ledge Face. However, due the significance of the Niagara Escarpment Ledge Face to the character of the Town, the karst features (sinkholes, fractured bedrock, etc.) associated with the Niagara Escarpment, the potential for groundwater contamination and impact on nearby wells from excavating or blasting, and the potential impact on endangered plants and animals, each Wind Turbine in a LWES should be set back a minimum of 1,500 feet from the Niagara Escarpment ledge face. A map depicting the recommended setback from the ledge face is on file with the Town of Rockland.

5. Karst features and Ground Water

- a) The Town of Rockland recognizes how susceptible our ground water supply is to contamination due to karst features located in the Town.
- b) The Town may require consultation with the Brown County Land and Water Conservation Department, the Wisconsin Department of Natural Resources and/or any appropriate government agency. The Town may require the Owner to develop a excavation design and procedure plan which shall include, but not limited to, identification of bedrock areas within twenty-four inches of any excavation, determination of slope gradients, mapping of sensitive geological features, evaluation of trench and road access path options. The excavation design and procedure plan shall include avoidance of karsts, sinkholes, and other sensitive geological features and specify procedures for minimizing soil compaction, mixing of soil types, and damage to drainage systems. The plan shall include special design specifications and construction procedures for all excavations to prevent any possible migration of contamination via these excavations, including consideration of trench breakers and trench liners. The Town may hire a consultant, at the

expense of the Wind Energy System Owner, to review the excavation design and procedure plan and may require changes based upon this review. In addition, the Town may hire an inspector to monitor that all excavations, material laying, backfilling and surface restorations are done according to the plan accepted by the Town.

- c) The Owner shall complete a storm water and soil erosion control plan to prevent contamination of wetlands via surface runoff and groundwater via karsts, sinkholes, and other geological features during the construction and operation of any Wind Energy System. If state regulations do not require State approval of the plan, the Town may hire a consultant to review the plan at the Owner's expense.
- d) At the request of the Town, the Owner of the LWES may be required to run water tests on wells where wind turbines and cable trenches will be located, both prior and after construction of the turbine. The Owner of the LWES will be financially responsible for any costs associated with the testing of wells. The Town Board will determine how large the test area needs to be based on factors such as where bedrock is located. The State Board of Health has recommended that well-testing be done within one mile of pathways which includes excavations within 24 inches of bedrock. The Owner of the LWES will be financially responsible for any contamination to wells, which tested acceptable prior to construction but are not acceptable after construction. The Town Board will determine the time period when the testing will take place. The Town may hire a consultant to develop and oversee the testing process. Any associated costs to the Town shall be reimbursed by the Owner.

18-11.09 SOUND AND VIBRATION

- A. The Owner shall provide the sound level specifications of the Wind Energy System's manufacturer. Sound modeling, pre-construction baseline testing and post-construction testing may be required by the Town. When required, any modeling or testing shall be performed by an independent qualified acoustical consultant selected by the Town Board at the Owner's expense. Results of the pre-construction modeling shall be submitted with the conditional use permit application. The Owner may be required to submit their own modeling study and test results for review by the Town's consultant. If the Owner submits their own study, data showing the historical accuracy of their modeling shall also be submitted. If any of the modeling shows that sound levels will exceed stated design limits listed below, setback must be adjusted to conform to the sound level limits. The sound modeling required will be determined by the Town and may include, but not be limited to, infra-sound, low frequency sound, broad spectrum and full spectrum testing at various wind speed conditions below turbine cut-in speed and between turbine cut-in speed and maximum sound speed, usually 6 mph and 13 mph, respectively, at five feet above ground level.
- B. Ambient Sound levels shall be measured at the closest exterior wall of all potentially affected inhabited structures and at the property line of all Non-Participating Properties adjacent to all of the Participating Properties. Ambient Sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone. Ambient Sound level measurements shall be performed before construction of a LWES. If and when Ambient Sound measurements are also performed after construction, the LWES shall be shutdown during the test period. Ambient Sound measurements may be taken when wind velocities at a proposed or existing project site are at sufficient levels which would allow operation of a LWES without the actual operation of such LWES, provided that the wind velocity does not exceed thirteen (13) mph at the ambient sound level measurement location.
- C. When sound testing is required, sampling shall include LAeq, L10, and L90 metrics in both dB(A) and dB(C) scales. If the difference between dB(C) and dB(A) sound level measurements is more than 10 dB at any instance, a frequency analysis shall be required.

- D. If the project consists of more than one Wind Turbine, the sound modeling and testing shall analyze the effects of the compounding of sound caused by multiple turbines and this effect upon inhabited structures and the property lines of adjacent Non-Participating Properties.
- E. Sound testing, when required, shall conform to the applicable industry standards as provided by the American National Standards Institute such as, but not limited to, ANSI/ASA S12.9, S12.18, and S12.19 and by the International Electrotechnical Commission. Data sampling and sound level evaluations should consider the analysis outlined in "Baseline Environmental Sound Levels for Wind Turbine Projects" by George F. Hessler and David M. Hessler, published November 2006.
- F. If a pre-construction baseline sound study was required, then within twelve (12) months after the Wind Energy System is operational and within four (4) weeks of the one-year anniversary date of the pre-construction baseline sound study, the Owner shall perform post-construction sound studies. If complaints are received prior to the one-year anniversary, the Town may determine there is the necessity to require the Owner to conduct sound studies before, and in addition to, the one-year post-construction study. The Town may decide to have any study data reviewed by an independent acoustical consultant at the Owner's expense.
- G. Pre-construction and post-construction sound studies shall be filed with the Town Clerk. Findings shall be forwarded to the Town Board as soon as possible.
- H. Audible sound due to Wind Energy System operations shall not exceed the lesser of 40 dB(A) or ambient sound level for L90 plus 5 dB(A), when measured at any residence, school, hospital, church, public library, or place of business existing on the date of approval of a LWES building permit. In addition, low frequency sound levels shall not exceed the lesser of 50 dB(C) L(90) or exceed a 20-dB difference between Leq(C) and L90(A) levels when Leq(C) is higher than L90(A).
 - 1. If audible sound exceeds 40 dBA for ten percent of the time over any continuous 24 hour period, the offending wind turbine must be inoperable until repairs are completed, or a waiver is obtained from affected property owners in accordance with 11.09(M).
 - 1. The Town of Rockland reserves the right to review the repair plan and evaluate its effectiveness.
- I. In the event audible sound due to the Wind Energy System operations contains or causes a steady pure tone, such as a whine screech, or hum, the audible sound due to Wind Energy System operations shall not exceed forty-five (45) dBA for any period of time, when measured at the property line of any residence, school, hospital, church, public library, or place of business existing on the date of approval of any Wind Energy System building permit. A steady pure tone is defined to exist if the sound level of any one-third (1/3) octave band exceeds the sound levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for any period of time.
- J. In the event the Ambient Sound level measured when the Wind Energy System is not operating exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the Ambient Sound level. The Ambient Sound level shall be expressed in terms of the highest whole number sound pressure level in dB(A) and dB(C) for L90A. Ambient Sound levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches, and public libraries. Ambient Sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone.
- K. Any sound level emanating from a Wind Energy System falling between two whole decibels shall be determined to be the higher of the two.
- L. Any sound monitoring or measurements, with need determined by the Rockland Town Board, shall be paid for by the Wind Energy System Owner.
- M. In the event the sound levels resulting from the Wind Energy System exceed the criteria listed above, a waiver to said levels may be granted by the Town provided that the following has been accomplished:

1. Written consent from the affected property owners has been obtained stating that they are aware of the LWES and sound limitations imposed by this ordinance, and that consent is granted to allow sound levels to exceed the maximum limits otherwise allowed; and,
2. A permanent sound impact easement has been recorded in the Brown County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that sound levels in excess of those permitted by this Ordinance may exist on or at the burdened property. Any continuing installment payment required per a remuneration agreement stays with the property and shall be paid to whoever is the landowner at the time of payment.

18-11.10 MINIMUM GROUND CLEARANCE

- A. The blade tip of any Wind Turbine in a LWES shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- B. The blade tip of any Wind Turbine in a MWES shall, at its lowest point, have ground clearance of no less than forty-five (45) feet.
- C. The blade tip of any Wind Turbine in a SWES shall, at its lowest point, have ground clearance of no less than thirty (30) feet.

18-11.11 SIGNAL INTERFERENCE

- A. The Owner of a LWES shall provide a pre-construction critical communication study prepared by an independent Wisconsin-licensed Professional Engineer selected by the Town at the Owner's expense.
- B. A Wind Energy System shall not interfere with electromagnetic communications, such as, but not limited to, radio, telephone, computers, communication devices, microwave or television signals, including any public agency radio systems. However, in no case shall any Wind Energy System be located within the microwave path of an emergency communication tower or negatively effect adequate emergency communication.
- C. The Owner of a Wind Energy System shall be responsible for the full cost of any remediation necessary to provide equivalent or better alternate service or correct any interference problems for the life of the project. Should remediation not be completed in five business days of the first report of interference, the Owner shall cease operations until remediation is completed.
- D. If the Owner is a public utility, s. PSC 113.0707 also applies.

18-11.12 SHADOW FLICKER

- A. The Wind Energy System Owner shall make reasonable efforts, including the use of automatic shadow sensors to stop the operation of an offending Wind Turbine, to eliminate shadow flicker effects upon any inhabited structure on Non-Participating Property. This requirement also applies to an inhabited structure built on Non-Participating Property after construction of the Wind Energy System.
- B. The Owner of a LWES shall provide a shadow flicker assessment utilizing the latest technology with the conditional use permit application. Also, an engineering analysis of the historical accuracy of the modeling program shall be provided. The Town may hire a professional consultant to evaluate the quality of the assessment at the Owner's expense.
- C. Whenever an inhabited structure on a Non-Participating Property experiences shadow flicker and the Landowner files a complaint with the Owner and/or the Town, all reasonable mitigation techniques shall be offered to the Landowner and provided as chosen by the Landowner at the Owner's expense.

18-11.13 ICE SHEDDING AND DEBRIS THROW

- A. The Wind Energy System Owner shall make reasonable efforts to prevent ice or debris from the Wind Turbine from impacting any non-participating landowners' property.

18-11.14 AVIAN RISK

- A. The LWES Owner shall make reasonable efforts to minimize avian mortality from the operation of a LWES. The Town of Rockland may require an avian risk study prior to issuance of a conditional use permit for a LWES.
- B. The Owner of the LWES may submit for consideration an Avian Risk study from another community in the state as long as the avian populations are similar and the study was not completed more than five (5) years prior to the conditional use permit request. The owner is responsible for the cost of the study.

18-11.15 WASTE MANAGEMENT

- A. All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the system, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards and any Town, County, or State of Wisconsin regulations.
- B. All hazardous waste generated by the operation and maintenance of the system, including, but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

18-11.16 GENERAL SAFETY

- A. All wiring between Wind Turbines and the Wind Energy System's collector facilities and substation shall be underground, if applicable.
- B. Wind Turbine towers shall not be climbable up to fifteen (15) feet above ground level and all large Wind Turbine tower access ladders must be located inside of the tower. If the structure is a lattice design or such that it cannot be easily made unclimbable, a fence to prevent access shall be installed.
- C. All access doors to Wind Turbine towers and electrical equipment shall be locked when unattended.
- D. Any accessory structures on site shall have a concrete roof to protect the structure from snow and ice shedding.
- E. Appropriate warning and caution signage shall be placed on Wind Turbine towers, electrical equipment, and Wind Energy System entrances.
- F. A LWES site and all structures shall have an annual inspection report of structural stability by a Professional Engineer licensed in the State of Wisconsin, at cost to the LWES Owner, with a report filed with the Rockland Town Clerk. Any deficiencies found shall be repaired in a timely manner.
- G. All substations shall be fenced to prevent public access. Chain link fencing shall include vinyl or aluminum slats or other landscaping to create an opaque visual barrier.
- H. The Owner of a LWES shall post and maintain at each system a clearly posted 24-hour a day manned telephone number in case of an emergency.
- I. The Owner of a LWES shall provide qualified personnel to conduct training sessions to emergency responders whenever requested.
- J. The Owner of a LWES shall provide a company representative to accompany the local Fire Department Fire Inspector during site visits. The Owner of a LWES shall comply with all applicable laws regarding those inspections.
- K. The Owner of a LWES shall be responsible for the total cost of any incident(s) that occur on or at their facilities and/or properties.

18-11.17 STRAY VOLTAGE

- A. The Owner of the LWES 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 pursuant to the stray voltage protocol established by the Public Service Commission of Wisconsin (PSCW) before any LWES construction activity, which may interfere with testing, commences and again after construction of the Wind Energy System is completed.
- B. The Town may hire a qualified consultant to review the stray voltage prevention plan with the expense paid by the Owner.
- C. The Owner shall work with the electric distribution company and any farm owner to rectify any stray voltage problems attributable to the construction and operation of the LWES in compliance with the Public Service Commission's stray voltage protocol.
- D. If corrections of problems affecting farm operations cannot be completed in 5 calendar days, the Wind Turbines or grid interconnections shall be shut down or disconnected as necessary until the proper repair is completed.

18-11.18 COMPLAINT PROCESS

A. Making a complaint

- 1. An aggrieved person may make a complaint regarding failure by an Owner to comply with an obligation under this ordinance
- 2. A complaint shall be made first to the Owner of the Wind Energy System and, if the complaint relates to a LWES, pursuant to a complaint resolution process developed by the Owner and accepted by the Town.
- 3. A complainant may petition the Town for review of a complaint that is not resolved within 45 days of the day that the Owner receives the original complaint.

B. Complaint Process

- 1. 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.
- 2. Upon receipt of a complaint, an Owner shall provide the complainant with a verbal acknowledgement of receipt of the complaint within two business days and a written acknowledgement and response describing the proposed solution within five business days. Within 10 days of receiving a complaint, or sooner if required elsewhere in this ordinance, an Owner shall provide the complainant an explanation as to what was done to resolve the complaint or explain why it has not been resolved and what is the schedule for resolving the complaint.
- 3. An Owner shall make a good faith effort to resolve complaints within 30 days of receiving a complaint or sooner if required elsewhere in this ordinance. An Owner shall notify the town of complaints that have not been resolved within 30 days of the date when the Owner received the original complaint.
- 4. An Owner of a LWES shall maintain a log of all complaints received regarding the LWES. The Owner shall include the name and address of each complainant in the log, the nature of each complaint, and the steps taken to resolve each complaint. The Owner shall provide a copy of a complaint log monthly, at no cost, to the Town or designated monitoring committee contact.

C. Monitoring Committee

- 1. The town may establish a monitoring committee to oversee resolution of complaints regarding a LWES. A monitoring committee shall include on the committee a member who is a local employee of an Owner of a LWES and, if available, at least one Non-Participating Property landowner residing in the Town within 0.5 mile of a LWES that is located in the Town.

2. The monitoring committee, when established, may do any of the following:
 - a) Maintain a record of all complaints brought to it.
 - b) Require the Owner to provide the committee with information regarding the Owner's response to any complaint forwarded to the Owner by the committee.
 - c) Recommend to the Town a reasonable resolution to a complaint based upon the information gathered by the committee.

18-11.19 DECOMMISSIONING

- A. All LWES, MWES and their respective appurtenances shall be removed from the site within seven (7) calendar months of the date of receipt of a Use Termination notice to the Town Board of Rockland by the Owner of the system or its assigns or the date that the Town determines the Use Termination was established. Upon request of the Owner or assigns of the LWES, and for good cause, the Rockland Town Board may grant a reasonable extension of time.
- B. The site shall be stabilized, graded, and cleared of any debris by the Owner of the LWES or MWES or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion.
- C. Any foundation for a LWES or a MWES shall be removed to a minimum depth of four (4) feet below grade, or to the level of the bedrock if less than four (4) feet below grade, by the Owner of the system or its assigns. Following removal, the location of any remaining LWES's foundation shall be identified on a map as such and recorded with the deed to the property with the Brown County Register of Deeds.
- D. Upon abandonment of underground cables, the locations where cables were severed or disconnected from the aboveground systems shall be sealed in a way to prevent migration of storm water runoff or contaminates into the trench areas.
- E. Any access roads shall be removed, cleared, and graded by the Owner of the LWES or MWES or its assigns at the Owner's expense, unless the Participating Property Landowner wants to keep the access road. The Town of Rockland will not be assumed to take ownership of any access road unless through official action of the Town Board.
- F. Decommissioning shall conform to the contract between Participating Property Landowner and the Owner of the Wind Energy System, subject to the requirements set forth in this ordinance.

18-11.20 FORFEITURE

- A. Any Wind Energy System, its turbine or appurtenant facilities hereinafter significantly erected, moved or structurally altered in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure.
- B. Any Wind Energy System that does not meet the requirements of this ordinance, including but not limited to, those dealing with sound or visual appearance, or does not meet the conditions attached to an approved conditional use permit shall provide grounds for revocation of the conditional use permit, thereby deeming the system an unlawful structure.
- C. The Zoning Administrator shall report all such violations to the Town Board who may then refer the matter to the town attorney to bring action to enjoin the erection, moving or structural alteration of such system or to cause such system to be vacated or removed.
- D. Any person, firm, corporation, agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this

ordinance; shall upon conviction thereof forfeit no less than \$1,000 and not more than \$5,000 per offense together with the costs of prosecution, and in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made. Confinement to the county jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.

- E. This section shall not preclude the Town of Rockland from maintaining any appropriate action to prevent or remove a violation of this section.

18-11.21 REVIEW

- A. Nothing in this ordinance shall be construed as limiting an aggrieved person's right to a Certiorari Review in Circuit Court as permitted by Wisconsin Law.

18-11.22 FEES

- A. Owner shall reimburse the Town's actual reasonable fees and costs incurred in the preparation, negotiation, administration, and enforcement of the conditional use permit as per the Town of Rockland's Fee Schedule, including, without limitation, the Town's attorneys' fees, engineering consultant fees, meeting/hearing fees, inspection fees and the costs of public notices. The preceding fees are payable within 30 days of invoice. Unpaid invoice shall bear interest at the rate of 1% per month until paid. The town may recover all reasonable cost of collection, including attorney's fees.

18-11.23 IMPACT FEES

- A. The Town of Rockland retains the right to negotiate an Impact Fee on Wind Turbines with the Owner of a LWES.

18-11.24 TAX HOLD HARMLESS

- A. The parties acknowledge that the shared revenue payments payable to the Town under current state law may be revised or revoked by future legislators. If the shared revenue payments payable to the Town are eliminated or reduced, the Owner will pay to the Town an amount not less than the amount payable at the time of the issuance of the conditional use permit. The Owner's obligation to make such payments shall cease if the state adopts or implements a new mechanism to replace the shared revenue payments, to the extent that the new payment mechanism produces revenue not less than the revenue payable under the predecessor program.
- B. The parties further acknowledge that the shared revenue payments are paid to the Town directly by the State of Wisconsin, not the Owner. Regardless, the Owner agrees to supplement the Town's annual shared revenue payments actually received by an amount equal to the annual percentage change of the Consumer Price Index as of January 1 of each calendar year beginning on the first of January following the date that the Town receives its first payment from the State. For purposes of this escalator clause, the Consumer Price Index means the U.S. Department of Labor, Bureau of Statistics, Consumer Price Index for the United States, All Urban Consumers, all Items, unadjusted Index.

18-11.25 DEFENSE OF LAND USE DECISION

- A. In addition to the indemnification described above, the Owner shall reimburse the Town its reasonable attorneys' fees incurred in defending any legal actions brought by third parties challenging the legality or enforceability of the conditional use permit. If the Town seeks reimbursement, it shall notify the Owner in writing promptly upon discovering any claim entitling it to a land use defense reimbursement, but in no event later than sixty (60) days after receiving written notice of any action, lawsuit, proceeding, investigation or other claim against it which may give rise to a claim for a land use defense reimbursement.

18-11.26 TIME IS OF THE ESSENCE

- A. Time is of the essence in the performance of the requirements of the conditional use permit.

18-11.27 SEVERABILITY

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

18-11.28 EFFECTIVE DATE

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

18-12.00 ANIMAL ORDINANCE

18-12.01 KEEPING OF ANIMALS AND FOWL

- A. The following regulations shall apply to all domestic animals, livestock, and exotic animals as defined in this ordinance, within the Town of Rockland, subject to the exceptions listed within this ordinance.

18-12.02 PURPOSE

- A. The purpose of this Ordinance is to provide a regulatory means for the keeping of domestic animals and livestock in the Town of Rockland, subject to reasonable restrictions, which will preserve the public health, safety, and welfare.

18-12.03 AUTHORITY

- A. The Town board of the Town of Rockland has the specific authority under Wis. Stats. S. 169.43 and general authority under its village powers under Wis. Stats. S. 60.22 to adopt this ordinance.

18-12.04 DEFINITIONS

A. As used in this Ordinance, the following terms shall have the meanings indicated:

1. **Animal Unit Equivalent:** A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wisconsin Administrative Code NR243, which are fed, confined, maintained, or stabled. The following animal unit equivalents; except for horses, are from the Wisconsin Administrative Code NR243.05 Table 2A effective April 2007 and the horse unit equivalent is from the Brown County Code of Ordinances 26.08:

DAIRY CATTLE	EQUIVALENT
Milking and Dry Cows	1.400 units
Heifers (800 to 1200 lbs)	1.100 units
Heifers (400 to 800 lbs)	0.600 units
Calves (under 400 lbs)	0.200 units
VEAL CALVES	
Per animal	0.500 units
BEEF CATTLE (Including Bison)	
Steers or Cows (400 lbs to Mkt)	1.000 units
Calves (under 400 lbs)	0.200 units
Bulls	1.400 units
SWINE	
Pigs (55 lbs to Mkt)	0.400 units
Pigs (up to 55 lbs)	0.100 units
Sows	0.400 units
Boars	0.500 units
SHEEP (Llama, alpaca, goat)	
Per Animal	0.100 units
HORSES	
Per Animal	1.000 units
DUCKS	
Per Bird	0.200 units
CHICKENS	
Per Bird	0.010 units
TURKEYS	
Per Bird	0.018 units

2. **At Large:** To be off the premises of the owner and not under the control of some person, either by leash or otherwise, but a dog within an automobile of its owner, or in an automobile of any other person with the consent of the dog's owners shall be deemed to be upon the owners premise.
3. **Bovine animal:** Means domestic cattle and American bison of any age or sex.
4. **Cattle:** Means any of the various animals of the domesticated genus Bos.

5. **Dangerous (Vicious) dogs (or other animals): Any dog (animal) which:**
- a) Without provocation, while not under the control of its owners, chases, confronts or approaches a person in a menacing fashion while off its owner's property and it is clear that the dog or animal is not merely being protective in a particular set of circumstances.
 - b) When unprovoked and while off its owner's property approaches a domestic animal in a menacing fashion.
 - c) When unprovoked and while off its owner's property causes an injury in a menacing fashion to any person or domestic animal.
6. **Domestic Animal:** Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter including, but not limited to dogs, cats, birds, rabbits, hamsters, turtles, and the like. See also "Livestock."
7. **Exotic Animal:** Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the environs of the State of Wisconsin or is not classified or considered as wildlife, livestock, or domestic animal. Exotic animals include, but are not limited to, animals belonging to any or all of the orders and families on the Prohibited Animal List, Chapter 18-12.07 as adopted by the Rockland Town Board. No exotic animals are allowed in Rockland.
8. **Livestock:** Grazing animals or poultry kept either in open fields or structures for training, boarding, home use sales, or breeding and production, including but not limited to cattle, bison, riding and draft horses, hogs, sheep, goats, miniature horses, llamas, emus, alpacas, chickens or turkeys.
9. **Menacing Fashion:** Demonstrating an intent or desire to cause injury by one or more of the following actions:
- a) An attempt to bite or claw a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.
 - b) Growling or barking in an unfriendly manner while approaching or chasing a person or another animal.
 - c) Growling or barking in an unfriendly manner while making physical contact with a person or another animal.
10. **Owner:** Any person owning, harboring, or keeping a domestic animal and the occupant of any premises on which a domestic animal remains or to which it customarily returns daily for a period of 10 days, is presumed to be harboring or keeping the domestic animal within the meaning of this section.
11. **Person:** Any owner, person, firm, partnership, association, corporation, company, or organization of any kind.
12. **Possess:** To own, keep, harbor, bring into the town, act as a custodian, or have custody or control of an animal.
13. **Provoked:** Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted:
- a) The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal; or.
 - b) The animal was protecting a person, itself, its young or another domestic animal from an attack by a human being or another animal; or
 - c) The person who was attacked or injured was committing a crime on the property of the animal's owner or caretaker.

18-12.05 DOGS AND CATS

A. License required

1. It shall be unlawful for any person in the Town of Rockland to own, harbor, or keep any dog more than five months of age, without complying with the provision of WSA s.174.07.
2. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. No action shall be maintained for an injury to or the destruction of a dog without a tag unless it shall appear that a tag has been properly attached to the collar of the dog and has been lost or removed without the knowledge of the owner.
3. The Pound Master or Constable, or a duly authorized humane society officer shall seize, impound, or restrain any dog found running at large.

B. Restrictions on keeping dogs

1. It shall be unlawful for any person in the Town or Rockland to own, harbor, or keep any dog which:
 - a) Habitually pursues any vehicle upon any public street, alley, or highway of the town.
 - b) Assaults or attacks any person
 - c) Is at large within the limits of the town.
 - d) Habitually barks or howls.
 - e) Kills or wounds any domestic animal.
 - f) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - g) Is considered dangerous as defined in Chapter 18-12.04.

C. Duty of owners in cases of dog bite

1. Every owner, or person harboring or keeping a dog, who knows that such dog has bitten any person shall immediately report such fact to the Brown County Health Officer, and shall keep such dog confined for not less than 14 days or for such period of time as the Brown County Health Officer shall direct. The owner or keeper of any such dog shall surrender the dog to the Brown County Health officer or any town police officer upon demand for examination.

D. Limiting number of dogs and cats on residential lots in Zones RS-1, RR-1, and ER-2

1. The keeping of a large number of dogs and cats in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of dogs and cats is, therefore, declared to be a public nuisance.
2. "Dog" shall mean any canine, regardless of age or sex and "cat" shall mean any feline, regardless of age or sex.
3. For the purpose of this article, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.
4. No person shall own, harbor or keep in his possession more than three (3) dogs or three (3) cats on any lot zoned as residential as defined in Chapter 18-12.05, with the exception that a litter of pups or a portion of a litter may be kept for a period of time not exceeding three (3) months from birth. If more than one family resides on any particular lot, then the party exceeding the limitation imposed by this article is in violation thereof.

5. Any owner who owns, harbors, or keeps four (4) or more dogs on his premises is presumed to be operating a dog kennel and shall be subject to the provisions of the Town of Rockland Code of Ordinances.

18-12.06 CALCULATION FOR THE NUMBER OF LIVESTOCK ALLOWED, NOT INCLUDING DOGS AND CATS

A. Minimum Acres

1. No livestock or equivalent stated in Chapter 18-12.06(D)(8) will be allowed on less than 2 acres in the Town of Rockland.

- B. The provisions of Chapter 18-12.05 shall apply to all parcels of land zoned ER-2, ER-5, ER-10, and NPWLI within the Town of Rockland

C. Exception

1. Parcels of land zoned ER-2, ER-5, ER-10, and NPWLI having a larger number of livestock at the time of adoption of this ordinance may continue to maintain that number of animals; provided that expansion of the grandfathered number of livestock would require a conditional permit from the Town of Rockland.
2. Parcels of land zoned AG-FP are exempt from this ordinance

D. Calculation

1. (Total acres less 1.99 acres minimum) * livestock multiplier in Chapter 18-12.06(D)(8)
2. For young livestock after 1 year of age, the livestock must be in compliance with the equivalent calculation in Chapter 12.06(D)(8).
3. All contiguous lands as defined in the Town of Rockland Code of Ordinances can be included in the total acreage and/or those parcels as defined in Chapter 18-12.05(D)(3).
4. The total number of livestock permitted is cumulative, regardless of the species of livestock.

5. Examples:

- a) Residence is on 4 acres and would like horses: $(4 \text{ acres} - 1.99 \text{ acres}) = 2.01 \text{ acres}$
Then $2.01 \text{ acres} * 1.000 \text{ horse multiplier} = 2 \text{ horses}$
- b) Residence is on 4 acres and would like alpacas: $(4 \text{ acres} - 1.99 \text{ acres}) = 2.01 \text{ acres}$
Then $2.01 \text{ acres} * 10 \text{ sheep multiplier} = 20 \text{ alpacas}$
- c) Residence is on 4 acres and would like a horse and alpacas:
 $(4 \text{ acres} - 1.99 \text{ acres}) = 2.01 \text{ acres}$
Then 1 acre for horse ($1 \text{ acre} * 1.000 \text{ horse multiplier} = 1 \text{ horse}$)
Then 1.01 acres for alpacas ($1.01 * 10 \text{ sheep/alpaca multiplier} = 10 \text{ alpacas}$)
or any acreage/animal combination thereof allowable under the formula
6. Rounding: Less than .50 livestock round down to whole number and .50 or greater, round up to the whole number.
7. A conditional use permit will be required for excess livestock as calculated in this section.

8. Livestock Multiplier Table

(*Multiplier = 1.0/Equivalent)

DAIRY CATTLE	MULTIPLIER*	EQUIVALENCY
Milking and Dry Cows	.714	1.400 units
Heifers (800 to 1200 lbs)	.909	1.100 units
Heifers (400 to 800 lbs)	1.667	0.600 units
Calves (under 400 lbs)	5.000	0.200 units
VEAL CALVES		
Per animal	2.000	0.500 units
BEEF CATTLE (Including Bison)		
Steers or Cows (400 lbs to Mkt)	1.000	1.000 units
Calves (under 400 lbs)	5.000	0.200 units
Bulls	.714	1.400 units
SWINE		
Pigs (55 lbs to Mkt)	2.500	0.400 units
Pigs (up to 55 lbs)	10.000	0.100 units
Sows	2.500	0.400 units
Boars	2.000	0.500 units
SHEEP (Llama, alpaca, goat)		
Per Animal	10.000	0.100 units
HORSES		
Per Animal	1.000	1.000 units
DUCKS		
Per Bird	5.000	0.200 units
CHICKENS		
Per Bird	100.000	0.010 units
TURKEYS		
Per Bird	56.000	0.018 units

18-12.07 WILD, DANGEROUS, OR EXOTIC ANIMALS

- A. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Town any poisonous reptile or any other dangerous or carnivorous wild animal, insect, arachnid, or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.
- B. The following orders and families, whether bred in the wild or in captivity, and any or all hybrids shall be defined as “Exotic Animals” pursuant to Chapter 18-12.04 and the Town of Rockland Code of Ordinances. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified.
- C. No person shall possess an exotic, poisonous, or dangerous animal in the Town of Rockland.

1. Prohibited Animal List**a) Class Mammalia**

- (i) Order Chiroptera. (Any bat species).
- (ii) Order Artiodactyla. (Hippopotamuses, giraffes). Excludes domestic cattle, swine, sheep, goats, alpaca, and llama, buffalo, and bison.
- (iii) Order Carnivora.

- a) Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals). Excluding domestic cats.
- b) Family Canidae. (Wolves, coyotes, foxes, jackals). Excluding domestic dogs.
- c) Family Ursidae. (All bears).
- d) Family Mustelidae. (Weasels, skunks, martins, minks). Excluding ferrets.
- e) Family Procyonidae. (Raccoons, coatis).
- f) Family Hyaenidae. (Hyenas).
- g) Family Viverridae. (Civets, genets, mongooses).
- (iv) Order Edentata. (Anteaters, armadillos, sloths)
 - a) Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders).
 - b) Order Perissodactyla. (Rhinoceroses, tapirs). Excluding horses, donkeys, mules).
 - c) Order Primates. (Lemurs, monkeys, chimpanzees, gorillas).
 - d) Order Proboscidea. (Elephants)
 - e) Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs.) Excluding guineas pigs, mice, gerbils, and hamsters.
- b) Class Reptilia**
 - (i) Order Squamata.
 - a) Family Helodermatidae. (Gila monsters and Mexican beaded lizards).
 - b) Family Varanidae. (Any monitor which will normally grow over two feet in length).
 - c) Family Iguanidae. (Only green iguanas and rock iguanas).
 - d) Family Boidae. (All species whose adult length may exceed eight feet).
 - e) Family Colubridae. (Boomsnakes and African twig snakes).
 - f) Family Elapidae. (Coral snakes, cobras, mambas).
 - g) Family Natricidae. (Only keelback snakes).
 - h) Family Viperidae. (Copperheads, cottonmouths, rattlesnakes).
 - (ii) Order Crocodilia. (Crocodiles, alligators, caimans, gavials).
- c) Class Aves**
 - (i) Order Falconiformes. (Eagles, hawks, vultures).
 - (ii) Order Rheiformes. (Rheas).
 - (iii) Order Casuariiformes. (Cassowaries).
 - (iv) Order Strigiformes. (Owls).
- d) Class Arachnida**
 - (i) Order Scorpiones, Family Buthidae.
 - a) Arabian fat-tailed scorpion—*Androctonus crassicauda*
 - b) Arizona centruroides scorpion—*Centruroides exilicauda*
 - c) Death Stalker—*Leiurus quinquestriatus*
 - d) Egyptian yellow scorpion—*Androctonus amoreuxi*
 - e) Israeli black scorpion—*Hottentotta judaicus*
 - f) S. A. giant fat-tailed scorpion—*Parabuthus transvaalicus*
 - g) Sinai desert scorpion—*Androctonus bicolor*
 - h) Yellow desert scorpion—*Androctonus Australia*
 - (ii) Order Araneae, Family Therididae.
 - a) Argentina red widow spider
 - b) Brown widow spider—*Latrodectus geometricus*
 - c) Red-black widow spider—*Latrodectus hasselti*
 - d) Red-widow spider—*Latrodectus bishopi*
 - e) Southern black widow spider—*Latrodectus mactans*
 - f) Western widow spider—*Latrodectus Hesperus*

e) **Class Chilopoda**

- (i) Order Scolopendromorpha, Family Scolopendridae.
 - a) Amazon giant banded centipede—*Scolopendra giganea*.
 - b) Arizona tiger centipede—*Scolopendra viridis*
 - c) Florida Keys centipede—*Scolopendra alternans*

f) Any federal or state endangered or threatened species

18-12.08 KEEPING OF PIGEONS

- A. "Fowl" shall include pigeons. Homing or carrier pigeons are exempt when such birds fly for training purposes and races. The harboring of pigeons other than in an approved pen or coop is a public nuisance. The person in charge of any building or structure harboring pigeons other than under approved conditions shall remove such pigeons from the structure in a humane manner

18-12.09 ANIMALS TO BE CONFINED

- A. No person, owner, or custodian shall permit any animal (including fowl) to be at large within the Town. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention will reasonably control the conduct and actions of the animal.
- B. No person, owner, or custodian shall permit any animal (including fowl) to be left unattended within 5' of a public right-of-way.
- 1. Such public rights-of-way included, but are not limited to, sidewalks, streets, alleys, and parking lots in the RS-1 District.

18-12.10 ENFORCEMENT AND PENALTY PROVISION

- A. Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance shall be subject to the enforcement of this ordinance and all other laws and ordinances relating to this section by the imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00.
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

(Historical reference: Amended December 16, 2013)

18-13.00 APPENDIX

CHAPTER 19 – SUBDIVISION AND PLATTING REGULATIONS

19-01.00 SUBDIVISION AND PLATTING REGULATIONS

HISTORY: ADOPTED APRIL 17, 2006

19-01.01 AUTHORITY

- A. This ordinance is adopted under the authority granted by Section 236 of the Wisconsin Statutes⁴ and amendments thereto; and pursuant to this authority the Town Board of Town of Rockland, Brown County, Wisconsin do ordain as follows:

19-01.02 TITLE

- A. This ordinance shall be known as, referred to, or cited as the *Town of Rockland Subdivision and Platting Regulations*.

19-01.03 JURISDICTION

- A. Jurisdiction of these regulations shall include all land and waters within the Town of Rockland, Brown County, Wisconsin.

19-01.04 PURPOSE

- A. These regulations are adopted for the following purposes:
1. To protect and provide for the public health, safety, and general welfare of the Town.
 2. To guide the future growth and development of the Town, in accordance with adopted Master Development Plans and/or Comprehensive Plan.
 3. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
 4. To protect the character and the social and economic stability of all parts of the Town and to encourage the orderly and beneficial development of all parts of the Town.
 5. To protect and conserve the value of land throughout the Town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
 6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
 7. To provide the most beneficial relationship between the uses of land and buildings circulation of traffic throughout the Town having particular regard to avoidance of congestion in the streets and highways and pedestrian traffic movements appropriate to various uses of land and buildings, and to provide for proper location and width of street and building lines.
 8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
 9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
 10. To prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to insure the adequacy of draining facilities; to safeguard potable water supplies; and to encourage the wise use and management of natural resources throughout the

⁴ The Wisconsin State Statutes may be viewed online at: <http://www.legis.state.wi.us/rsb/Statutes.html> or at the Town of Rockland Clerk's office.

Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.

11. To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.
12. To prevent destruction of unique environmental areas, such as the Niagara Escarpment.
13. To obtain the wise use, conservation, protection, and proper development of the Town's soil, water resources, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

19-01.05 GENERAL PROVISIONS

A. Severability and Non-Liability

1. If any section, 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.
2. If any application of this ordinance to a particular structure, use, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, use, land, or water not specifically included in said judgment.
3. The Town of Rockland does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation, and thereby asserts that there is no liability on the part of the Town Board, its agencies or employees, for sanitation problems, structural damages, or any other losses that may occur as a result of reliance upon, and conformance with, this ordinance.

B. Repeal

1. All ordinances or parts of ordinances of the Town of Rockland inconsistent or conflicting with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

C. Abrogation and Greater Restrictions

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

D. Interpretation

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

E. Effective Date

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

F. Jurisdiction

1. Jurisdiction of these regulations shall include all land and waters within the Town of Rockland, Brown County, Wisconsin.

G. Land Divisions Not Covered By This Ordinance

1. The provisions of Chapter 236 Wis. Stats and. this Ordinance shall apply to all land divisions, except:
 - a) Transfers of interest in land by will or pursuant to court order.

- b) Leases for a term not to exceed 10 years, mortgages, or easements involving five (5) parcels or less.
- c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations or other applicable laws and ordinances.
- d) A division of land resulting in parcels more than 40 acres in area.
- e) Cemetery Plats pursuant to sec. 157.07, Stats., and Assessor's Plat pursuant to sec. 70.27 Stats.
- f) Conversion of the form of ownership of existing buildings into condominiums or cooperatives.

H. Re-subdivision of Recorded Land Divisions

- 1. Any re-subdivision of a recorded land division that ultimately results in the creation of five (5) or more lots, parcels, or building sites from the same original parcel shall be considered to be a subdivision and shall be accomplished by a subdivision plat and not additional certified survey maps.

I. Compliance with Ordinances, Statutes, Regulations, and Plans

- 1. Any person dividing land which results in a subdivision shall prepare a plat of the subdivision, or which results in a minor land division shall prepare a certified survey map, in accordance with the requirements of this Ordinance and:
 - a) The provisions of Chapter 236, Wis. Stats.
 - b) All applicable State of Wisconsin, Brown County and Town of Rockland ordinances and regulations.
 - c) The Town of Rockland Comprehensive Plan.
 - d) The Town of Rockland Official Map.
 - e) Town of Rockland Master Development Plan

J. Amendments

- 1. For the purpose of promoting the public health, safety, and general welfare, the Town Board may, from time to time, amend the regulations imposed by this ordinance. The Town Board shall hold public hearings on all proposed amendments. Notice of such hearings shall be given by publication of a Class 2 notice preceding the hearing or as otherwise provided by state statute.

K. Violations

- 1. It shall be unlawful to divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance as specified in Chapter 01-01.15 this ordinance.

L. Review Fees

1. Preliminary Plat

- a) The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Rockland Board. Fees shall be submitted at the time of first application to the Town to assist in defraying the costs of necessary inspections and review of the preliminary plat.

2. Certified Survey Map

- a) The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Rockland Board. Fees shall be submitted at the time of

first application to the Town to assist in defraying the costs of necessary inspections and review of the certified survey map.

3. Planned Unit Development

- a) The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Rockland Board. Fees shall be submitted at the time of first application to the Town to assist in defraying the costs of necessary inspections and review of the planned unit development.

4. Variance

- a) The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Rockland Board. Fees shall be submitted at the time of application to the Town for each variance request from the Town of Rockland Subdivision Ordinance to assist in defraying the costs involved in such an application.

19-01.06 DEFINITIONS

A. The following terms, whenever they occur in this Ordinance, are defined as follows:

1. **Act or Action:** In the context of the Town Board or Planning Commission's review of a preliminary or final subdivision, act or action shall mean approval, conditional approval, denial, or a request for a modification, or for additional study, field inspections or documentation.
2. **Alley:** A public right-of-way that normally affords a secondary means of vehicular access to abutting property.
3. **Area Development Plan:** A map approved by the Town Board that shows future streets on properties in the vicinity of a proposed land division.
4. **Arterial Street:** A street that provides for the movement of relatively heavy traffic to, from, or within the Town. It has a secondary function of providing access to abutting land.
5. **Association:** All of a condominium unit owners acting as a group, either through a non-stock, non-profit corporation, or an unincorporated association in accordance with its by-laws and declaration.
6. **Block:** A parcel, lot, or group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
7. **Buildable Area:** The area of a lot remaining after the building setback requirements have been met and excluding the unbuildable areas as determined by this ordinance and the Planning Commission. The buildable area must be contiguous and not separated by environmental features, streets, or other similar features.
8. **Building Setback Line:** The distance from the boundaries of a lot within which structure(s) shall not be erected.
9. **Certified Survey Map:** A map of a division of land prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance. A certified survey map may be referred to as a CSM.
10. **Channel:** A natural or artificial watercourse of perceptible extent with definite bed and banks to conform and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.
11. **Cluster Subdivision:** A residential development where the subdivision and zoning regulations apply to the project as a whole instead of to its individual lots. Densities are calculated for the whole project.

12. **Collector Street:** A street that collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
13. **Commission.** The Planning Commission created by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes.
14. **Comprehensive Plan:** The most recently adopted official guide for the physical, social, and economic growth of the Town properly enacted or adopted according to Section 66.1001 of the Wisconsin Statutes.
15. **Conditional Approval:** Approval of a plat by the Planning Commission or Town Board subject to the plat meeting certain specified requirements as determined by the Town Board or Planning Commission.
16. **Condominium Development:** Property subject to a condominium declaration established under Chapter 703 Condominiums, Wisconsin State Statutes.
17. **County Plat:** A map of a division of land prepared in the same manner required in Chapter 236, Wisconsin Statutes, except that all reviews are completed at the local level, in accordance with the terms of this ordinance and where:
 - a) The act of division creates 5 or more lots, of which no more than 4 lots are 1.5 acres or less in area or
 - b) Five or more lots, of which no more than 4 lots 1.5 acres or less in area are created by successive division within a period of 5 years.
18. **Crosswalk:** A public right-of-way traversing a block for the purpose of providing pedestrian access.
19. **Contiguous:** Next to, abutting, or touching and having a portion that is coterminous.
20. **Cul-de-Sac:** A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
21. **Days:** Shall refer to calendar days.
22. **Dead-End Street:** A street having only one outlet for vehicular traffic and no vehicular turnaround.
23. **Detention Pond:** A permanent man-made pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such waters.
24. **Developers Agreement:** An agreement by a subdivider with the Town of Rockland that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.
25. **Development:** The act of constructing buildings or installing site improvements, such as grading, clearing, ditching installing utilities or any other activity necessary prior to construction.
26. **Double Frontage Lots:** A lot other than a corner lot, which has frontage on two substantially parallel streets.
27. **Drainage Easement:** Land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
28. **Easement:** The quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, utility, or some particular person, corporation, or part of the public for limited right of use.

29. **Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities, where a city or village maintains approval authority over land divisions.
30. **Final Plat:** The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, and the terms of this ordinance.
31. **Flood:** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
32. **Flood fringe:** That area of land used to carry flood water between the floodway and the regional flood limits.
33. **Floodplain:** The land adjacent to a body of water which has been or may be hereafter covered by flood water including, but not limited to, the regional flood.
34. **Floodway:** The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.
35. **Flood Profile:** A graph of a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.
36. **Frontage:** A length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
37. **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street or other thoroughfare for control of access and for service to the abutting development.
38. **Gradient:** The slope of land, road, street, or other public way specified in percent (%).
39. **Grading Plan:** A drawing of a proposed area with plans and specifications for grading.
40. **High Water Elevation:** The recorded average of all the high water elevations during the period of record for a flowage or other body of water.
41. **Improvement, Public:** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
42. **Irrevocable Letter of Credit:** A guarantee issued by a bank or other lending agency stating that a certain level of funds are available to the Town to pay for improvement costs specified in an approved developers agreement.
43. **Land Division:** The act of creating two or more separately described parcels, at least one of which is forty (40) acres or less in size, from a single parcel of land by the owner thereof or his agent.
44. **Land Division Document:** For the purposes of this ordinance a land division document shall include a preliminary, final, or recorded subdivision plat, and certified survey map.
45. **Landlock parcels:** A parcel with no road access. Landlock parcels are not allowed in the Town of Rockland.
46. **Local Street:** A street designed for low speed travel and generally low traffic volumes which provides land access from neighborhoods and minor activities to the collector and arterial systems.
47. **Local Unit:** A local unit in this ordinance includes the Town as well as the County, villages, and cities.
48. **Lot:** A fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site.

49. **Lot Area:** The area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of-way but including the area of any easement.
50. **Lot, Corner (Corner Lot):** A lot abutting intersecting streets at their intersection.
51. **Lot Equivalent:** An area of land shown on a condominium plat document encompassing an individual condominium unit, or a building or part of a building, having two or more units, and also encompassing adjoining yard areas that will be associated with that unit, or set of units, in an occupancy and/or appearance sense in a manner equivalent to a lot for a comparable non-condominium development.
52. **Lot, Reversed Corner (Reversed Corner Lot):** A corner lot which is orientated so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
53. **Lot, Through (Through Lot):** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
54. **Lot Lines:** The peripheral boundaries of a lot as defined herein.
55. **Lot Width:** The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
56. **Major Thoroughfare:** A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
57. **Master Development Plan:** A planning document that provides a general framework for the layout of sanitary sewer and water mains to service the entire Town of Rockland once fully developed.
58. **Mean Sea Level Datum:** Mean Sea Level Datum, a 1929 adjustment, as established by the U.S. Coast Guard and Geodetic Survey.
59. **Minor Subdivision:** The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels.
60. **Municipality:** All units with local self-government.
61. **Neighborhood Unit:** A residential living environment with a well-connected local street pattern, centrally located community buildings, schools, and playgrounds to provide maximum pedestrian accessibility, and local shops grouped together to meet daily household needs at accessible points providing a harmony of design and development.
62. **Official Map:** The map of the city, village, Town, or county by law showing thereon streets, highways, parkways, parks, schools, and other public facilities as provided by Sections 62.23 (6), Wisconsin Statutes.
63. **Outlot:** A parcel of land other than a lot, which does not meet the requirements of a lot at the time of platting.
64. **Owner:** Includes the plural as well as the singular and may mean a natural person, firm, association, partnership, private corporation, public or quasi-public Corporation, or combination of these.
65. **Parcel:** A continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
66. **Pedestrian Pathway:** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians and bicyclists only; it may also provide public right-of-way for utilities.

67. **Performance Bond:** A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
68. **Planned Unit Development:** A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.
69. **Planning Commission:** An officially constituted Town of Rockland body whose duties include administration of the Town subdivision regulations.
70. **Plat:** A map of a subdivision.
71. **Preliminary Plat:** A map showing the salient features of a proposed subdivision submitted to the Planning Commission for purposes of preliminary consideration.
72. **Pre Application:** A required meeting with the Town of Rockland Planning Commission for the Planning Commission to review a concept plan and provide input in to next steps or issues.
73. **Public Utility:** A corporation, company, association, sanitary district, or municipality that may own, or operate any plant or equipment for the conveyance of telephone messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or any other service deemed to be in the public interest, shall be deemed a public utility.
74. **Replat:** The changing of the boundaries of a recorded subdivision plat or part thereof.
75. **Replat, Subdivision:** A plat representing land that has previously been included in a recorded plat.
76. **Restrictive Covenant:** Written stipulations on the face of the plat regarding development that the landowner must abide by.
77. **Retention Pond:** A permanent man-made pond or pool designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.
78. **Reviewing Agency:** Means an agency, which is entitled to review and make recommendations concerning a subdivision prior to the Board action.
79. **Right-of-way:** A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat on which such right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.
80. **Roadway:** A surfaced curb to curb or paved portion of a street available for vehicular traffic movement and parking.
81. **Rural Cross Section Street:** A street consisting of gravel shoulders, open ditches, and culverts.
82. **Shorelands:** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages and three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
83. **Sidewalk:** That portion of a street or crosswalk, paved or otherwise surfaced, intended for pedestrian use only.
84. **State Plat:** A map of a division of land prepared in accordance with Chapter 236 Wisconsin Statutes and the terms of this Ordinance where:
- a) The act of division creates five (5) or more lots each one and one half (1.5) acres or less in area; or;
 - b) Five (5) or more lots each one and one half (1.5) acres or less in area are created by successive divisions within a period of five (5) years.

85. **Stormwater:** The flow of surface water that results from precipitation.
86. **Stormwater Management Facilities:** Any technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff. Such facilities may include storm sewers, drainage easements, retention or detention ponds, drainage channels, ditches, drainage swales, inlet or outlet structures, or other similar facilities.
87. **Street:** Means and includes all access ways in common use, such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation; but shall not include those access ways, such as easements and rights-of-way intended for solely limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, or drainage and sanitary sewers.
88. **Street, Half:** A street bordering one (1) or more property lines of a tract of land in which the subdivided has allocated a part of the ultimate right-of-way width. Half streets are not permitted in the Town of Rockland.
89. **Structure:** Anything constructed or erected on the ground (to include all types of buildings, attachments to buildings, parking lots, fences, and berms).
90. **Subdivider:** Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to create a subdivision of land hereunder for himself or for another or for others.
91. **Subdivision:** Any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:
- a) The act of division creates five (5) or more parcels or building sites of forty (40) acres or less in area; or
 - b) Five (5) or more parcels or building sites of forty (40) acres each or less in area are created by successive divisions within a period of five (5) years.
92. **Surveyor:** A land surveyor duly registered in the State of Wisconsin.
93. **Tax Parcel Number:** An identification number assigned to real estate in Brown County for taxation purposes.
94. **Thoroughfare:** A street with a high degree of continuity, including collectors, major arterials, limited access highways, and freeways.
95. **Town:** The Town of Rockland, Brown County, Wisconsin
96. **Town Board:** The governing body of the Town of Rockland.
97. **Unbuildable Area:** The area within a lot which is identified by the Planning Commission as an area not able to be used for building purposes and not able to be calculated as a buildable area.
98. **Undeveloped Land:** Land in parcels or tracts sufficiently large for future subdivision, which is presently in agriculture, woodland, or other non-intensive use.
99. **Unit, Condominium:** A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.
100. **Utility Easement:** An easement to place, replace, maintain, or move utility facilities, such as telephone, water, sewer, gas, cable television, etc.
101. **Urban Cross Section Street:** A street that provides access to lots served by public sewer and water and contains a curb and/or gutter.

102. **Variance:** A departure from the terms of the subdivision ordinance as applied to a specific structure or parcel of land, which the Planning Commission may provide a recommendation to the Town Board, pursuant to the requirements within this Ordinance.
103. **Wetlands:** A wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. A wetland delineation is established by, or approved by the Wisconsin Department of Natural Resources and/or the U.S. Army Corps of Engineers.

19-01.07 LAND SUITABILITY

- A. No land shall be divided or subdivided for a use which is held unsuitable by the Town Board for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision plat, certified survey map, or of the community. Except as provided herein, the Town Board shall determine such unsuitability at the time the preliminary subdivision plat or certified survey map is considered for approval.
1. When a proposed subdivision plat or certified survey map is located in an area where flooding or potential flooding may be a hazard, the Town Board may require that the subdivider determine the floodplain boundaries for the proposed plat or map. Floodplain boundaries, as determined by the subdivider shall be reviewed and approved by the Wisconsin Department of Natural Resources.
 2. When a proposed subdivision or certified survey map is located wholly or partly in an area where flooding or potential flooding is a hazard, the Town Board shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps:
 - a) The development shall be in accordance with the floodplain management standards of the Floodplain-Shoreland Management Section, Wisconsin Department of Natural Resources, and the Brown County Shoreland Floodplain Ordinance.
 - b) Floodplain and floodway lines shall be shown on all final plats and maps.
 3. New land divisions not served by public sewer shall comply with the requirements of Brown County Code of Ordinances Chapter 11 and Wisconsin Administrative Code Chapter COMM 83 "Private Onsite Wastewater Treatment Systems" and are hereby adopted by reference and incorporated herein as fully set out.
 4. All new land divisions not served by public sewer shall have a state acceptable soil test done for each proposed lot. No more than four (4) lots shall be allowed in any County Plat to be developed with holding tanks as the on-site waste disposal system.
 5. The Town Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence and the means of overcoming such suitability, if he/she so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.
 6. The subdivider may, as a part of the preliminary plat or certified survey map procedure, request a determination of land suitability by the Town Board, provided that the subdivider shall provide all necessary maps, data, and information for such a determination to be made.
 7. Each proposed subdivision plat or certified survey map shall be in compliance with the Town of Rockland Comprehensive Plan, Master Development Plan, Zoning Ordinance, and Official Map.
 8. Landlock parcels are not allowed in the Town of Rockland.

19-01.08 DEDICATIONS AND RESERVATIONS

A. Streets and Public Ways

1. Whenever a parcel of land to be divided as a subdivision contains all, or in part, a proposed street, highway, drainageway, stormwater management facility, public access to navigable lakes or streams, or other public way or access which has been designated in a comprehensive plan as defined in this Ordinance, an official map adopted under Section 62.23, Wis. Stats., or as required in Section 236.16(3) Wis. Stats., such public way or access shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated by the subdivider after proper

determination of its necessity by the Town Board or its designee and/or the appropriate body or public agency involved in the acquisition and/or use of each site.

B. Parks and Public Uses

1. The subdivider shall designate on every preliminary plat and certified survey map of a residential subdivision or land division an area of land suitable for park or open space purposes, and shall dedicate such land to the public. The amount of land to be provided shall be based upon an equivalent of 1 acre per 20 dwelling units for undeveloped lots. The minimum site size shall be one (1) acre.
2. In lieu of public land dedication, the subdivider may provide the required amount of park or open space area through a homeowners association, condominium association, or similar donor. This may be done providing such measures assure the proper and continuing maintenance and use of the area, meet the purposes of this Section, and are approved by the Town.
3. The Town may waive the requirement for dedication of land for parks or open space if it determines that the proposed or available park or open space would be too small, unsuitable, or unnecessary for reasons particular to the division or the neighborhood in which it is located.
4. In lieu of that public land dedication, the subdivider of a plat or certified survey map shall pay, at the time of approval, a fee equivalent to the fair market value of the amount of land representing the difference between the amount of land required to be dedicated, other than the streets and drainageways, as indicated on said plans or maps and the rate of dedication established herein. Said fees required in lieu of dedication shall be paid to the Town Treasurer at the time of first application for approval of a final plat of said subdivision.
5. The Town shall have the option of accepting the land dedication, or waiving the land dedication option in favor of accepting the monies in lieu thereof. All monies collected under this Section shall be deposited into a "*Special Fund for the Acquisition and Development of Public Sites, Recreation Areas, Open Spaces, and Greenways*" and shall be used in such a manner approved, ordered, and directed by the Town upon recommendation of the Planning Commission and which shall be consistent with this chapter, comprehensive plan, park plan, or official map of the Town. Any and all interest accumulated upon such funds shall be added to the Special Fund and be used only for the acquisition and development of said purposes.
6. The Town shall properly develop and maintain the dedicated area and the owner who dedicated said land shall in no way be responsible for its development, maintenance, or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use, or value of the dedicated property and except if such owner shall reside on one of the subdivided parcels in which case he/she shall be responsible for the maintenance of adjacent public property as may be required in other laws of the Town.

C. Reservation of Lands for Park, Open Space, School, or Public Sites

1. Whenever a parcel of land to be divided as a subdivision or a land division contains all, or in part, a site for a park or open space use, or a school or other public site, which has been designated in a comprehensive plan as defined in this Ordinance or an official map adopted under Section 62.23, Wis. Stats., such park, open space, school, or public site shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three (3) years, unless extended by mutual agreement for acquisition by the public agency having jurisdiction. If the three-year period expires with no action by the public agency, the open space provisions of Chapter 19-01.08 of this ordinance shall still be required.

D. Environmentally Sensitive Areas (ESAs)

1. Whenever a tract of land to be subdivided includes any part of identified Environmentally Sensitive Areas (ESA) as defined in the most recent iteration of the Brown County Sewage Plan, such areas shall be made a part of the plat. Environmentally Sensitive Areas included within a subdivision plat shall be: included within lots or outlots, or reserved for acquisition as provided in Chapter 19-01.08, or shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided, if approved by the Town.

E. Lands Between Meander Line and Water's Edge

1. The lands lying between the meander line established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he or she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

F. Restrictions For Public Benefit

1. Any restrictions placed on platted land by covenant, grant of easement, or in any other manner, which were required by the Town, or public utility, or which name the *Town of Rockland* as grantee, promisee, or beneficiary, vest in the Town of Rockland the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, shore protection works, erosion control measures, and other improvements. The restriction may be released or waived in writing by the Town of Rockland.
2. The Town Board reserves the right to require the provision of future public access across or through dedicated public lands for the purposes of sound engineering, planning, or development purposes.

G. Stormwater Management Facilities

1. The Town retains the option to own and maintain the stormwater facilities, however the costs to maintain the stormwater facilities shall be assessed to the property owners tributary to the facilities based upon the property owners' amount of impervious surface.
1. Where the stormwater facilities are designed only for an approved subdivision or certified survey map, maintenance costs may be apportioned equally to all lots in the subdivision or CSM and such costs may be collected as a special charge placed on the Town tax bill or specially assessed as provided by the Wisconsin Statutes.
3. Notification shall be placed on the face of subdivision plats and certified survey maps, which contain designated stormwater management facilities, that the property owner may be subject to maintenance charges or assessments for work done by the Town to maintain said facilities.

19-01.09 IMPROVEMENTS

- A. The subdivider or his or her agent shall furnish and install the following improvements, as required by the Town of Rockland. The required improvements are to be furnished and installed at the sole expense of the subdivider, unless specified differently within this ordinance or in an approved developer's agreement between the Town of Rockland and subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Town. Where the installation is done by the developer and/or subdivider of public improvements which would require public bidding, if installed by the Town, the developer/subdivider shall be responsible to meet the requirements of the State of Wisconsin regarding the payment of prevailing wage rates.

1. Financing

- a) Before the Town Board approves a preliminary plat, or as a condition of approval in the case of a CSM that contains a public dedication, the subdivider shall submit a Development Agreement and irrevocable letter of credit, performance bond, or cash escrow agreement to assure the following:
 - (i) The subdivider shall pay for the cost of all improvements required in the subdivision. However, in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Town. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.
 - a) Assessments for improvements installed within the subdivision to benefit lands beyond the boundaries of the subdivision shall be deferred until such time that said lands are proposed to utilize the improvements.
- b) Guaranteed start of construction within 6-months following final plat recordation with the Brown County Register of Deeds Office.
- c) Guaranteed completion of the required improvements within a 2-year period following approval of the preliminary plat.
- d) Payment by the subdivider for all costs incurred by the Town for review and inspection. This would include preparation and review of plans and specifications by the Engineer, Planner, and/or Attorney, as well as other costs of a similar nature.
- e) The Town may elect to install any of the required improvements under the terms of a cash escrow agreement.
- f) The irrevocable letter of credit, performance bond, or cash escrow agreement shall be equal to 1-1/4 times the bid package cost for the required improvements.
- g) If the required improvements are not completed within the 2-year period following approval of the preliminary plat, all amounts held under the escrow agreement, irrevocable letter of credit, or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements, and engineering, administrative, legal or other associated costs born by the Town. Any balance remaining after such expenses have been paid shall be returned to the owner or subdivider. The Town Board at its discretion may extend the bond period for an additional period not to exceed 2 years.

2. Survey Monuments

- a) The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Stats. (Pursuant to Section 236.15(1)(11), Wis. Stats., the Town which is required to approve the subdivision under Section 236.10, Wis. Stats., may waive the placing of monuments for a reasonable time on condition that the subdivider executes a performance bond to ensure that he or she will place the monuments within the time required.)

3. Grading and Surfacing

- a) The subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town of Rockland. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways and streets proposed to be

dedicated, with surfacing materials approved by the Town before building permits may be issued.

- b) When permanent street sections have been approved, the subdivider shall finish grade all shoulders and ditches, and install all necessary culverts and other storm and surface water drainage structures or systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.

4. **Pedestrian Guidelines.**

a) **Sidewalk Requirements**

- (i) Sidewalks shall be constructed on all urban cross-section streets that provide primary access to lots that are served by public sewer and water service, and shall meet the design standards in Chapter 19-01.11 of this ordinance.

5. **Bicycle Circulation**

- a) Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users), shared on-street driving/bicycle lanes, and striped bicycle lanes on streets. Designated lane signs shall be placed beside the road where bicycle lanes are present, and “bike lane” shall be painted within the lanes to ensure that people understand the lanes are to be used only by bicyclists. The *Town of Rockland Comprehensive Plan* and the most recent version of the *Brown County Bicycle and Pedestrian Plan* shall be consulted for guidance.

6. **Motor Vehicle Circulation**

- a) Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Features such as curb extensions, roundabouts, short medians and other traffic calming techniques may be used to encourage slow traffic speeds.
 - (i) **Street Hierarchy.** Each street within a development shall be classified according to the following:
 - a) **Freeways:** Freeways are fully controlled access highways that have no at-grade intersections or driveway connections.
 - b) **(ii) Arterials.** Principal and minor arterials carry longer-distance traffic flows between activity centers. These facilities are the backbone of a highway system and are designed to provide a very high amount of mobility and very little access.
 - c) **(iii) Collectors.** Collectors link local streets with the arterial street system. These facilities collect traffic in local areas, serve as local through routes, and directly serve abutting land uses.
 - d) **(iv) Locals.** Local roads and streets are used for short trips. Their primary function is to provide access to abutting land uses, and traffic volumes and speeds are relatively low.
 - e) **(v) Alleys.** These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.
 - (ii) **Street Layout.** Well-connected street patterns that take into account the natural landscape should be developed to maximize connectivity and accessibility wherever feasible.
 - a) **Alignment and visibility:** Clear visibility, measured along the centerline, shall be provided for at least 400 feet on major streets, 350 feet on collector streets, and 250 feet on minor streets.

- b) Minimum radii or curvature on the centerline: shall be 300 feet on arterial streets, 200 feet on collector streets, and 100 feet on local streets.
- c) Tangents: A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- d) Local streets may terminate other than at other streets when geographic or environmental conditions necessitate the creation of a cul-de-sac. Cul-de-sacs should maintain a connection to the pedestrian and bicycle path network at the terminus in order to maintain an effective pedestrian and bicycle circulation network.

7. Street Lamps

- a) The subdivider shall provide, pay for, and install street, pedestrianway, and bikeway lighting systems, where appropriate, within the area being developed, upon consultation with the appropriate electric utility and as approved by the Town Engineer, prior to acceptance of the subdivision or submit a fee deposit in lieu thereof. The ongoing costs of lighting shall be paid for by the subdivision.

8. Street Signs

- a) The subdivider shall pay for the purchase and installation of all street name signs, temporary dead end barricades and signs, no parking signs, and traffic control signs as required by Town standards, prior to acceptance of the subdivision or submit a fee deposit in lieu thereof.

9. Landscaping and Screening Standards

- a) Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, a landscaped earthen berm, or a hedge. Landscaping shall not be located within street rights-of-way.
 - (i) **Street trees.** In areas with urban cross-section streets, a minimum of one deciduous canopy tree (minimum 1½" inch diameter base) from a list of Town-approved trees per 45 feet of street frontage, or fraction thereof shall be required immediately following home construction, but prior to issuance of occupancy permit unless otherwise dictated by weather conditions. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk. The subdivider shall pay for the purchase and installation of the street tree(s) or provide for their purchase and installation by the Town in a dedicated escrow account. Property owner is responsible for ongoing maintenance of street trees.

10. Public and Private Sanitary Sewage Disposal Facilities

- a) The subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate public sanitary sewerage service available to each lot within the subdivision. Such construction may include, where necessary, sanitary pumping stations, sanitary pressure mains, and sanitary interceptor mains, the cost of which shall be prorated on the basis of percent of service area within the subdivision. If public sewer facilities are not available, the subdivider shall make provisions for adequate private sewage disposal systems as specified by Town, County, and State regulations.

- b) The subdivider shall assume the cost of installing all twelve (12) inch or smaller, as determined by the Town Engineer, sanitary sewers to serve the proposed development. If larger sized sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio, which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost either borne by the Town or assessed against the total tributary drainage area.
- c) The size, type, and installation of all sanitary sewerage facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town. The Town may require the installation and capping of sewer laterals for future connection.
- d) Sewage laterals shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.

11. Public and Private Water Supply Facilities

- a) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provisions for adequate private water systems as specified by the Town and other applicable State and County regulations.
- b) The subdivider shall assume the cost of installing all twelve (12) inch or smaller, as determined by the Town Engineer, sized water mains to serve the proposed development. If larger sized water mains are required to serve additional areas of the Town, the additional cost of such mains over and above the cost of those serving the proposed development shall be borne by the Town or assessed against the total area served.
- c) The size, type, and installation of all public water supply facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town. The water system shall be looped wherever possible. The Town may require the installation and capping of water mains for future connection.
- d) Water laterals shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.

12. Storm Water Management and Erosion Control Facilities

- a) For all land divisions containing 5 or more parcels, the subdivider shall submit a stormwater management and erosion control plan conforming to the requirements of the Town of Rockland's adopted Stormwater Management Ordinance and appropriate Wisconsin State Statutes and Administrative Codes. The Town Board or Planning Commission may require a stormwater management plan for proposed land divisions containing 4 or fewer parcels. The stormwater management and erosion control plans shall be completed by an engineer licensed in the State of Wisconsin and be reviewed by the Town appointed engineer at cost to the subdivider.
- b) Storm water management plans may require but not be limited to storm sewers, road ditches, waterways, storm sewers, curbs and gutters, catch basins and inlets, and water retention/detention/settling basins. Erosion control plans may require but not be limited to landscaping techniques utilizing vegetative covers, silt fencing, grading specifications; berms, and other sound erosion control measures.
- c) The subdivider shall assume the cost of installing all appropriately sized stormwater management facilities to serve the proposed development. If larger stormwater management facilities are required to serve additional areas of the Town, the additional cost of such facilities over and above the cost of those serving

the proposed development shall be borne by the Town or assessed against the total area served.

- d) Where storm sewer laterals are required, they shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.
- e) The subdivider shall adequately protect all ditches in accordance with the Wisconsin Construction Site Best Management Practice Handbook and to the satisfaction of the Town appointed engineer within 30 days. No other plantings or obstructions, except erosion control devices and ground cover if approved by the Town appointed engineer or Town Board, shall be placed within areas of stormwater drainage.
- f) The subdivider shall not be completely released of the letter of credit, escrow, or performance bond until seventy-five percent of the subdivision is filled and the Town-appointed engineer inspects and certifies the stormwater facilities. The Town retains the option to own and maintain the stormwater facilities; however the costs to maintain the stormwater facilities shall be assessed to the property owners tributary to the facilities based upon the property owners' amount of impervious surface.
- g) Ownership, maintenance, and liability responsibilities for all stormwater management facilities shall be identified within the storm water management plan.
- h) Plans required under this Section shall be submitted to the Town of Rockland, Brown County Planning Commission, and Department of Natural Resources for review, comment, and approval as appropriate.

13. Other Utilities

- a) A twelve (12) foot utility easement shall be required on the front and side lots of all newly platted lots. If the provision of utilities is to be made from the rear, then a twelve (12) foot utility easement along the rear lot line will be required in place of the front yard easement. All new electric distribution lines (excluding lines of 15,000 volts or more), telephone lines from which individual lots are served, fiber optic, and cable or community antenna television cables within all newly platted subdivisions and land divisions shall be installed underground unless the Town determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lots to be served by said facilities would be best served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric and communications systems, including but not limited to, pad-mounted transformers, switches, and above-ground pedestal-mounted terminal boxes may be located above ground. The aforementioned aboveground equipment shall be landscaped so as to blend into the surrounding landscape.

19-01.10 CONSTRUCTION PROCEDURE

A. Construction Plans and Specifications

- 1. Construction plans for the required improvements conforming in all respects with the standards of the Town Appointed Engineer or Town Board and the ordinances of the Town shall be prepared at the subdivider expense by professional engineer who is registered in the state of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Appointed Engineer or Town Board for approval and for estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Immediately following approval of the preliminary plat by the Town Board, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished to the Town for the following public improvements:

- a) Street plans and profiles showing existing and proposed grades, elevations, names, and cross sections of required improvements.
- b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- c) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations, culvert sizes, retention ponds, and materials of required facilities.
- d) Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- e) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
- f) Planting plans showing the locations, species, and time of planting of any required grasses and ground cover.
- g) Corner elevations for every proposed lot and outlot, prior to issuance of building permit.
- h) Additional special plans or information as required by Planning Commission, Town Board, or Town staff.

B. Action by the Town Appointed Engineer

1. The Town Appointed Engineer shall review or cause to be reviewed the plans and specification for conformance with the requirements of this Code of Ordinances and other pertinent Town design standards approved by the Town Board. If he rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Appointed Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed.

C. Construction and Inspection

1. Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Appointed Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter.
2. Construction shall begin within six (6) months following recording of the final plat with the Brown County Register of Deeds Office.
3. Construction of all improvements required by this Ordinance shall be completed within two (2) years from the date of approval of the preliminary plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.
4. During the course of construction, the Town Appointed Engineer shall make such inspections, as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.
5. Contractors shall provide a warranty for improvements for a minimum of two (2) years from substantial completion.

D. As-Built Plans

1. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all drain tiles, valves, manholes, stubs, sewers and water mains and such other facilities as the Town Appointed Engineer shall require. This map shall be on

paper, shall bear the signature and seal of a professional engineer registered in Wisconsin. A digital version of the map projected in Brown County Coordinates shall also be made available to the Town on a compact disc (CD) or digital video disc (DVD) in a format of the Town's choosing. The presentation of the map and digital file shall be a condition of final acceptance of the improvements and release of performance bond or remaining escrow, assuring their completion.

19-01.11 DESIGN STANDARDS

A. Conformity with the Comprehensive Plan, Master Development Plan, Plan for Parks and Open Space, Transportation Plan, Utility Plans and the Official Map.

1. All proposed development shall conform to the Comprehensive Plan, Master Development Plan, Plan for Parks and Open Space, Transportation Plan, Utility Plans and the Official Map of the Town as they relate to utilities and transportation facilities. The classification and location of all streets shall conform to the Official Map and shall be considered in their relationship to existing and planned streets, to topographic conditions, to natural features, to public convenience and safety, and in their appropriate location to the proposed uses of the land to be served.

B. Relationship to Existing and Future Development

1. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets to adjoining areas.
2. Where adjoining areas are not subdivided or developed and the Comprehensive Plan indicates development is desired, the arrangement of streets in the proposed development shall provide for proper projection of streets to the boundary of the proposed development.
3. All new developments shall provide for future street connections to adjoining parcels, as appropriate.

C. Access

1. Every lot or parcel created shall front on a public street, excluding alleys.

D. Streets

1. All rural and urban cross-section roads shall meet the adopted minimum design standards for Town roads required by the Town of Rockland. Additionally, all urban cross-section streets shall be developed in a manner consistent with Table 1.
2. Asphalt placement (lower layer) shall be placed the first year of construction and final lift to be placed the following year.
3. All new street surfaces shall consist of blacktop or concrete prior to final acceptance of dedication by the Town.
4. Streets shall be designed by an engineer licensed in the State of Wisconsin to the standards required by the Town of Rockland and shall follow the construction procedures for streets identified in Chapter 19-01.11 and Chapter 08-01.00 of this code.

Table 1: Urban Cross-Section Road Standards

Street Type	Right-of-Way Width**	Pavement Width (Curb Face to Curb Face)	Driving Lane Width	Parking Area		
				On-Street Parking	Defined By Curbs?	Sidewalks
Arterials	70 feet	36 feet	12 – 14 foot travel lane	Limited	Yes	Both Sides
Collectors	60 feet	34 feet	11 - 12 foot travel lane	Both Sides	Yes	Both Sides
Local Streets						
Parking on both sides	60 feet	28 feet	10 - 12 foot travel lane	Both Sides	Yes	Both Sides
Alleys	16 feet	12 feet	---	---	---	---
Cul-De-Sacs	60 feet	28 feet	10 - 12 foot travel lane and	Both Sides	Yes	---
Bulb	130 feet	50 foot radius	1,000 foot maximum length			

E. Temporary Roadway Termination

- Where a street is terminated temporarily at the edge of a development and the street is longer than two hundred forty (240) feet or two (2) lot widths, a temporary turn-around shall be provided by one of the following methods:
 - If the subdivider owns the adjacent land, a temporary turn around can be provided through a restriction (temporary easement) on said land. Such a turn around shall be constructed to Town standards.
 - The subdivider may provide the required turn around on one of the last lots fronting on the temporary dead end street through the use of a temporary easement running to the Town. Such a turn around shall be constructed to Town standards.

F. Reserve Strips

- There shall be no reserve strips controlling access to streets except where control of such strips is placed in the Town under conditions approved by the Town.

G. Half Streets

- Where an existing dedicated or platted half street is adjacent to a parcel being subdivided, the other half of the street shall be dedicated by the subdivider. In new plats or certified survey maps, the creation of half streets is prohibited. Half streets may not be utilized in calculating required frontage.

H. Street Jogs

- Street jogs with centerline offsets of less than 200 feet shall not be allowed. Along collectors and arterials, offsets of less than 600 feet shall not be allowed.

I. Intersections

- Intersections shall be laid out so that the angle of the intersection is nearly as possible a right angle.
- No street shall intersect another at less than a 75-degree angle.

- Intersections along arterial streets shall be held to a minimum, and whenever feasible, the minimum distance between intersections shall be fifteen hundred (1500) feet.

J. Restriction of Access (Protection of Arterial Streets and Highways)

- Whenever a proposed subdivision contains or is adjacent to an existing or officially mapped arterial street or highway, adequate protection of residential property, limitation of access and the separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line.

K. Sidewalks

- Sidewalks shall be constructed on all urban cross-section streets that provide primary access to lots that are served by public sewer and water service, excluding cul-de-sacs, in accordance with the widths listed in Table 2.
- Eighteen (18) foot easements shall be placed between subdivisions and between cul-de-sacs within the same subdivision for the purposes of constructing bicycle and pedestrian facilities to enable residents to conveniently walk and bike throughout their neighborhood, wherever practicable.

Table 2: Minimum Sidewalk Widths

Street Function	Minimum Sidewalk Width
Arterial or Collector	6'
Local	5'
Easements between subdivisions	10'
Easements between cul-de-sacs	10'

- Sidewalks shall be installed on each lot prior to issuance of an occupancy permit, but immediately following building construction, weather permitting.
- Handicap Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
- Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. As appropriate, the Town may require well-lit and clearly marked crosswalks with contrasting paving materials at the edges or with striping.
- Easements. Easements not less than eighteen (18) feet in width, with a sidewalk not less than ten (10) feet shall be provided near the center and entirely across any block 900 feet or more in length or elsewhere deemed essential by the Town to provide convenient pedestrian circulation or access to parks, schools, shopping centers, churches, transportation facilities, and other public destinations.
- Terraces between the sidewalk and curb shall be of sufficient width to provide for safe and comfortable pedestrian activities.
- Exceptions. The Town will consider the construction of a sidewalk on only one side of the street where the right-of-way has very severe topographic or environmental constraints or where there is existing development or mature landscaping. Sidewalks will be considered but not required where the subdivision includes an alternative trail network.

L. Land Division Abutting Railroad, Trail Corridor, or Limited Access Highway

- Where a subdivision or certified survey map borders on or contains a railroad right-of-way, off-street trail corridor, or limited access highway right-of-way, the Town Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.

2. Street Names
3. A proposed street that is in alignment with or extends an existing named street shall bear the name of the existing street. In no case shall the proposed name of the street duplicate the name of an existing street within Brown County.
4. The use of the suffix "street", "avenue", "boulevard", "drive", "place" or "court" or similar description shall not be distinction sufficient to constitute compliance with this subsection.
5. The Town Board reserves the right to approve or disapprove of any proposed new street names.

M. Addresses

1. All new lots shall be numbered in accordance with the uniform house or fire number system adopted by the Town Board. Street numbers shall be assigned prior to approval or as a condition of approval of the final plat by the Town Board.

N. Cul-de-sac Streets

1. The use of cul-de-sac streets shall be limited to portions of developments, which, due to unusual topographical, environmental, or other particular conditions, may better be served by cul-de-sacs than by continuous streets.
2. Every attempt shall be made to provide for pedestrian connections at the terminus of a cul-de-sac.
3. All cul-de-sac streets shall terminate in a circular turn around meeting dimension standards in Table 1.
4. Cul-de-sacs shall not exceed 1,000 feet in length and shall be measured along the centerline from the center of turnaround to the edge of the right-of-way of the intersecting street that provides external access to the development.

O. Grades

1. Pedestrianways shall have a maximum grade of 8%. Changes in street grades shall provide such sight distances as the Town Engineer determines are required. Street grades shall be established to avoid, wherever possible, excessive grading, removal of ground cover and trees and leveling of topography.

P. Ditches

1. Driveways shall contain a maximum 3:1 (3 foot horizontal : 1 foot vertical) slope as the driveway transitions to the culvert and ditch.
2. All culverts running underneath driveways shall have endwalls to maintain the maximum 3:1 slope
3. Ditches and culverts shall be sized to efficiently convey stormwater and contain a minimum one percent grade.
4. Ditches and culverts shall contain a minimum one percent grade and culverts shall have a minimum diameter of eighteen (18) inches, contingent upon Town approval.
5. All ditches shall be kept free of any grading activities and clear of any obstructions, including decorative stone, monuments, landscaping, etc, that may present a safety hazard to pedestrians, bicyclists, or motorists; or that may present an obstruction to the efficient flow of stormwater.

Q. Driveways

1. Driveways shall be a minimum of seventy-five (75) feet from centerline of the intersection of any road rights-of-way.
2. In the area between the property line and street, driveways with access to rural cross-section streets shall consist of either gravel or asphalt.

3. Driveways with access to urban cross-section streets shall provide for the continuation of the sidewalk network within the concrete driveway apron. Driveways continuing past the driveway apron and sidewalk segment shall consist of concrete.

R. Pedestrianways and Bikeways

1. In the design of the plat, the subdivider shall make provisions for pedestrianways and bikeways for transport and recreation as required by the Town. Where it is deemed necessary by the Town, walks and paths away from streets in common areas shall be lighted for safety and to permit visual surveillance.
2. Access shall be made available to the Fox River Recreational Trail at distances not to exceed one per half mile. Existing street crossings shall be considered as existing access points and may be considered when determining additional access.

S. Blocks

1. The lengths, widths, and shapes of blocks shall be compatible with the comprehensive plan, zoning requirements, need for convenient pedestrian, bike and vehicle access, control and safety of street traffic, bicyclists and pedestrians, and the limitations and opportunities of topography. Blocks in residential areas shall not be less than two hundred (200) feet wide between street lines nor greater than one thousand five hundred (1,500) feet in length unless dictated by exceptional topography or other limiting factors of good design.
2. Block layout shall promote the development of a well-connected street network, however they may vary in size and shape to allow for topographical or environmental constraints.
3. Blocks shall be of sufficient width to provide for two (2) tiers of lots of appropriate depth, except where required to separate residential development from through traffic.
4. Easements not less than eighteen (18) feet in width, with a sidewalk not less than 10 feet in width, shall be established near the center and entirely across any block nine hundred (900) feet or more in length, or elsewhere deemed essential, in the opinion of the Town Board, to provide convenient pedestrian and bicycle circulation.

T. Lots

1. Lot dimensions and setback lines shall conform to the requirements and amendments to the Town of Rockland Zoning Ordinance.
2. Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible.
3. Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the Zoning Code.
4. Every lot shall front or abut on a public street, not including alleys, freeways, or half-streets.
5. Lot lines shall not cross municipal boundary lines.
6. Double frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
7. Residential lots fronting or backing on arterial streets shall be platted with extra depth.

U. Building Setback Lines

1. Where the Rockland Zoning Ordinance does not control building setback lines, the Town shall establish building setback lines appropriate to the location and type of development.
2. Where lots abut navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, marinas,

boathouses, and similar uses shall not be less than one hundred (100) feet from the ordinary high water line as measured on a horizontal plane.

3. Where lots abut non-navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, boathouses, and similar uses shall not be less than twenty-five (25) feet from the ordinary high water line as measured on an horizontal plane.
4. The Brown County Sewer Service Area and Subdivision Ordinance Environmentally Sensitive Area setbacks shall be complied with.

V. Treatment of Railroad or Fox River Recreational Trail Rights-of-Way

1. Whenever the proposed subdivision contains or is adjacent to a railroad or Fox River Recreational Trail right of way, the subdivider shall proceed as follows:
 - a) In residential districts a buffer strip at least thirty (30) feet in depth, in addition to the normal lot depth required, shall be provided adjacent to the right of way. This strip shall be a part of the platted lots, but the following restriction shall be written on the plat:
 - (i) "This strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited, and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."
 - b) The Town may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land.

W. Utility Easements

1. Underground Requirements

- a) All new electric distribution lines, all new telephone lines from which individual lots are served, community antenna television cables and services, fiber optic cables, and gas utility services shall be underground unless the Town shall find upon study that:
 - (i) The placing of such facilities underground would not be compatible with the development, or
 - (ii) Location, topography, soil, wetland, solid rock, boulders, stand of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impractical.
- b) Associated equipment and facilities such as, but not limited to, pad mounted transformers, pad mounted sectionalizing switches and pedestal terminal boxes, may be located above ground, provided that they are located in an inconspicuous manner, screened from public view and fit into the development plans for the subdivision.
- c) The subdivider or his or her agent shall furnish proof to the Town that such arrangements as may be required under the applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to the approval of the final plat, development plan or certified survey map.
- d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.

- e) Sewer, water, and storm sewer laterals shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.

2. Easement Locations

- a) Perpetual, unobstructed easements centered on the front and side lot lines of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary. Such easements shall be at least twelve (12) feet wide and shall be designated as “*Utility Easements*” on the plat or certified survey map. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements along adjoining properties.
- b) Where topographical or other conditions are such to make impractical the inclusion of utilities within the front or side lot line, where necessary, perpetual, unobstructed easements at least twelve (12) feet wide shall be provided along each adjoining rear lot lines and shall be designated as “*Utility Easements*” on the plat or certified survey map.

19-01.12 SURVEY AND DATA SUBMISSION REQUIREMENTS

A. Pre-Application

- 1. It is required that prior to the filing of an application for the approval of a preliminary plat or certified survey map the subdivider consult with the Planning Commission, and all affected utilities for assistance and advice regarding site suitability and general requirements. It is also recommended that the subdivider consult with the Brown County Planning Commission to obtain planning assistance to avoid potential environmental problems.
 - a) **Conceptual Plan.** A conceptual plan of the proposed subdivision or land division drawn on a topographic survey map shall be submitted to the Planning Commission Secretary by the 15th of the month prior to the meeting where it is to be reviewed as part of the pre-application prior to the submittal of a preliminary plat for staff review and comment. There shall be no fee for the Town’s review of a conceptual plan. The conceptual plan shall identify:
 - i) Property boundaries.
 - ii) Proposed roads, lots, and any proposed dedications.
 - iii) Slopes at or exceeding 12%.
 - iv) General soil conditions.
 - v) Site characteristics, including: wetlands, floodplains, erosion hazard areas, drainageways, rock outcroppings, and vegetation.
 - vi) All contiguous property owned or controlled by the subdivider.
 - viii) Existing buildings and easements.
 - ix) Current and proposed zoning.

B. Preliminary Plat

- 1. A preliminary plat shall be prepared for all subdivisions and shall be based upon a survey by a land surveyor registered in this State. The plat shall be submitted at a scale of not more than 100 feet to 1 inch, shall conform to any standards and specifications set forth in Chapter 236, Wis. Stats., shall utilize the Brown County Coordinate Monumentation System and shall show correctly on its face the following information:
 - a) Title of the proposed subdivision.
 - b) Location of the proposed subdivision by government lot, quarter section, section, township, range, and county.
 - c) Date, graphic scale, and north arrow.
 - d) Name and address of the owner, subdivider, authorized agent, and land surveyor preparing the plat.

- e) Entire area contiguous to the proposed plat owned or controlled by the subdivider, even if only a portion of said area is proposed for immediate development. The Town may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.
- f) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the Brown County Coordinate Monumentation System, and the total acreage encompassed.
- g) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- h) Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways, easements, railroad and utility rights-of-way, and all section or quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- i) Location of existing property lines, structures, streams and watercourses, lakes, wetlands, rock outcrops, wooded areas, slopes 12 percent or greater, Environmentally Sensitive Areas as defined by the Brown County Sewage Plan and other similar significant features within the parcel being subdivided.
- j) Water elevations of adjoining lakes, ponds, streams, and flowages at the date of the survey, and approximate high and low water elevations.
- k) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto with any legally established centerline elevations.
- l) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than 2 feet.
- m) Location and approximate dimensions of any sites to be dedicated or reserved for parks, open space, public access, drainageways, schools, or other public uses.
- n) Approximate dimensions of all lots, and proposed lot and block numbers.
- o) Computed contiguous buildable area of each lot.
- p) Existing and proposed land use and zoning included within and immediately adjacent to the proposed subdivision.
- q) Floodplains, wetlands, and any proposed lake and stream access.
- r) Surface drainage pattern mapping and indication of direction and established peak volume of soil drainage pattern.
- s) Proposed preliminary locations for stormwater management facilities, if any.
- t) Location of existing subsurface tiles and proposals to reroute or destroy. The Town and County should cooperate with the subdivider in obtaining recorded locations of subsurface tile, but the subdivider's engineer, planner or surveyor shall draw the location of the subsurface tile on the preliminary plat or land use plan. All proposed rerouting and removal shall be shown prior to plan approval by the Town.
- u) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Section COMM 83 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- v) Locations of areas of particular sensitivity to groundwater contamination or depletion, if any.
- w) Where there are areas of sensitivity to groundwater contamination or depletion, the Town of Rockland may require a Groundwater Impact Analysis be performed.

- x) Where the Town finds that the proposed development should provide for future street connections to nearby properties, the Town may require an Area Development Plan be created by the subdivider and approved by the Town of Rockland.
- y) Signature and seal of surveyor
- z) Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall have the authority to request such information from the subdivider.

C. Preliminary Plat Submittal Procedure

1. Subdivider Submittals: Prior to submitting a final plat for approval, the subdivider shall submit to the Town and to those agencies having the authority to object to plats under Chapter 236 Wis. Stats., a preliminary plat and a letter of application for Town approval. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall submit twelve (12) copies of the plat and all other fees, plans and specifications required in this Ordinance, to the Planning Commission Secretary by the 15th of the month prior to the Planning Commission meeting at which it is to be considered. Any proposed restrictive covenants for the land involved shall also be submitted. The Planning Commission may forward a copy of the preliminary plat to the Town Engineer and Planning Consultant, if any, for review and written report of their reaction to the proposed plat.
2. Within 90 days of the date of filing the preliminary plat, the Town Board, shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by agreement with the subdivider, based on its determination of conformance with the provisions of this Ordinance and the Town of Rockland Comprehensive Plan. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat and shall be submitted to the subdivider. If approved, a condition of approval shall be that the subdivider enters into a developers agreement as identified in Chapter 19-01.12(E) of this ordinance.
 - a) Failure of the Town Board to act within 90 days of the date of filing, or agreed extension thereof, constitutes an approval of the preliminary plat.
3. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 6 months of the preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of that approval and to any local plans and ordinances adopted as authorized by law, as indicated in Section 236.11(l)(b), Wis. Stats., the final plat is entitled to approval.

D. Addressing

1. In order to ensure timely emergency response, addresses shall be determined as a condition of approval of a final subdivision plat. Minor subdivisions that create new streets shall also have addresses assigned whenever possible. The subdivider shall contact the agency responsible for assigning addresses in the Town to determine the addresses for each proposed lot.

E. Developers Agreement

As a condition of approval of a preliminary and/or final plat, the subdivider shall enter into a Developers Agreement with the Town providing for, and including, but not limited to, the subdivider's responsibility and liability for road construction, utility construction, landscaping, erosion control, surface and stormwater facilities at grade, flood control, pollution or contamination of the environment, street appurtenances such as signage, fire protection, and easements. This agreement shall provide for time limits and security for

performance and penalties for non-compliance. As a condition of approval of the preliminary plat, the subdivider shall agree that as a condition of final plat approval, the developer shall enter into a Developer's Agreement with the Town of Rockland. *The agreement will not create or invoke special treatment for the subdivider, nor imply or create promises of approval.*

F. Final Plat

1. A final plat prepared by a land surveyor registered in this State is required for all subdivisions. It shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20, Wis. Stats., and that section is hereby adopted by reference. Where the Town finds that it requires additional information or plat data relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request such information from the subdivider.

G. Final Plat Submittal Procedure

1. The subdivider shall prepare a final plat in accordance with this Ordinance and applicable state statutes and administrative codes, for transmittal to the Town and appropriate state and county agencies, within 6 months of preliminary plat approval, unless the Town Board waives this requirement in writing. The final plat shall be accompanied by detailed construction plans of all improvements and the developers agreement as required by Chapter 19-01.12(E) of this Ordinance. No construction related to the subdivision shall be commenced until the developers agreement is signed and the Town has approved the final plat.
 - a) If the final plat is not submitted within 6 months of the Town of Rockland approval of the preliminary plat, the Town may refuse to approve the final plat or may require resubmission as a preliminary plat.
 - b) The final plat may constitute only that portion of the approved preliminary plat, which the subdivider proposes to record at that time.
2. Twelve (12) copies of the final plat, along with any required fees, plans, and specifications as required by the Town shall be presented to the Planning Commission Secretary by the 15th of the month prior to the Planning Commission meeting at which it is to be considered and shall be accepted or rejected by the Planning Commission and the Town Board within 60 days of its submission, unless the time is extended by an agreement with the subdivider. If the plat is rejected, the reasons shall be submitted in written form to the agencies having objecting authority and the subdivider.
 - a) Failure of the Town Board to act within 60 days of submittal of the final plat to the Planning Commission Secretary, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the authority which has failed to act.
3. Approved final plats shall be recorded with the Brown County Register of Deeds in accordance with requirements of Section 236.25, Wis. Stats., before lots may be sold. No building permits may be issued by the Town until all improvements specified in the developers agreement have been completed.

H. Certified Survey Map

1. A certified survey map prepared by a land surveyor registered in Wisconsin is required for all land divisions that do not meet the definition of a subdivision less than forty (40) acres in size.
2. The certified survey map shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20(3)(a), (b), (d), (e); 236.20(4)(a), (b), (c); 236.21(1), and 236.34, Wis. Stats., and that section is hereby adopted by reference.

The certified survey map shall comply with the design standards set forth in Chapter 19-01.11 and the land suitability Chapter 19-01.07 of this ordinance. All lot, parcel, or

building site calculations are to exclude any dedications, right-of-way easements, or reservations.

I. Certified Survey Map Submittal Procedures

1. The final certified survey map, with twelve (12) copies, along with any required fees, plans, and specifications as required by the Town, shall be submitted by the subdivider or his/her agent to the Planning Commission Secretary by the 15th of the month prior to the Planning Commission meeting at which it is to be considered. It shall include on its face in addition to the information required by Section 236.34, Wis. Stats., the following:
 - a) Name of the owner.
 - b) Date of survey.
 - c) Graphic scale and north arrow
 - d) All existing buildings, and other developed features on the parcel.
 - e) Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, subdivisions.
 - f) Any applicable use or access restrictions and covenants.
 - g) All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, Environmentally Sensitive Areas or erosion hazard boundaries.
 - h) Distances and bearings referenced to a line and a corner of the Brown County Coordinate System.
 - i) Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Sections 236.21(2) and 236.34(1)(e), Wis. Stats.
 - j) Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request such information from the subdivider.
2. The subdivider shall indicate to the Town the current and proposed zoning of the proposed new lots.
3. The Town Board shall, within 60 calendar days from the date of filing of the map (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance, the Town of Rockland Comprehensive Plan, and any other applicable local, County or state codes and statutes. If the map is rejected, the reasons shall be stated in written form and submitted to the subdivider or his agent. If the map is approved, the Town shall so certify on the face of the original map and return the map to the subdivider or his agent.

19-01.13 PLANNED UNIT DEVELOPMENTS

A. Purpose and Intent

1. The purposes of this Section are to encourage and promote flexibility, ingenuity, and efficiency in the land development process, to allow maximum utilization of land, and to provide for variety and compatibility among housing types, non-residential uses and the natural environment. Projects proposed under this Section are to be planned and designed as a unit, be compatible with the local environment and neighboring properties and uses, and shall not conflict with other laws or the overall public interest. Developments included under this Section include, but are not limited to conservation by design developments, condominium developments, and traditional neighborhood design or mixed-use developments. A planned unit development shall be considered a subdivision of land, and the submittal, conceptual plan requirements, and approval shall follow the process identified in Chapter 19-01.12 of this ordinance.
2. Objectives include:

- a) To encourage subdividers to use creative and imaginative approaches in the design and overall land development process;
- b) To promote a land development process that enhances energy efficiency and is sensitive to the demands and economics of the local real estate market;
- c) To encourage the integration of compatible residential and non-residential uses rather than their segregation;
- d) To encourage the provision of recreational facilities, open space, and buffer yards in conjunction with residential and non-residential development;
- e) To provide an enjoyable living environment by preserving existing topography, stands of trees, surface waters, floodplains, wetlands, and similar natural assets and landforms;
- f) To encourage a variety of living environments and a pleasing blend of housing types;
- g) To encourage a uniqueness in architectural design;
- h) To promote greater efficiency in providing public and utility services, and;
- i) Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this Section, it shall take precedence and be controlling when there is conflict between it and any other sections of this Ordinance.

B. Submittal Requirements

1. Planned Unit Developments shall be considered subdivisions of land and submittal and conceptual plan requirements shall follow the same approval procedures as required for conventional subdivisions (Chapter 18-01.12), and the following information shall be provided:
 - a) A written statement of intent containing the major planning assumptions and objectives of the proposed development and its concept and the benefits that will accrue from it to the community at large, as well as to its residents;
 - b) All contemplated land uses within the tract on the sketch or preliminary plan;
 - c) Gross densities of each use;
 - d) Proposed location of all principal and anticipated accessory structures and associated parking areas;
 - e) Proposed circulation systems (pedestrian, bicycle, auto) by type, and how systems correlate with existing networks outside of site,
 - f) Identification of ownership, maintenance, and liability responsibilities for open space areas; and,
 - g) Any other plans and supporting information deemed necessary by the Town.

C. Design

1. The subdivider, in the design of a conservation by design, condominium, or other planned unit development, shall give consideration to the reservation of suitable sites of adequate area for future school, park/playground, and other public uses. If such areas are designated on the Town of Rockland Comprehensive Plan or official map prepared under Section 62.23, Wis. Stats., they shall be made part of the development.
2. Environmentally sensitive areas, or land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, floodways, or steep slopes shall not be developed unless the development provides for adequate safeguards which are approved by the Town.

3. The site shall be planned to provide for adequate landscaping, pedestrian movement between dwelling units, common open space, and parking areas. Prior to approval of the final plat or development plan, a written agreement must be executed between the subdivider and the Town which sets forth exactly what improvements are going to be installed. The subdivider shall present plans and specifications for improvements to the Town. In addition, the financial guarantees as set forth in Section 1.09(1) of this Ordinance shall apply hereunder. Proposed cluster, condominium, or other planned unit developments shall be developed as a unit.

19-01.14 VARIANCES

- A. Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may recommend to the Town Board variances to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this chapter. The Planning Commission shall not recommend variances to the regulations of this chapter to the Town Board unless it makes findings based upon the evidence presented to it in each specific case based upon the following conditions:
 1. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
 2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property.
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 4. The variance will not in any manner vary the provisions of the other Town ordinances, or the Official Map.
- B. The Town Board shall not approve variances to the regulations of this chapter unless it makes findings based upon the evidence presented to it in each specific case based upon conditions identified in Chapter 19-01.14(A).
- C. Any modification or variance granted shall be entered in the minutes of the Town Board, setting forth the reasons which, in the opinion of Board, justify the variance.
- D. In approving variances, the Town Board may require such conditions, as will in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- E. A petition for any such variance shall be submitted in writing to the Town Zoning Administrator, by the subdivider, at the time when the preliminary plat or certified survey map is filed for consideration of the Planning Commission. The petition shall state fully the grounds for the application and the facts relied upon by the petitioner.

19-01.15 ENFORCEMENT AND PENALTY PROVISION

- A. The Town of Rockland Zoning Administrator shall have primary responsibility for enforcing the chapter. No building permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded, or a certified survey map is recorded and all conditions of approval are met.
- B. Any person, firm or corporation--or agent, employee, or contractor of such—who violates, destroys, omits, neglects, or refuses to comply with or who resists enforcement of any provision of this ordinance shall be subject to the enforcement of this ordinance and all other laws and ordinances relating to this section by the withholding of building permits, the imposition of forfeitures and injunctive action in accordance with the Town of Rockland Citation Ordinance 01-01.00 and the remedies provided by Sec. 236.30, 236.31, 236.32, and 236.335, Wis. Stats., shall be available to the Town.

- C. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- D. When a subdivision is created in violation of this Ordinance, the Town may order an assessor's plat to be made under Section 70.27 Wisconsin Statutes, at the expense of the subdivider or his/her agent.

CHAPTER 20 – SITE PLAN REVIEW AND DESIGN STANDARDS FOR COMMERCIAL AND MULTIPLE FAMILY DEVELOPMENTS

20-01.00 SITE PLAN/LANDSCAPING DEVELOPMENT AND DESIGN STANDARDS

20-01.01 INTENT

- A. This chapter is designed to provide for the future growth and development of those multi-family residences, businesses, and industries that seek an aesthetically attractive working environment. The intent and purpose of this section is to promote and maintain desirable economic development within the Town that is practical, feasible, and an asset to owners, neighbors, and the Town of Rockland while maintaining an attractive environment.

20-01.02 OBJECTIVES

- A. The purpose of this section is to establish rules, regulations, standards, and procedures for approval of all new development proposals and the expansion of existing businesses and industries in order to:
 - 1. Provide for safe, efficient vehicular and pedestrian circulation.
 - 2. Provide for screening, landscaping, signage, lighting, and green space.
 - 3. Ensure efficient, safe, and attractive land development.
 - 4. Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimal adverse effect on adjacent properties.
 - 5. Develop proper safeguards to minimize the impact on the environment.
 - 6. Ensure the provision of adequate water supply, drainage, and storm water management, sanitary facilities, and other utilities and surveys.
 - 7. Encourage modern and unique innovative design, construction, technology, and planning methods. Advance and promote sound growth and continuous development within the Town.

20-01.03 STANDARD REQUIREMENTS

- A. The interpretation and application of this section shall be held as minimum requirements for the promotion of the public health, safety, and welfare.
 - 1. No structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this section.
 - 2. Where permitted and prohibited uses, site and landscape regulations, building design criteria, off-street parking and loading requirements, and other regulations contained herein are either more or less restrictive than comparable conditions, imposed by provisions of any other law, ordinance, rule, resolution or regulation, the requirements that are more restrictive or which impose a higher standard shall govern.
 - 3. Vision corners are required in all districts. The vision corner will be defined as follows: beginning at the corner property line and proceeding thirty-five (35) feet along both property lines thence connecting these two (2) points diagonally.

20-01.04 ADMINISTRATION

- A. The administration of this section shall be vested in the following:
 - 1. It shall be the duty of the Town Board or designated individual to be in charge of the day-to-day administration and interpretation of the Development and Design Standards.

Enforcement of these standards is charged to the Rockland Zoning Administrator in accordance with § 62.23(7), Wisconsin Statutes.

2. All proposed site plans shall be forwarded to the following: Town Clerk, Zoning Administrator, local Fire Departments, and Planning Commission. Each department shall review each plan and make recommendations to approve, approve with conditions, or reject said plan to the Planning Commission within sixty (60) days of submittal. These departments shall be responsive to applicants and their possible time constraints and shall expedite the review process to the extent possible and forward to the Town Board for final approval.
3. From time to time the design criteria may be amended, changed, or deleted. Such action shall originate before the Planning Commission for their review and recommendation(s) and forwarded to the Town Board for their review and approval in accordance with § 62.23(7), Wisconsin Statutes.
4. Change of use or occupancy of building or structure must be reviewed by the Planning Commission; and approved by the Town Board and the State.
5. **Appeals.** Unless otherwise provided herein, appeals to the requirements contained in these standards shall be heard by the Board of Appeals.

20-01.05 GENERAL BUILDING AND PERFORMANCE STANDARDS

- A. **Purpose.** The purpose of this section is to establish general development performance standards, in accordance with the Town of Rockland Zoning Ordinance. These standards are intended and designed to assure compatibility of uses; to prevent blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the community.
- B. **Building.** The Town of Rockland's overall approach encourages a variety of architectural styles. However, basic harmony is intended to prevail so that no one structure detracts from the attractiveness of the overall environment. The Planning Commission and the Town Board shall review building design in order to insure architectural compatibility and integrity.
- C. **Building Exterior.** Colors, materials, finishes, and building form shall be coordinated in a consistent manner on the front, side, and rear exterior walls. Materials shall be one of the following: (color and texture to be approved).
 1. Hard burned clay brick
 2. Concrete masonry. Units shall be those generally described by the National Concrete Masonry association as "customized architectural concrete masonry units" or shall be broken faced brick type units with marble aggregate or split face or broke off concrete block. There shall be no exposed concrete block on the exterior of any building facing any Public road. Any concrete units that have a gray cement color shall be color coated.
 3. Concrete may be poured in place, tilt-up or pre-cast. Poured in place and tilt-up walls shall have a finish of stone, a texture, or a coating. Textured finishes shall be coated. Pre-Cast units which are not uniform in color shall be color coated. Coating shall be an approved cementations or epoxy type with a ten (10) year minimum life expectancy.
 4. Natural stone.
 5. Glass curtain walls.
 6. Metal siding may be used only in combination with one of the approved materials and with approval of the Planning Commission. Metal siding may be utilized only on the side and rear building walls that do not face an adjacent street. Any metal siding proposed for use shall be entirely coated with a colorfast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semi-concealed

fastener panels with fasteners painted to match required. Color and texture to be approved. Samples shall be provided upon request.

7. 50% is the minimum percentage for the above listed materials.
8. All commercial buildings shall require footings and foundations to support a structural wall above.
9. A Knox box shall be located on the exterior of the structure in the most accessible site for Fire Department personnel and must be approved by the Fire Department.
10. The building exterior requirements of this Section are intended to be minimum requirements. More stringent requirements may be imposed by the Planning Commission or the Town Board. Public interests such as coordinating a consistent appearance and quality of construction with adjacent structures, the size of the proposed structure, the topography of the site, and the proximity of the structure to public rights-of-way are taken into consideration.

D. Front Building Wall and Building Walls Facing an Adjacent Street.

1. Any exterior building wall (front, side or rear) facing an adjacent street in all the districts in which design review is required shall be constructed of not less than fifty (50) percent of one of the materials listed under Chapter 20-01.5(C). All alterations are subject to prior approval of the Planning Commission/Town Board.
2. The colors, materials, and finishes shall be coordinated in a consistent manner with other buildings within the district.
3. **Mechanical Equipment.** All mechanical equipment shall be enclosed or screened. Roof mounted equipment shall be integrated into the design of the structure, enclosed or screened to the greatest extent possible.
4. **Construction.** Construction shall commence within one year of plan approval or in accordance with a development agreement with the Town. No site plan approval by the Planning Commission shall be valid for more than 12 months from the date of such approval unless a building permit is obtained and development in accordance with such site plan is commenced within such period. The provisions of this section shall apply unless otherwise agreed to by the Planning Commission.
5. **Maintenance.** The exterior walls and roof of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged or otherwise deteriorated shall be replaced, refinished, repaired, or repainted in accordance with the reasonable determination and order of the Zoning Administrator within sixty (60) days notice of such defect. Violations are subject to fines in accordance with Town of Rockland Construction and Effects of Ordinances, Wis. Stats. § 778.11 or through issuance of a citation and prosecution in the municipal court.

20-01.06 NO RIGHT TO DIVIDE PROPERTY

- A. After a site has been purchased, it shall not be further divided without the review and consent of the Planning Commission with final approval by the Town Board.

20-01.07 FENCES

- A. **Construction and Maintenance:** Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance and shall be repaired. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except for limited outdoor storage areas. Violations are subject to fines in accordance with Town of

Rockland Construction and Effects of Ordinances, Wis. Stats. § 778.11 or through issuance of a citation and prosecution in the municipal court.

- B. Location and Height:** On corner lots in all districts, no fence or planting in excess of 36 inches above the street center line grade shall be permitted within a vision corner.
1. In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable as a collapsible section, or other such means of recognizable ingress, shall be unobstructed and a minimum of 3 feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.
 2. Fences in all districts shall not exceed 8 feet in height.
 3. No fencing shall be allowed between the front setback line or corner-side setback and the principal structure.
 4. When erecting a fence on a berm, the total height of the berm and the fence combined shall not be greater than eight (8) feet above the natural grade.
 5. Certain locations and business types may require 90% impervious fencing which shall be determined by the Planning Commission and the Town Board.

20-01.08 LIGHTING STANDARDS

- A.** To provide for the basic needs of safety and security, appropriate lighting shall be provided in order to delineate roads, drives, parking areas, pedestrian ways, buildings, and other organizational points. Lighting shall be an integral part of the overall architectural design; therefore, proposed lighting, whether free-standing or building-mounted, shall complement the architectural character of the principal use. Lighting design shall correlate energy conservation with aesthetic, architectural, and safety factors.
1. Any lighting used to illuminate off-street parking, loading and service areas, shall be shaded, diffused, or arranged to reflect light away from adjacent parcels and public streets. Glare, whether direct or reflected, as differentiated from general illumination, shall not be visible beyond the limits of the site from which it originates. Parking lot lights may be used in either a single or multi-format. Characteristics, 27,000 lumen high pressure sodium or approved, spaced approximately 100 to 120 feet off center, consisting of sharp, cutoff type luminaires. Maximum height for pole not to exceed 30 feet - to be an approved metal pole. The use of wooden poles is prohibited.
 2. Walkway lighting should be of the same family as mentioned above, height to be 10 to 14 feet above grade. Bollard lighting can be used as low level walkway illumination on private property.
 3. Building lighting should occur as part of the overall design concept using recessed lighting in overhangs and at the entrance. Well designed soft lighting of the building exterior is allowed provided it does not impact on the surrounding properties, complements the architecture, and the light source is concealed.
 4. The use of floodlights, building-mounted or otherwise, and tall "free-way type" fixtures is prohibited unless reviewed by the Planning Commission. Their recommendation(s) are forwarded to the Town Board for Town Board review and action.
 5. Flag directional lighting is permitted with review and recommendation(s) of the Planning Commission and Town Board review and action.

20-01.08 SITE PLAN

- A. Procedure.** The following procedure shall be followed for the submittal of site plans. Where procedures and requirements imposed by this section of the ordinance are either more restrictive or less restrictive than comparable procedures and requirements imposed by any other provision of this ordinance or any other law, ordinance, resolution rule or regulation of

any kind, the regulations which are more restrictive or impose higher standards or requirements shall govern.

1. **Preliminary Consultation.** Prior to the submittal of a site plan, it is recommended that the developer meet with the Zoning Administrator, and/or other appropriate Town staff to discuss zoning district, site plan, and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer/owner and the Town.
2. **Plan Submittal.** All site plans requiring review and recommendation(s) by the Planning Commission shall be submitted to the Planning Commission Secretary by the 15th of the month prior to regularly scheduled Planning Commission meeting. Landscaping plans may be submitted separately or included in the site plan. Plan submittal requirements are:
 - a) Twelve (12) copies 11 x 17 or greater that is legible with all information required by this process.
 - b) Twelve copies of the completed checklist.
 - c) Two full size site plans 24" x 36".
 - d) One full set of building plans, ready for state approval.
 - e) All plans shall be drawn to an engineering scale not less than one (1) inch equals one hundred (100) feet and contain the following information:

Name of project/development
Location of project/development by street address, or CSM
Name and mailing address of developer/owner
Name and mailing address of engineer/architect
North point indicator
Scale
Boundary lines of property, with dimensions
Location identification, and dimensions of existing and proposed: —Topographic contours at a minimum interval of two feet, and key spot elevations —Adjacent street elevations, street right of ways and proposed elevation of ground floor —Locations and dimensions of fire lanes —Utilities and any other easements including but not limited to the following types: —Electric, Cable TV —Natural Gas or Propane —Telephone —Water —Sewer (sanitary and storm) —Fiber optic lines —Other transmission lines —Ingress-egress easements —Drain tiles

- f) All buildings and structures, existing and proposed, to consider maximum development of the parcel if more than one structure could be located on the parcel;
- g) Parking facilities;
- h) Water bodies and wetlands, ESA's, floodplains;

- i) Surface water holding ponds, drainage ditches, and drainage patterns, location and size of culverts;
 - j) Sidewalks, walkways, and driveways;
 - k) Off-street loading areas and docks;
 - l) Fences and retaining walls;
 - m) All exterior signs;
 - n) Exterior refuse collection areas must be enclosed a minimum of 3 sides; open side cannot face road and must be gated and must be located in rear of structure. Multi-family exterior refuse collection areas must be reviewed by the Planning Commission;
 - o) Exterior lighting;
 - p) Traffic flow on and off site.
 - q) Location of open space/green space.
 - r) Site statistics, including site square footage, percent site coverage, percent open space and green space, and floor area ratio.
 - s) Location and dimensions of proposed outdoor display areas.
 - t) An architectural color rendering of the proposed structures, including: all dimensions, gross square footage of existing and proposed structures, and description of all exterior finish materials.
 - u) Erosion control plans.
 - v) A staging plan of any project involving more than one phase of construction season which sets forth the chronological order of construction and relates to the proposed uses and structures of various service facilities and estimated completion dates.
 - w) Other information considered pertinent by Planning Commission and/or the developers/owners.
3. **Review.** All site plans requiring review by the Planning Commission shall be submitted to the Planning Commission Secretary by the 15th of the month prior to regularly scheduled Planning Commission meeting. Landscaping plans may be submitted separately or included in the site plan. The Planning Commission shall review and either approve, conditionally approve, or deny approval of the site plan based upon the requirements and the criteria set forth in Chapter 20-01.02(A), prior to submittal to the Town Board for action.
4. **Appeals.** Appeals of a Planning Commission decision or Zoning Administrator decision may be made to the Board of Appeals.

20-01.10 LANDSCAPING

- A. **General Statement.** The Town of Rockland finds that is in the public interest for all developments to provide landscape improvements for the purposes of complementing the natural environment; improving the general appearance of the town and enhancing its aesthetic appeal; preserving the economic base; improving quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the diverse impact of climate; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving the quality of our air and water. A landscape plan may be included as part of a required site plan, and reviewed as part of the site plan review process.
- B. **Landscape Plan.** All applicants for commercial and multiple family building permits shall submit a landscape plan, prepared pursuant to (3), below, for review and approval as required herein prior to the request for a building permit. Where procedures and requirements imposed by this section of the ordinance are either more restrictive or less restrictive than comparable

procedures and requirements imposed by any other provision of this ordinance or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or impose higher standards or requirements shall govern.

C. Procedure. The following procedure shall be followed for the submittal of landscape plans.

1. **Preliminary Consultation.** Prior to the submittal of a site plan, it is recommended that the developer meet with the Zoning Administrator, and/or other appropriate Town staff to discuss zoning district, site plan, and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer/owner and the Town.
2. **Plan Submittal.** All landscape plans requiring review by the Planning Commission shall be submitted to the Planning Commission Secretary by the 15th of the month prior to regularly scheduled Planning Commission meeting. Landscaping plans may be submitted separately or included in the site plan. Plan submittal requirements are:
 - a) Twelve (12) copies 11 x 17 or greater that is legible with all information required by this process.
 - b) All plans shall be drawn to an engineering scale no greater than one (1) inch equals one hundred (100) feet and contain the following information:

The location and dimensions of all proposed open space/green space areas.
Identification of all proposed vegetation: <ul style="list-style-type: none"> – Symbols, quantities, common names, and size of all plant materials. – Show all species to scale of mature crown diameter or spread.
Existing vegetation to be saved if possible or deemed feasible.
Typical sections of berms, buffers, fences, retaining walls, planter boxes, etc.

3. **Reviews.** Review of landscape plans shall be conducted concurrently and follow the same procedure as site plan review.
4. **Appeals.** Appeals of Planning Commission decisions or Zoning Administrator decisions may be made to the Board of Appeals.

D. Specific Requirements

1. **Ground Cover.** Open space areas shall, at a minimum be seeded six (6) months after completion of building. The following exceptions may be granted by Planning Commission during the review process.
 - a) The use of mulch material for shrubs and foundation plantings;
 - b) The seeding of future expansion areas delineated on site plan;
 - c) Areas maintained in a natural state that are undisturbed during construction; or
 - d) Other landscape elements such as decks, patios, stepping stones, or landscape stones may be incorporated therein.
2. **Minimum Size of Plantings.** Plantings must be out of the right-of-way equally spaced one (1) tree every 50' of road frontage (minimum of two (2) trees). Required vegetation shall be of the following minimum planting size:
 - a) Deciduous trees-One (1) per every 50' of road frontage is required. Required size 1.5" diameter as measured 6" above ground. Choice of Maple, Ash or a species approved by the Planning Commission.
 - b) Evergreen shrubs used for screening purposes, including those used in conjunction with berms, shall be a minimum of 24" in height.

3. Species

- a) All trees used in site development shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.
 - b) All plant material shall conform to American Standards for Nursery Stock, latest edition; sponsored by the American Association of Nurserymen, Inc. All vegetation shall be planted in accordance with accepted planting procedures.
 - c) All proposed vegetation included in the landscape plan shall be reviewed by the Planning Commission to assure compliance with the requirements contained herein.
4. **Implementation/Replacement**
- a) All approved landscaping is to be installed in accordance with compliance timetable.
 - b) Any vegetation included on an approved landscape plan that dies shall be replaced by the owner/developer within one planting season. Vegetation replaced shall conform to the approved landscape plan and the requirements contained herein.
5. **Maintenance.** It shall be the joint responsibility of the owner and/or lessee of the principal use, uses, or building to maintain in a neat and adequate manner all landscaping materials, vegetation, screening, and fences contained in the approved landscape and site plans.
6. **Compliance Timetable.** All landscape plans shall include a timetable for construction, installation, or planting within a period not to exceed two (2) years from the date of commencement of construction. Any person who is, or has been, required to landscape any part of a zoning lot and who has not complied with that requirement shall, within sixty (60) days of receipt of written notice from the Zoning Administrator that a violation of this chapter exists, comply with all requirements.
7. **Buffers:** That portion of any commercial or multi-family site that is abutting property zoned for Single-family Residential Development shall have a landscaped area of at least six (6) feet wide extending the full length of the property and meet the following minimum requirements.
- a) One (1) tree per thirty five (35) lineal feet, or fraction thereof, of lot line bordering residential area.
 - b) A shrub, border, hedge, wall, fence, earthen berm, or other durable landscape barrier, or combination thereof, at least four (4) feet high, but not exceeding eight (8) feet high, which is ninety (90) percent impervious to sight placed along the perimeter of such landscaped strip, except in the front yard setback.
 - c) When a berm or plantings, or a combination thereof, is used as a buffer, it may exceed eight (8) feet in height only upon approval of the Planning Commission.
 - d) If a berm or buffer is erected, provisions shall be made for storm water run-off. A detail plan is required with submittal.

20-01.11 OFF-STREET PARKING REQUIREMENTS

- A. **Parking Dimensions and Requirements.** Refer to current Off-Street Parking requirements in the Town of Rockland Zoning Ordinance.
- B. **Within Structures.** The off-street parking requirements may be furnished by providing spaces so designed within the principal building or structure attached thereto; however, unless provisions are made, no building permit shall be used to convert said parking structure into another activity until other adequate provisions are made to comply with the required off-street parking provisions of this ordinance.
- C. **Circulation Between Bays.** Parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street. Parking area design which requires backing into the public street is prohibited.

- D. **Driveway Requirements.** Notwithstanding other provisions of this ordinance concerning appeals and review of plans submitted hereunder, permits for and review of driveway approaches shall be as provided:
1. All off-street parking spaces shall have access from driveways and not directly from the public street.
 2. Driveway access curb opening on a public street shall not be located less than 12 feet from each other, and maximum 40' width or approved by Town Board.
 3. The number and locations of curb cuts shall be as determined by the Zoning Administrator upon consultation with the Planning Commission, taking into consideration traffic flow, safety concerns, and the needs of the business.
 4. Joint driveways are encouraged and require appropriate Town Board Approval.
- E. **Drainage.** All sites must have storm water management plans including adequate parking area and drainage.
- F. **Surfacing**
1. **Non-Industrial.** All areas intended to be utilized for parking space and driveways shall be surfaced with bituminous asphalt or concrete, and are to be installed within one (1) year of completion of construction. Plans for surfacing and drainage of driveways and parking areas for five (5) or more vehicles shall be submitted.
 2. **Industrial.** In areas intended to be utilized for parking space and driveways up to twenty (20) feet beyond the rear of the buildings are to be surfaced with bituminous asphalt or concrete. Non-Hard Surfaced areas are to be approved by the Planning Commission.
 3. **Fire Lanes.** In all districts, fire lanes must be twenty-five (25) feet in width and shall be surfaced with bituminous asphalt or concrete.
- G. **Striping.** All parking stalls shall be marked with painted lines not less than four (4) inches wide. Refer to current Off-Street Parking requirements in the Town of Rockland Chapter 18 Zoning Ordinance.
- H. **Lighting.** Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property and directed downward, abutting residential uses, and public right of ways.
- I. **Signs.** No sign shall be located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.
- J. **Curbing.** All off-street parking shall have a perimeter concrete curb and gutter around the entire parking lot unless the site plan shows that runoff from the parking lots will not cause erosion or adversely affect adjacent properties.
- K. **Parking Lot Landscaping.** To avoid the undesirable monotony, heat and wind associated with large parking lots, such lots shall have a minimum of one internal landscaped island delineator in addition to any required traffic safety island for each 21,780 square feet (1/2 acre) or fraction thereof of off-street parking space; such islands shall be a minimum of 360 square feet (2 Parking spaces) and shall be bounded by concrete curbing. Trees may be installed in approved traffic safety islands used to delineate parking spaces from driving aisles and in other areas. The internal landscaped island(s) required above may be deleted if the aggregate area and trees of individual traffic islands meets or exceeds the above requirement.
- L. **Parking Lot Screening.** The parking or storage of licensed motor vehicles, if not within an enclosed building structure, shall be effectively screened as defined.
- M. **Planting Standards.** All plant material shall conform to the specifications and procedures stated in the Landscape Plan Requirements section of these standards. Landscaping, except required grass or ground cover, shall not be located closer than six (6) feet from the edge of any driveway pavement or within the established right of way, and must maintain a ten (10) foot clearance at curbside.

- N. **Maintenance.** It shall be the joint and several responsibilities of the lessee and owner of the principal use, uses, or building to maintain in a neat and adequate manner the parking space, access ways, striping, landscaping, screening, and required fences.
- O. **Use of Required Area.** Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale, or rental of goods, or storage of inoperable vehicles without approval of the Planning Commission.

20-01.12 SIGNS

- A. Refer to current Sign Regulations in the Town of Rockland Chapter 18 Zoning Ordinance.

20-01.13 OFF-STREET LOADING REQUIREMENTS

- A. **Minimum Facilities.** All warehousing, manufacturing plants, or any other building where large amounts of goods are received or shipped, shall provide adequate loading and unloading berths as determined by the Planning Commission.
- B. **Location**
 - 1. All required loading berths shall be off-street and located on the same lot as the building or use to be served.
 - 2. Loading berths shall not occupy the front yard.
 - 3. Loading berths located at the side of buildings on a corner lot shall observe the following requirements:
 - a) Loading berths shall not conflict with pedestrian movement.
 - b) Loading berths shall not obstruct the view of the public right of way from off-street parking access.
 - c) Loading berths shall comply with all other requirements of this plan.
 - 4. Each loading berth shall be located with appropriate means of vehicular access to a street in a manner which will cause the least interference with traffic.
- C. **Size.** A required off-street loading berth shall be at least 55 feet in length, exclusive of aisle and maneuvering space and shall have a vertical clearance of at least 15 feet.
- D. **Surfacing.** All areas intended to be utilized for off-street loading shall be surfaced with bituminous asphalt or concrete. Any non-hard surfaced areas are to be reviewed by the Planning Commission. Their recommendation(s) are forwarded to the Town Board for Town Board review and approval.
- E. **Utilization.** Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities.
- F. **Change of Use.** Where a change of use in off-street loading facilities is made necessary due to damage, destruction, increased use, or any other change of use, such change shall be approved by the Planning Commission.
- E. There shall be provided, on the same lot with every building structure or part thereof erected hereafter to be used for other than exclusive dwelling purposes, adequate space for standing, loading, and unloading motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately and specifically provided for, shall include a twelve-foot-by-sixty-five-foot loading space with 15 feet height clearance, and one such space shall be provided for when the gross floor area exceeds 20,000 square feet. No portion of the vehicle shall project into a public right-of-way.

20-01.14 OUTDOOR STORAGE

- A. Outdoor storage of any material other than licensed motor vehicles is prohibited. Storage of materials, equipment, parts, inventory, etc., shall take place in enclosed structures that meet the General Building and Performance Requirements contained herein. Upon approval, by the Planning Commission a 90% impervious fence may be used under certain circumstances. Outdoor storage of licensed motor vehicles condition is allowed provided such outdoor parking (storage) areas are screened pursuant to the definition of (screening) contained in the Definitions Section.

CHAPTER 21 – NONMETALLIC MINING ORDINANCE

21-01.00 NONMETALLIC MINING ORDINANCE

(History: adopted 4/16/2012)

21-01.01 AUTHORITY

- A. This Ordinance is adopted under the authority granted by Sections 60.22 and 295.13(1) of the Wisconsin Statutes, Section NR 135.32 Wisconsin Administrative Code, and amendments thereto; and pursuant to this authority the Town Board of Town of Rockland, Brown County, Wisconsin do ordain as follows:

21-01.02 TITLE

- A. This Ordinance shall be known as, referred to, or cited as the *Town of Rockland Nonmetallic Mining Ordinance*.

21-01.03 JURISDICTION

- A. Jurisdiction of these regulations shall include all land and waters within the Town of Rockland, Brown County, Wisconsin

21-01.04 PURPOSE

- A. These regulations are adopted to regulate nonmetallic mining and to establish uniform limits on permissible levels of nonmetallic mining to reasonably assure that mining activities do not cause injury, damage, or a nuisance to persons or property.
- B. Nonmetallic mining is recognized as an important industry which contributes to the Town's economic and social well-being, but which risks damage to the long-term physical environment and tax base of the Town.
- C. It is the purpose of this Chapter to establish site reclamation regulations that will protect the environment and tax base both during and after the conduct of mining operations.

21-01.05 DEFINITIONS

The following definitions shall apply to this Chapter. Terms not herein defined shall be understood to have their usual and ordinary dictionary meaning:

- A. "Abandonment of Operations" means the cessation of nonmetallic mining operations for more than three hundred sixty (360) consecutive days where the cessation is not specifically set forth in an operator's application, operation or reclamation plan or permit, or by other written request deemed sufficient by the Town. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.
- B. "Approved" means approval granted by the Town of Rockland.
- C. "Community" means a built-up inhabited area.
- D. "Department" means the Wisconsin Department of Industry, Labor and Human Relations.
- E. "Enlargement" means any horizontal or vertical increase beyond dimensions of the original application or Town-approved amendments thereof, for the project site and shall be subject to the diminishing assets rule.

- F. "Environmental Pollution" means the contaminating or rendering unclean or impure the air, land or waters of the state or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.
- G. "Highway" means any public street, public alley, public road or record right-of-way easement.
- H. "Inhabited Building" means a building designed for, or regularly occupied in whole or in part as a habitation for human beings, including any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the nonmetallic mining activity.
- I. "Modification" means any vertical or horizontal increase or decrease within the dimensions of the original application, or Town-approved amendments thereof, for the project site.
- J. "Nuisance" means an excessive, repeated noise, dust, vibration or other disturbance that would cause an unreasonable annoyance.
- K. "Nonmetallic Mining" or "Nonmetallic Mining Operation" means operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as, but not limited to, stone, sand, gravel, and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc and topsoil-related operations or activities such as excavation, grading, or dredging if the purpose of these operations or activities in the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending. These terms do not include or allow the following activities or uses by way of illustration which include, but are not limited to: manufacture of concrete building blocks or other similar products; manufacture of asphalt or hot blacktop mixing; and the production of ready-mix concrete.
- L. "Nonmetallic Mining Refuse" means waste soil, rock, mineral, liquid, vegetation and other waste material resulting from nonmetallic mining or nonmetallic mining operations. This term does not include merchantable byproducts resulting directly from or displaced by the nonmetallic mining operation.
- M. "Nonmetallic Mining Site", "Project Site" or "Site" means the location where a nonmetallic mining operation is proposed to be conducted or is conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as, but not limited to, the construction or improvement of roads, bridges or culverts, or haulageways.
- N. "Operator" means any person who is engaged in nonmetallic mining, nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued by the Town of Rockland under this Chapter, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- O. "Parties in Interest" means the owner and operator of a proposed or existing nonmetallic mining site and all owners of property located within one thousand (1,000) feet of the boundaries of a proposed or existing nonmetallic mining site.
- P. "Permit" means any permit which may be required under this Chapter or other Chapters in the Town Of Rockland Ordinances of an operator as a condition to commencing or continuing nonmetallic mining at a project site.
- Q. "Reclamation" means the rehabilitation of a project site, including but not limited to or necessarily including, removal of nonmetallic mining refuse, grading or the site, replacement of the topsoil, stabilization of soil conditions, establishment of vegetative cover, control of

surface and ground water, prevention of environmental pollution, construction of fences and, if practical, restoration of native plant, fish and wildlife habitat.

- R. “Replacement of Topsoil” means the replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision and placement of soil which is at least as adequate, as approved by the Town Board, to support the reclamation plan or the top soil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.
- S. “Riprap” means a quantity of durable stones or concrete pieces of varying size and shape, placed as a protective layer over soil in such a manner that the smaller pieces fill the spaces between the larger pieces. Concrete pieces are less desirable than stones for this use, and those with exposed reinforcing rods shall not be used.
- T. “Topsoil” means that material (normally the A and upper part of the B horizon) which, based upon the official national cooperative soil survey, is acceptable for respreading on the surface of regarded areas to provide a medium which sustains a dense plant growth capable of preventing wind and water erosion of the topsoil and other materials beneath.

21-01.06 REGULATION OF NONMETALLIC MINING

- A. **General** – This Chapter applies to any portion of a nonmetallic mining site, including un-reclaimed portions of a site, which was mined prior to the effective date of this Chapter
 - 1. The provisions of this Chapter shall be held to be the applicable requirements for nonmetallic mining operations and reclamation, and shall not be deemed a limitation or appeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.
 - 2. Where any terms or requirements of this Chapter may be inconsistent or conflicting, the more restrictive requirements shall apply.
 - 3. Where a provision of this Chapter is required by Wisconsin Statutes or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.
 - 4. It is not intended that this Chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.
 - 5. Nonmetallic mining shall not be conducted within 200 feet of the outer boundaries of the Niagara Escarpment.
 - 6. No person shall conduct nonmetallic mining in the Town of Rockland, Brown County, unless he possesses all necessary state and local permits and complies with all applicable state and local regulations and ordinances

21-01.07 EXEMPT ACTIVITIES

This Chapter does not apply to the following activities:

- A. Excavations or grading by a person solely for domestic or farm use at his or her residence or farm.
- B. Excavations or grading conducted for the construction, reconstruction, maintenance or repair of highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- C. Grading conducted for preparing a construction site or restoring land following a flood or other natural disaster
- D. Excavations or grading for building construction purposes conducted on the building site.
- E. Any mining operation, the reclamation of which is required in a permit obtained under Chapter 293, Wisconsin Statutes.
- F. Any activities conducted at a soil or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Chapter 289, Wisconsin Statutes, or a hazardous waste disposal facility under Chapter 291, Wisconsin Statutes, provided, however, that this section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic mineral to be used for lining, capping, covering or constructing berms, dikes or roads.
- G. Any nonmetallic mining site or a portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under Sections 30.19, 30.195 and 30.20 of the Wisconsin Statutes, and which complies with NR 340, Wisconsin Administrative Code.
- H. Nonmetallic mining at a nonmetallic mining site where less than one acre of total affected acreage occurs over the life of the mine.
- I. Excavations subject to the permit and reclamation requirements of 30.30 and 30.31, Wisconsin Statutes.
- J. Any other exemption pursuant to NR 135.02(3), Wisconsin Administrative Code.

21-01.08 APPLICATION, REISSUANCE, AND RENEWAL OF A NONMETALLIC MINING USE PERMIT

- A. **General** – An operator shall obtain a *Nonmetallic Mining Use Permit* prior to engaging in nonmetallic mining operations or the enlargement of a site as defined by this Chapter and Wisconsin statutes. Such use permit applications are subject to public hearing before the Town Board. Use Permits shall be denied if the Town Board finds that the project or site does not conform with the minimum standards set forth in this Chapter or if the applicant has failed or continues to fail to comply with this Chapter.
- B. **Application** – The application for a use permit shall be submitted to the Town Clerk on use permit forms provided by the Town. For initial application applicants shall contact the Town Clerk to obtain the forms and their completion requirements. For reissuance and renewal applications the applicant may use the forms located on the Town of Rockland web site, www.TownofRockland.org. Applications may be made by and use permits issued to the nonmetallic mining business. The application for the use permit shall be signed by the applicant and shall be accompanied by information which shall include, but is not limited to, the following:

1. Permit Fee

- a. The nonmetallic mining use permit fee shall be determined by resolution of the Town Board.
- b. The nonmetallic mining use permit fees are stated on the Town of Rockland Permit Fee Schedule posted on the Town of Rockland website and on file in the Town Clerk's Office.
- c. Each non-adjacent parcel shall require a separate use permit application and permit fee. For the purpose of this Chapter, properties shall be considered non-adjacent if they have a separate parcel identification number and are not contiguous. Parcels separated by a public road are also deemed to be non-adjacent.

2. Permit Time Lines

- a. Use Permits shall be issued on an annual basis commencing July 1 and ending on June 30. Use permits applied for after July 1 shall be prorated from the date of issuance through the end of the use permit year, June 30. Permits may be issued for a short period if requested in the application.
 - b. Initial, reissuance, and renewal use permits shall be filed by the applicant with the Secretary of the Town Planning Commission a minimum of sixty days (60) days prior to the projected use date or existing use permit expiration date.
3. **Certificate of Insurance** – Each application for an use permit as herein stated, or a reissuance or renewal thereof, shall be accompanied by a Certificate of Insurance for a Commercial General Liability Policy and said Policy of Insurance shall have limits of coverage of not less than two Million (\$2,000,000.00) Dollars in the aggregate and One Million (\$1,000,000.00) Dollars per occurrence.
4. **Operations Plan** – Each applicant for a use permit, a reissuance or renewal of a use permit, thereof shall include a written description of the nonmetallic mining operations to include the following:
- a. Total area within which mining operations are proposed to be used, including an aerial photograph or drawing acceptable to the Town Board with a scale of no less than one (1) inch equals one hundred (100) feet and which accurately includes all areas and inhabited buildings within one thousand (1,000) feet of all property lines of the property upon which mining is to occur.
 - b. A legal description of the proposed nonmetallic mining operations, methods and procedures to be used in mining the site.
 - c. Type of mining, processing and transportation equipment to be used.
 - d. Type of material to be extracted.
 - e. A description of the proposed horizontal and vertical limits of the proposed operation plan.
 - f. Primary travel routes to be used to transport material to processing plants or markets.
 - g. Certificate that the transportation equipment to be used will, when fully loaded, not exceed road weight limits for the routes within the Town.
 - h. Measures to be taken to control noise, dust and vibrations from the operations.

- i. Measures to be taken to ensure the transportation route(s) in the immediate vicinity of the mining site are clear of mud and other materials so as not to create a hazardous condition for the driving public.
 - j. If explosives are to be used in the operation, a copy of the *Explosive Use Permit*, plus a statement that a copy of the Blasters Explosive Use Plan, Blasting Notification Plan and certificate of insurance are on file with the Town Clerk.
 - k. A statement that the applicant has complied with all Wisconsin Statutes, Wisconsin Administrative Code, and Town/County ordinances regulating erosion control, wetlands, navigable streams, air quality, zoning, water drainage and discharge from the site of operation, and that all required plans and permits have been submitted and/or obtained by the applicant.
 - l. A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by subchapter II or NR 135, Wisconsin Administrative Code.
5. **Hours of Operation Plan** – Each applicant for a use permit, a reissuance or a renewal of a use permit, thereof shall include a written hours of operation plan. The plan shall acknowledge that mining and support operations shall only be conducted between 6:00 a.m. and 8:00 p.m. on Monday through Saturday, and mining shall not be conducted at other times or on Sundays or legal federal holidays without written permission from the Town Board, which shall only grant said permission upon the applicant showing extreme need or in emergency situations. Blasting support of nonmetallic mining operations shall be limited in hours of operation in accordance with the issued Town *Explosive Use Permit*.
6. **Notification Plan** – At the time of application for a use permit, a reissuance or a renewal of a use permit, the applicant shall have notified, in writing, all residents or owners of dwellings or other inhabited structures located within one thousand (1,000) feet of all mining site property lines, that a nonmetallic mining operation will occur and that they may request a water quality test for existing wells. Applications submitted to the Town will include a copy of such notifications and written response from each resident or owner therein; and the applicants written response back to them in the application packet. The applicant shall also include a copy of the names and addresses of all residents or owners of dwellings or other inhabited structures located within one thousand (1,000) feet of the property lines of the nonmetallic mining site.
7. **Site Reclamation Plan** – Each applicant for a use permit, a reissuance or a renewal of a use permit, thereof shall include a written site reclamation plan. The applicant shall prepare and submit a site reclamation plan that meets the requirements of Wisconsin Admin. Code NR 135.19. In order to avoid duplication, the plan may by reference, incorporate existing plans or materials that meet the requirements of this code.
8. **Application** – The application for a use permit shall be signed by the applicant and submitted to the Town Clerk only when accompanied by the required plans, permit fee(s), and insurance certificate. Additional information to accompany the application shall include, but not limited to, the following:

- a. The name, address and telephone numbers of all persons, agents, or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
- b. Lease(s) – A signed copy of the lease(s) which authorize the operator to enter upon the lessors' land for the purpose of mining as defined in this Chapter. The expiration date of the lease shall clearly be indicated thereon.
- c. Legal Description – A legal description, including the parcel identification number(s), and a survey map of the tracts of land to be involved and affected by the proposed mining operation and the approximate total number of acres involved.
- d. General Map – Five (5) copies of an aerial map or general map which shall be drawn at a scale of no less than one (1) inch equals one hundred (100) feet and shall include the following:
 - i. Property boundaries of the operators owned and/or leased land consistent with the legal description for the premises.
 - ii. Location and names of all known streams, roads, railroad, utility lines on or within one thousand (1,000) feet of the site.
 - iii. Location of all structures owned by parties of interest within one thousand (1,000) feet of the site.
 - iv. Names and addresses of parties of interest.
 - v. Boundaries for the site.
 - vi. Location and description of mining site boundary stakes and permanent reference points.
 - vii. Zoning of the site.
 - viii. Existing and proposed drainage within and without the site of operations to a distance of one thousand (1,000) feet reflecting the handling of all waters, natural, pumped, surface and identified wetlands thereon.
 - ix. Locate and identify setbacks.

C. **Reissuance or Renewal Application** – When filing a reissuance or renewal *Nonmetallic Mining Use Permit* application, the applicant/permittee or authorized agent may be exempted from including in the application the following plans: Operations Plan; Hours of Operation Plan; Notification Plan; or Site Reclamation Plan if no changes have occurred since last submitted. If changes have occurred or if any specific plan requires to be updated to meet Town of Rockland or State of Wisconsin statute or ordinance changes, updated plans will be submitted with the reissuance or renewal application.

1. *Nonmetallic Mining Use Permit* reissuance or renewal may be conditioned upon correction of any unanticipated environment impacts occurring since the issuance of the previous permit.
2. No permit shall be reissued or renewed unless the project is in reasonable compliance with the terms of the existing permit.
3. No permit for reissuance or renewal shall be accepted by the Town Clerk unless accompanied by the appropriate use permit application fee(s).

21-01.09 PERMIT APPROVAL AND APPEAL PROCESS

- A. Standards for Evaluation and Approval** – Upon the submission of a completed *Nonmetallic Mining Use Permit* application to the Town Clerk, the Town Clerk shall forward the completed application to the Secretary of the Town Planning Commission for the Town Planning Commission to prepare an initial review and shall prepare recommendations for the Town Board. In performing its initial review the Town Planning Commission and the Town Board may consult with outside experts. The Town Planning Commission and the Town Board shall review the completed application packet, neighboring land and water uses, highway/road access, traffic generation and circulation, area drainage, natural beauty and wildlife habitat, quality of life of the neighboring dwellings and inhabited structures and the Town of Rockland, shoreline cover, and any other pertinent requirements deemed necessary by the Town Planning Commission or the Town Board so as to eliminate, alleviate or control unreasonable hazard, danger, harm, risk or nuisance to people or property that exists or could develop as a result of the blasting operation for which the application is made. In making such determinations, the Town Planning Commission and the Town Board shall consider whether or not the applicant/permittee is applying as to a legal pre-existing nonmetallic mining operation and use and the rights which may have accrued to such application as a result thereof.
- B. Site Inspection** – The filing of an application shall grant the Town of Rockland and its officers, consultants and agents the right of access onto the site and contiguous lands owned or leased by the applicant/permittee for the purpose of inspecting the site and adjacent lands for pre-permit issuance inspections, for compliance with the *Nonmetallic Mining Use Permit* if issued and for any other purpose relative to this Chapter. Except in emergencies, access shall be granted during normal business hours with reasonable notice to the applicant/permittee or operator. Inspectors shall report to the person in charge of the site and comply with established safety laws, rules and regulations.
- C. Public Hearing**
1. Upon receipt of a complete *Nonmetallic Mining Use Permit* application, the Secretary of the Town Planning Commission shall submit the application to the Town Planning Commission by the 15th of the month prior to the next scheduled Planning Commission meeting and, if deemed necessary, independent consultants, for its recommendation to the Town Board. Upon the Town Planning Commission's recommendation, the Secretary of the Town Planning Commission and the Town Clerk shall schedule a public hearing on the permit application before the Town Board.
 2. Notice of the aforementioned public hearing shall be published as a Class 2 Notice in a newspaper of general circulation within the Town of Rockland. In addition, the Notice of said public hearing shall be mailed to the last-known address of all owners of property or inhabited structures within one thousand (1,000) feet of the subject property, and the public hearing Notice shall be posted on the designated public viewing locations in the Town of Rockland. Failure to receive Notice shall not invalidate any action taken by the Town Board.
 3. At the hearing on the *Nonmetallic Mining Use Permit*, the Town Board shall hear and receive any evidence or sworn testimony presented by the applicant/permittee or an authorized agent. At the conclusion of the applicant's/permittee's or agents presentation, the Town Board shall hear first any public comments from those in support of the application, then from those in opposition to the application, and finally the recommendation of the Town Planning Commission and the Town consultants. The

applicant/permittee or consultant shall be given an opportunity to respond to any adverse comments, evidence or recommendations.

D. Approval or Denial –

1. Within forty-five (45) days after the hearing, the Town Board shall either grant, deny, or grant with modification the *Nonmetallic Mining Use Permit* application based upon specific findings and conclusions.
2. The Town Board may grant an application conditioned upon meeting certain operational and reclamation provisions and standards, which shall not be less stringent than the minimum standards hereinafter set forth.
3. In deciding upon an application for a legal pre-existing operation, the Town Board shall take into account the pre-existing nature and circumstances of the operation.
4. If an application for a Nonmetallic Mining Use Permit is not acted upon within ninety (90) days of the date upon which said application is received by the Town Board, it shall be deemed to have been denied.

E. Appeal – Appeals from the decision of the Town Board in granting or denying the *Nonmetallic Mining Use Permit* shall be to the Municipal Circuit Court.

21-01.10 MINIMUM RECLAMATION STANDARDS

The Nonmetallic Mining permit applicant/operator shall be subject to the provisions and requirements of Sections 295.11 to 295.20, Wisconsin Statutes.

21-01.11 STANDARDS APPLIED TO ALL PERMITS

- A. Boundary Staking –** All excavation and phase boundaries, if any, shall be staked or otherwise marked per the survey by the operator and inspected by the Town prior to commencing mining operations on a site. Stakes shall be made of steel consisting of at a minimum a two (2) inch pipe. Stakes shall be placed on all corners of the site and additional stakes shall be placed every three hundred (300) feet between corner stakes. Stakes shall be set so they are at least five (5) feet above ground level and painted so they are visible.
- B. Plans on Site –** A copy of the permit and plans and specifications returned by the Town at the time of permit issuance shall be kept on the project site throughout the entire excavation and reclamation period.
- C. Limits of Operation –** Nonmetallic mining permits shall be limited to approved dimensions.
- D. Conflicts with Other Regulations or Ordinances –** It is the responsibility of the applicant/operator to obtain any local, state or federal permits or approvals.
- E. Compliance with Reclamation –** The applicant/operator shall comply with progressive reclamation plans and final reclamation plans for the site.
- F. Notification of Commencement and Cessation –** The applicant/operator shall notify the Town in writing at least fifteen (15) days prior to initial nonmetallic mining operations and at least thirty (30) days prior to final completion of project reclamation. All mining and reclamation phases within a site shall also comply with the notification requirements above. When a reclamation phase is complete, the applicant/operator shall notify the Town Board for approval of the reclamation activity before entering the next phase.

- G. Records of Operations** – All records of the permittee/operator regarding the conduct of the nonmetallic mining operation which are reasonably needed for the proper monitoring and evaluation of the operation or the enforcement of this Chapter shall be kept on site and be subject to inspection by the Town officials at all reasonable times, provided however, that Town personnel, to the extent provided by law, shall take reasonable steps to prevent disclosure of records which the operator advises in writing contain privileged trade secret information.
- H. Complaints of Violations** – In the event of a complaint of this Chapter the permittee/operator shall be notified thereof in writing by the Town and shall respond to the Town Board in writing within ten (10) working days of notification by the Town. In the event the permittee/operator shall fail to respond or shall deny any violation without reasonable grounds, the permittee/operator shall be liable for the reasonable costs of investigation of such complaint including the cost of any experts or consultants in after hearing has been determined that there has been a violation of this Chapter.
- I. Other Conditions** – The Town may apply such other conditions or requirements as are necessary to ensure the safety of the public, proper operation and the progressive and final reclamation in a manner consistent with this Chapter and to limit any adverse environmental impacts. Standards contained in the Wisconsin Administrative Code, Transportation 207 or in State of Wisconsin Department of Transportation Standards Specifications for Road and Bridge Construction may be applied to any appropriate aspect of this Chapter.
- J. Setbacks** – The nonmetallic mining operations shall be set back a minimum of:
1. Two hundred (200) feet from the Niagara Escarpment.
 2. One hundred (100) feet from the right-of-way of all highways, streets or roads and all exterior property lines.
 3. One Thousand (1,000) from the nearest inhabited structure.
 4. One hundred (100) feet – All uses accessory to the nonmetallic mining operation such as parking and loading areas and stockpiles of materials except for landscaped berms of all highways, streets or roads and from all property lines. Existing setbacks for those stone quarries in existence as of the effective date of this Chapter shall not be subject to this provision, but shall be located and identified on the Operations Plan for the site.
 5. The setback requirements shall be applicable for any site enlargements. Existing stone quarries shall be subject to this requirement.
- K. Dust Control** – Opacity limit for all fugitive emissions at the property line of the site shall comply with Wisconsin State DNR requirements. Dust control may not create a nuisance or a hazard to persons or property.
- L. Blasting Notification** – All blasting operations shall be conducted in accordance with the Town of Rockland blasting ordinance and shall not be conducted without the required Town *Explosive Use Permit*. In addition, the permittee/operator shall give public notice thereof by the conspicuous display of fluorescent flags and legible sign giving notice of the blasting operations. The flags and sign shall be displayed at least 24 hours prior to and during all mining operations. A flag shall be displayed at each boundary stake. This notice requirement is in addition to any other public notices required by law, regulation or Town of Rockland ordinance.
- M. Wells** – The Town reserves the right to test affected wells within one thousand (1,000) feet of the nonmetallic mining operation site.

21-01.12 EXISTING NONMETALLIC MINING OPERATIONS

- A. All nonmetallic mining operations existing at the effective date of this Chapter shall, within thirty (30) days of said effective date of this Chapter, be provided with a copy of this Chapter via certified mail.
- B. Within ninety (90) days of their receipt of this Chapter, the permittee/operator/applicant of existing nonmetallic mining operation(s) shall submit the necessary plans to bring said operation into conformity with this Chapter. Such period may be extended for an additional ninety (90) days upon review and approval by the Town Board of said written request for an extension.
- C. Pending the receipt and review of a timely submitted application by the Town Board, the applicant shall be permitted to continue operating the existing nonmetallic mining operation at the site for which the application was submitted for.
- D. If the permit is denied, the permittee/operator/applicant shall cease nonmetallic mining operations at such site, however the applicant shall be given a reasonable period of time for processing and removal of existing material, stockpiles, and/or equipment.
 - 1. The permittee/operator/applicant shall also take the necessary steps to ensure public safety by, as a minimum, posting public warning signs indicating that the nonmetallic mining site is no longer in operation and trespassing on the mining site is not permitted.
 - 2. The permittee/operator/applicant shall ensure the **Site Reclamation Plan** is completed prior to final departure from the site.

21-01.13 PROJECT SITE MODIFICATION, ENLARGEMENT OR TRANSFER OF TOWN PERMIT

- A. **Site Modification** – An applicant/operator may apply for a modification or cancellation of a project permit or for a change in the **Site Reclamation Plan** for a project site. The application for the modification, cancellation or change shall be submitted in writing to the Town Clerk by the applicant/operator and shall identify the site to be affected by a change on operation and/or reclamation plan.
- B. **Transfer of Permit** – When one (1) operator succeeds to the interest of another in an uncompleted site, the Town Board shall release the first operator of the responsibilities imposed by the Town permit, but only if:
 - 1. Both operators are in compliance with the requirements and standards of this Chapter.
 - 2. The new operator assumes the responsibility of the former operator by submitting updated permit application plans and proof of insurance documents identified in Section 22-01.08 of this Chapter. In the updated Site Reclamation Plan the new operator shall include a written, witnessed document that states the new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site.
- C. **Site Enlargement** – Any proposed site enlargement shall be processed as a new application pursuant to this Chapter. All provisions of this Chapter shall apply to the proposal.
- D. The following are criteria that the Town Board may consider for issuance, re-issuance, renewal, suspension or revocation of a *Explosive Use Permit*:
 - 1. Compliance with the blasting standards established by the Town of Rockland as noted herein by this Ordinance.

2. Development and submittal to the Town Board of the application document requirements stated in section 22-01.07.
3. Development and submittal to the Town Board the blasting log, when requested, and compliance with the operation plan with the information called for by the blasting log.
4. Maintaining the insurance required by this Ordinance.
5. Compliance with the operational hours for blasting as noted herein by this Ordinance.
6. Compliance with airblast and ground vibration standards as noted herein by this Ordinance.
7. Compliance with the pre-blasting notification requirements to residents and the Town Board as noted herein by this Ordinance.
8. Attempts made by the applicant/permittee interest not to comply with the provisions of this Ordinance as noted herein.
9. Consideration of unknown atmospheric conditions including, but not limited to, geophysical conditions and other matters beyond the control of the applicant/permittee.

21-01.14 ENFORCEMENT

The following are criteria that the Town Board may consider for issuance, reissuance, renewal, suspension or revocation of a nonmetallic mining use permit:

- A. Compliance with the reclamation standards established by the State of Wisconsin and this Chapter.
- B. Submittal to the Town Board a nonmetallic mining application and compliance with all required application plans.
- C. Maintaining the Certificate of Insurance required by this Chapter.
- D. Compliance with the operational hours for the nonmetallic mining operation and the blasting operations plan, if applicable.
- E. Installation, provision and maintenance of adequate and necessary physical structures, equipment and operational controls as determined by the Town Board to prevent public nuisances and to protect the public health and safety to persons residing near the nonmetallic mining operation or authorized persons entering the nonmetallic mining operations site, including, but not limited to, public safety, health and nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution, erosion, and public road safety.
- F. Attempts made by the permittee, operator or party in interest to comply with the provisions of this Chapter.
- G. Consideration of extenuating circumstances, emergencies, natural disasters, and matters beyond the control of the permittee, operator or party in interest.

21-01.15 SUSPENSION/REVOCATION

- A. Unless expressly provided herein this Chapter or by the Town of Rockland Ordinance provisions, the *Nonmetallic Mining Use Permit* may be suspended or revoked for cause for substantial noncompliance with the Ordinance after the proper Town of Rockland hearing noted below, unless in an emergency condition determined by the Town Board wherein the license, registration or *Nonmetallic Mining Use Permit* can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Town Board must, by the

Town Clerk, receive a verified complaint concerning the license, registration, *Nonmetallic Mining Use Permit*, or the applicant/permittee. The following persons may file a verified complaint with the Town Board:

1. The Town Chair
 2. The Town Clerk
 3. The Town Supervisors
 4. The Town Zoning Administrator/Building Inspector
 5. The Town Constable
 6. The Chairperson of the Town Planning Commission
 7. A landowner within one thousand (1,000) feet of the blasting site
- B. The Town Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance, or otherwise of such a nature as to require a formal evidentiary hearing.
- C. The applicant/permittee or person subject to charges for violation of any Town of Rockland Ordinance or any violation of a condition of the *Nonmetallic Mining Use Permit* shall be provided a copy of the verified complaint and notice of hearing before the Town Board. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board and the applicant/permittee or person subject to charges.
- D. The applicant/permittee or person subject to charges for violation of any Town of Rockland Ordinance or any violation of a condition of the *Nonmetallic Mining Use Permit* shall be entitled to the following:
1. Representation by legal counsel
 2. Right to present and cross examine witnesses
 3. Right to subpoena witnesses by the Town Chairperson issuing subpoenas to compel attendance of witness
- E. The Town Board may, after the hearing for any applicant/permittee or person previously issued an *Explosive Use Permit* by the Town Board, act as follows:
1. Revoke the *Nonmetallic Mining Use Permit* as the final decision
 2. Suspend the *Nonmetallic Mining Use Permit* for a date certain as a final decision
 3. Request additional information as an interim decision prior to taking future action
 4. Take no action on the *Nonmetallic Mining Use Permit* as a final decision. This decision will allow the *Nonmetallic Mining Use Permit* to remain in place
- F. The final decision of the Town Board to revoke or suspend the *Nonmetallic Mining Use Permit* shall be subject to appeal to the Circuit Court, which appeal must be filed with the Circuit Court not later than 45 days from the mailing date of the Town Board's decision.
- G. The Town Board's decision will be mailed to the applicant/permittee or person by USPS registered mail, return receipt.

21-01.16 PENALTY

- A. In addition to the suspension or revocation of a *Nonmetallic Mining Use Permit* issued by the Town Board under this Chapter, any applicant/permittee or person who shall violate any provisions of this Ordinance or who shall fail to obtain a *Nonmetallic Mining Use Permit* as required hereunder shall upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution. Any default of such forfeiture determined by a court of competent jurisdiction shall be subject to any penalties as provided by Sections 66.0109, 66.0113, 66.0114 and 66.0115, Wisconsin Stats, as may be amended.
- B. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town of Rockland from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.

CHAPTER 22 – EXPLOSIVES AND BLASTING ORDINANCE

22-01.00 EXPLOSIVES AND BLASTING ORDINANCE ORDINANCE

(History: adopted 4/16/2012)

22-01.01 AUTHORITY

- A. This Ordinance is adopted under the authority granted by Section 236 of the Wisconsin Statutes and amendments thereto; and pursuant to this authority the Town Board of Town of Rockland, Brown County, Wisconsin do ordain as follows:

22-01.02 TITLE

- A. This Ordinance shall be known as, referred to, or cited as the *Town of Rockland Explosives and Blasting Ordinance*.

22-01.03 JURISDICTION

- A. Jurisdiction of these regulations shall include all land and waters within the Town of Rockland, Brown County, Wisconsin

22-01.04 PURPOSE

- A. These regulations are adopted to regulate the use of explosive materials and to establish uniform limits on permissible levels of blasting resultants to reasonably assure that blasting resultants do not cause injury, damage, or a nuisance to persons or property.

22-01.05 DEFINITIONS

The following definitions shall apply to this Chapter. Terms not herein defined shall be understood to have their usual and ordinary dictionary meaning:

- A. “Airblast” means an airborne shock wave resulting from the detonation of explosives.
- B. “Approved” means approval granted by the Town of Rockland.
- C. “Blaster” means any individual holding a valid blaster’s license issued by the Wisconsin Department of Industry, Labor and Human Relations.
- D. “Blasting Business” means any individual, corporation, company, association, firm, partnership, society, or joint stock company engaged in a blasting operation.
- E. “Blasting” means any method of loosening, moving or shattering masses of solid matter by the use of an explosive.
- F. “Blasting Operation” means any operation, enterprise or activity involving the use of blasting.
- G. “Blasting Resultants” means the physical manifestations of forces released by blasting, including, but not limited to, projectile matter, vibration and concussion, which might cause injury, damage or unreasonable annoyance to persons or property located outside the controlled blasting site area.
- H. “Community” means a built-up inhabited area.
- I. “Controlled Blasting Site Area” means the area that surrounds the blasting site and:
 - 1. Is owned or leased by the operator;

2. With respect to which, because of property ownership, employment relationship or agreement with the property owner, the operator can take reasonably adequate measures to exclude or to assure the safety of persons and property.
- J. “Detonator” means any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types initiated by electric current; blasting caps for use with safety fuses; detonating cord delay connectors; non-electric instantaneous and delay blasting caps; or other similar or like devices used for this purpose.
- K. “Department” means the Wisconsin Department of Industry, Labor and Human Relations.
- L. “Explosion” means the substantially instantaneous release of both gas and heat.
- M. “Explosive” means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion unless the compound, mixture or device is otherwise classified by the Department by rule.
- N. “Explosive Materials” means explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.
- O. “Flyrock” means rock that is propelled through the air from a blast.
- P. “Ground Vibration” means a shaking of the ground caused by the elastic wave emanating from a blast.
- Q. “Highway” means any public street, public alley, public road or record right-of-way easement.
- R. “Inhabited Building” means a building designed for, or regularly occupied in whole or in part as a habitation for human beings, including any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials for the blasting activity.
- S. “Particle Velocity” means any measure of ground vibration describing the velocity at which a particle of ground vibrates when excited by a seismic wave.
- T. “Powder factor” means any ratio between the amount of powder loaded and the amount of rock broken.
- U. “Primer” means a capped fuse, electric detonator or other detonating device inserted in or attached to a cartridge of detonating sensitive explosive.
- V. “Stemming” means the inert material, such as drill cutting, used in the collar portion or elsewhere of a blast hole to confine the gaseous products of detonation.
- W. “Nuisance” means an excessive, repeated noise, dust, vibration or other disturbance that would cause an unreasonable annoyance.

22-01.06 REGULATION OF EXPLOSIVE MATERIALS AND BLASTING

- A. **General** – No person shall handle or use explosive materials in the Town of Rockland, Brown County, unless he:

1. Possesses a valid State of Wisconsin blaster's license with the proper classification or is supervised by a holder of a valid State of Wisconsin blaster's license with the proper classifications; and
2. Possesses all necessary state and local permits and complies with all applicable local, state and federal regulations, including, but not limited to, the requirements of this Chapter and the Wisconsin Admin. Code, Chapter Comm. 7, Explosives and Fireworks.
3. Blast holes may only be drilled and blasted to the first geographical shelf. No blasting shall be done within 200 feet of the outer boundaries of the Niagara Escarpment.

22-01.07 APPLICATION, REISSUANCE, AND RENEWAL OF AN EXPLOSIVE USE PERMIT

- A. **General** – An operator shall obtain an *Explosive Use Permit* prior to engaging in the use of explosives as defined by the Chapter and Wisconsin statutes. Such use permit applications are subject to public hearing before the Town Board. Use Permits shall be denied if the Town Board finds that the project or site does not conform with the minimum standards set forth in this Chapter or if the applicant has failed or continues to fail to comply with this Chapter.
- B. **Application** – The application for a use permit shall be submitted to the Town Clerk on use permit forms provided by the Town. For initial application applicants shall contact the Town Clerk to obtain the forms and their completion requirements. For reissuance and renewal applications the applicant may use the forms located on the Town of Rockland web site, www.TownofRockland.org. Applications may be made by and use permits issued to the blasting business, provided that the person doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification. The application for the use permit shall be signed by the applicant and shall be accompanied by information which shall include, but is not limited to, the following:

1. Permit Fee

- a. The explosive use permit fee shall be determined by resolution of the Town Board.
- b. The explosive use permit fees are stated on the Town of Rockland Permit Fee Schedule posted on the Town of Rockland website and on file in the Town Clerk's Office.
- c. Each non-adjacent parcel shall require a separate use permit application and permit fee. For the purpose of this Chapter, properties shall be considered non-adjacent if they have a separate parcel identification number and are not contiguous. Parcels separated by a public road are also deemed to be non-adjacent.

2. Permit Time Lines

- a. Use Permits shall be issued on an annual basis commencing July 1 and ending on June 30. Use permits applied for after July 1 shall be prorated from the date of issuance through the end of the use permit year, June 30.
- b. Initial, reissuance, and renewal use permits shall be filed by the applicant with the Secretary of the Town Planning Commission a minimum of sixty days (60) days prior to the projected use date or existing use permit expiration date.

3. **Certificate of Insurance** – Each application for an use permit as herein stated, or a reissuance or renewal thereof, shall be accompanied by a Certificate of Insurance for a Commercial General Liability Policy and said Policy of Insurance shall have limits of coverage of not less than Four Million (\$4,000,000.00) Dollars in the aggregate and One Million (\$1,000,000.00) Dollars per occurrence.
4. **Explosive Use Plan** – Each applicant for a use permit, a reissuance or renewal of a use permit, thereof shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be employed, including types of explosives, and an aerial photograph or drawing acceptable to the Town Board with a scale of no less than one (1) inch equals one hundred (100) feet and which accurately includes all areas and inhabited buildings within one thousand (1,000) feet of all property lines of the property upon which blasting is to occur.
5. **Blasting Notification Plan** – Each applicant for a use permit, a reissuance or a renewal of a use permit, thereof shall include a written blasting notification plan. The plan shall include providing the Town Chairman verbal or written notice at least twenty four (24) hours prior to commencement of blasting operations. The plan shall also include the public notification process that shall include, as a minimum, conspicuous display of a fluorescent flag and legible sign that will be displayed at least one (1) hour prior to and during all blasting operations.
6. **Hours of Operation Plan** – Each applicant for a use permit, a reissuance or a renewal of a use permit, thereof shall include a written hours of operation plan. The plan shall acknowledge that blasting shall only be conducted between 8:00 a.m. and 4:00 p.m. on Monday through Friday, however, they in the event an emergency has delayed a blast beyond 4:00 p.m., loaded holes may be blasted within one (1) hour thereafter; and blasting shall not be conducted at other times or on Saturdays or on Sundays or legal federal holidays without written permission from the Town Board, which shall only grant said permission upon the applicant showing extreme need.
7. **Pre-blasting Survey Notification Plan** – At the time of application for a use permit, a reissuance or a renewal of a use permit, the applicant shall have notified, in writing, all residents or owners of dwellings or other inhabited structures located within one thousand (1,000) feet, that they may request a pre-blast survey and a water quality test for existing wells. Applications submitted to the Town will include a copy of such notifications and written response from each resident or owner therein; and the applicants written response back to them in the application packet. The applicant shall also include a copy of the names and addresses of all residents or owners of dwellings or other inhabited structures located within one thousand (1,000) feet of the boundaries of the blasting site as described in the Explosive Use Plan.
8. **Site Reclamation Plan** – Each applicant for a use permit, a reissuance or a renewal of a use permit, thereof shall include a written site reclamation plan. The applicant shall prepare and submit a site reclamation plan that meets the requirements of Wisconsin Admin. Code NR 135.19. In order to avoid duplication, the plan may by reference, incorporate existing plans or materials that meet the requirements of this code. If the blasting will occur solely within an approved Nonmetallic Mining Operations site, this plan shall simply be a written statement that the site reclamation plan is a component of the Nonmetallic Mining Operation Use Permit.
9. **Blasting Log Plan** – Each applicant for a use permit, a reissuance or a renewal of a use permit, thereof shall include a written blasting log plan. The plan shall include an example of the type of blasting log to be used; details on how it will be maintained

and the duration each blasting log retained by the applicant; and identify the responsible person who will provide a true and complete copy of said log to the Town Clerk within three (3) working days of a request for a copy of said log. The Town Board may require that the permittee furnish to the Town Clerk an analysis of any particular blasting log to be prepared by the permittee. In the event the permittee cannot or will not prepare a reliable analysis, the Town Board may obtain such an analysis from an independent expert at the permittee's cost. The permittee shall also be liable for the reasonable cost of any independent analysis if it is determined after an opportunity to be heard that this Ordinance was violated by the permittee. Each blasting log shall include, but not restricted to, the following information:

- a. Name, signature and license number of the blaster in charge of blast;
- b. Blast location references, including address, bench and station number if applicable. Additional information supplied may include an aerial photograph or drawing of the explosives use area;
- c. Date and time of the blast
- d. Diagram and cross-section of blast hole layout;
- e. Number of blast holes;
- f. Blast hole depth and diameter;
- g. Distance to nearest inhabited building not owned by permittee;
- h. Seismographic and Airblast information, which shall include:
 - i. Type of instrument and last calibration date;
 - ii. Exact location of instrument and date, time and distance from the blast;
 - iii. Name and company affiliation of person taking reading;
 - iv. Name of the person and firm analyzing the seismographic and Airblast data when required;
 - v. Vibrations and Airblast levels recorded;
 - vi. Trigger levels for ground and air vibrations; and
 - vii. Copy of the seismographic printout.

- C. **Reissuance or Renewal Application** – When filing a reissuance or renewal *Explosive Use Permit* application, the applicant/permittee or authorized agent may be exempted from including in the application the following plans: Explosive Use Plan; Blasting Notification Plan; Pre-blasting Survey Notification Plan; Reclamation Plan; or Blasting Log Plan if no changes have occurred since last submitted. If changes have occurred or if any specific plan requires to be updated to meet Town of Rockland or State of Wisconsin statute or ordinance changes, updated plans will be submitted with the reissuance or renewal application.

22-01.08 PERMIT APPROVAL AND APPEAL PROCESS

- A. **Standards for Evaluation and Approval** – Upon the submission of a completed *Explosive Use Permit* application to the Town Clerk, the Town Clerk shall forward the completed application to the Secretary of the Town Planning Commission for the Town Planning Commission to prepare an initial review and shall prepare recommendations for the Town Board. In performing its initial review the Town Planning Commission and the Town Board

may consult with outside experts. The Town Planning Commission and the Town Board shall review the completed application packet, neighboring land and water uses, highway/road access, traffic generation and circulation, area drainage, natural beauty and wildlife habitat, quality of life of the neighboring dwellings and inhabited structures and the Town of Rockland, shoreline cover, and any other pertinent requirements deemed necessary by the Town Planning Commission or the Town Board so as to eliminate, alleviate or control unreasonable hazard, danger, harm, risk or nuisance to people or property that exists or could develop as a result of the blasting operation for which the application is made. In making such determinations, the Town Planning Commission and the Town Board shall consider whether or not the applicant/permittee is applying as to a legal pre-existing blasting operation and use and the rights which may have accrued to such application as a result thereof.

B. Site Inspection – The filing of an application shall grant the Town of Rockland and its officers, consultants and agents the right of access onto the site and contiguous lands owned or leased by the applicant/permittee for the purpose of inspecting the site and adjacent lands for pre-permit issuance inspections, for compliance with the *Explosive Use Permit* if issued and for any other purpose relative to this Chapter. Except in emergencies, access shall be granted during normal business hours with reasonable notice to the applicant/permittee or operator. Inspectors shall report to the person in charge of the site and comply with established safety rules and regulations.

C. Public Hearing

1. Upon receipt of a complete *Explosive Use Permit* application, the Secretary of the Town Planning Commission shall submit the application to the Town Planning Commission by the 15th of the month prior to the next scheduled Planning Commission meeting and, if deemed necessary, independent consultants, for its recommendation to the Town Board. Upon the Town Planning Commission's recommendation, the Secretary of the Town Planning Commission and the Town Clerk shall schedule a public hearing on the permit application before the Town Board.
2. Notice of the aforementioned public hearing shall be published as a Class 2 Notice in a newspaper of general circulation within the Town of Rockland. In addition, the Notice of said public hearing shall be mailed to the last-known address of all owners of property or inhabited structures within one thousand (1,000) feet of the subject property, and the public hearing Notice shall be posted on the designated public viewing locations in the Town of Rockland. Failure to receive Notice shall not invalidate any action taken by the Town Board.
3. At the hearing on the *Explosive Use Permit*, the Town Board shall hear and receive any evidence or sworn testimony presented by the applicant/permittee or an authorized agent. At the conclusion of the applicant's/permittee's or agents presentation, the Town Board shall hear first any public comments from those in support of the application, then from those in opposition to the application, and finally the recommendation of the Town Planning Commission and the Town consultants. The applicant/permittee or consultant shall be given an opportunity to respond to any adverse comments, evidence or recommendations.

D. Approval or Denial –

1. Within forty-five (45) days after the hearing, the Town Board shall either grant, deny, or grant with modification the *Explosive Use Permit* application based upon specific findings and conclusions.

2. The Town Board may grant an application conditioned upon meeting certain operational and reclamation provisions and standards, which shall not be less stringent than the minimum standards hereinafter set forth.
 3. In deciding upon an application for a legal pre-existing operation, the Town Board shall take into account the pre-existing nature and circumstances of the operation.
 4. If an application for a *Nonmetallic Mining Use Permit* is not acted upon within ninety (90) days of the date upon which said application is received by the Town Board, it shall be deemed to have been denied.
- E. **Appeal** – Appeals from the decision of the Town Board in granting or denying the *Explosive Use Permit* shall be to the Municipal Circuit Court.

22-01.09 REGULATION OF BLASTING RESULTANTS

- A. **Purpose** – It is the purpose of this Chapter to provide for uniform limits on permissible levels of blasting resultants to reasonably assure that blasting within the Town of Rockland does not cause injury, damage or unreasonable annoyance to persons or property outside the controlled blasting site area.
- B. **Instrumentation** – All blast-monitoring instruments used to produce data to support compliance with this Chapter shall meet the following minimum specifications:
1. Seismic frequency range. 2 to 200Hz (± 3 Hz).
 2. Acoustic frequency range. 2 to 200 Hz (± 1 Hz)
 3. Velocity range. 0.02 to 4.0 inches per second.
 4. Sound range. 110 to 140 dB linear.
 5. Transducers. Three (3) mutually perpendicular axes.
 6. Recording. Provide time-history of waveform.
 7. Printout. Direct printout showing time, date, peak air pressure, peak particle velocity and frequency in three (3) directions and a printed waveform graph of the event depicting measured air blast and particle velocity in the three (3) directions.
 8. Calibration. Be laboratory calibrated as often as necessary, but at least once every twelve (12) months according to the manufacturer's recommendations.
- C. **Control of Adverse Effects**
1. **General requirements** – Blasting shall be conducted so as to prevent injury, damage or unreasonable annoyance to persons or property outside the controlled blasting site area.
 2. **Airblast**
 - a. Airblast shall not exceed 133 peak dBA at the location of all necessary structures, dwellings, public buildings, places of employment, school, church, community or institutional building or other inhabited structure outside and beyond the controlled blasting site area.
 - b. The blaster shall conduct monitoring of every blast to determine compliance with the airblast limit.

3. Ground Vibration

- a. The maximum ground vibration at the location of any dwellings, public buildings, places of employment, school, church, community or institutional building or other inhabited structure outside and beyond the controlled blasting site area shall be established in accordance with either the maximum peak-particle-velocity limit in paragraph 3 (Table 22-01), the scaled-distance equation of paragraph 5 (Table 22-02), or the blasting-level chart of paragraph 6.
- b. All structures in the vicinity of the blasting site area, not listed as water-towers, pipelines, and other under utilities, tunnels, dams, caves, impoundments, foundations, anchoring monuments and underground mines shall be protected from damage by establishment by the operator of a maximum allowable limit on the ground vibration. The operator shall establish the limit after consulting with the owner of the structure and the Town Board.
- c. Maximum peak particle velocity. An operator may use the maximum ground vibration limits listed in Table 22-01.

Table 22-01 PEAK PARTICLE VELOCITY LIMITS		
Type of Structure	Maximum in allowable peak particle velocity for ground vibrations, in/sec.	
	At frequencies below 40 Hz*	At frequencies 40 Hz and greater
Modern homes and structures with drywall interiors	0.75	2.0
Older homes and structures with plaster on wood lath construction for interior walls	0.50	2.0
*All spectral peaks within 6dB (50 pct) amplitude of the predominant frequency must be analyzed		

- d. Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in three (3) mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three (3) measurements and the vector sum of the three (3) measurements.
4. A **seismographic record** shall be provided for each blast.

5. Scaled-distance equation

- a. An operator may use the scaled-distance equation, $W = (D/D_s)^2$, to determine the allowable charge-weight of explosives to be detonated in any eight (8)-millisecond period, without seismic monitoring; where W = the maximum weight per delay of explosives, in pounds; D = the distance, in feet, from the blasting site to the nearest structure listed in paragraph 3 i and ii; and D_s = the scaled-distance factor listed in Table 22-02.
- b. The development of a modified scaled-distance factor may be authorized by the Town Board on receipt of a written request by the operator, supported by

seismographic records of blasting at the site. The modified scaled-distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the prescribed maximum allowable peak velocity of Table 22-01 at a ninety-five percent (95%) confidence level.

Table 22-02 SCALED-DISTANCE FACTOR LIMITS	
Distance (D) from the blasting	Scaled-distance factor (D _s) to be applied without seismic monitoring
0 – 300	50
301 – 5,000	55
5,001 and beyond	65

6. **Blasting Level Chart**

- a. An operator may use the ground vibration limits found in Figure 7.44 of Wisconsin Admin. Code, Comm. 7.44 (4) to determine the maximum allowable ground vibration.
- b. If the Figure 7.44 limits are used a seismographic record including both particle-velocity and vibration frequency levels shall be provided for each blast. The method of analysis shall be subject to reasonable discretionary review by the Town Board.

22-01.10 MONITORING

A. **Monitoring**

1. The permittee shall monitor all blasts at the closest location to the blast of any dwelling, public building, places of employment, school, church, community or institutional building or other inhabited structure outside and beyond the permittee explosives use area, provided, however, that the permittee, may monitor at another location, approximately the same distance from the blast site, if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location. The Town Board, or its designee, may at its discretion, require the relocation of the monitoring equipment to a more suitable site.
2. All measuring equipment during monitoring shall be spiked to the ground or sandbagged.

B. **Flyrock** – Flyrock produced as a result of explosives use shall be totally contained within the controlled blasting site area.

C. **Seismic Monitoring** – The Town Board, at its discretion, may conduct independent seismic blast monitoring or airblast monitoring to spot check data supplied by the permit holder. If the independent monitoring discloses that the Ordinance was violated by the permittee, then, in that event, the permittee shall pay the reasonable costs incurred by the Town for the independent monitoring.

D. **Non-metallic Mining** – There shall be no blasting within 100 feet of any property lines or within 200 feet of the outer boundaries of the Niagara Escarpment.

22-01.11 PRE-BLAST SURVEY AND NOTIFICATION

- A. At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwelling or other inhabited structures located within one thousand (1,000) feet, that they may request a pre-blast survey and a water quality test for existing wells. Requests in response shall be in writing. Upon request, the applicant shall cause a pre-blast survey to be conducted as to such dwelling or inhabited structures, and water quality testing for existing wells, provided, however, that the applicant shall not be required to conduct a pre-blast survey or water quality testing more than once every six (6) years as to any specific dwelling, structure, or well.
- B. The owner of a dwelling or inhabited structure or well that is within one thousand (1,000) feet of the blasting site, which, subsequent to the conducting of a pre-blast survey has been substantially modified or improved by more than fifty percent (50%) of the property's fair market value, may request a pre-blast survey or water quality testing. If it is found that a pre-blast survey or water quality testing for such improved or modified structure is appropriate, the applicant/permittee may conduct such surveys within a reasonable period of time, but in no case exceeding twice a year for all such requests by all owners. Owners may petition the Town Board for reconsideration, with written and oral justification, if the applicant/permittee disapproves the owners request for a pre-blast survey or water quality test.
- C. The pre-blast survey and water quality testing shall be properly conducted in a manner and form and by an independent survey company, a laboratory approved by the State of Wisconsin or organization selected by the applicant/permittee and acceptable to the owner of the dwelling or inhabited structure and the Town of Rockland Zoning Administrator. The survey shall determine the condition of the dwelling or inhabited structure and shall document any pre-blasting damage or other physical factors that could reasonably be expected to be affected by the use of explosives. The testing of wells shall determine the condition of the water as to be safe for human use. The Town Board may consider accepting a pre-blast survey or well water test that was prepared prior to the effective date of this Ordinance if the pre-blasting survey and well water test meets the requirements outlined herein.
- D. Each pre-blast survey and water quality test performed shall include a written report signed by the person who conducted the survey. Copies of the report(s) shall be promptly provided to the Town Clerk, the owner or resident, and the applicant/permittee. The owner, resident, or applicant/permittee shall promptly submit in writing to the Town Board any objections to the report(s), setting forth in detail such objections.
- E. Reasonable and reasonably related expenses incurred as a result of such independent pre-blast surveys and water quality testing shall be the responsibility of the applicant/permittee.

22-01.12 ENFORCEMENT AND PENALTY PROVISIONS

- A. **Enforcement** – The following are criteria that the Town Board may consider for issuance, re-issuance, renewal, suspension or revocation of a *Explosive Use Permit*:
 - 1. Compliance with the blasting standards established by the Town of Rockland as noted herein by this Ordinance.
 - 2. Development and submittal to the Town Board of the application document requirements stated in section 22-01.07.
 - 3. Development and submittal to the Town Board the blasting log, when requested, and compliance with the operation plan with the information called for by the blasting log.

4. Maintaining the insurance required by this Ordinance.
5. Compliance with the operational hours for blasting as noted herein by this Ordinance.
6. Compliance with airblast and ground vibration standards as noted herein by this Ordinance.
7. Compliance with the pre-blasting notification requirements to residents and the Town Board as noted herein by this Ordinance.
8. Attempts made by the applicant/permittee interest not to comply with the provisions of this Ordinance as noted herein.
9. Consideration of unknown atmospheric conditions including, but not limited to, geophysical conditions and other matters beyond the control of the applicant/permittee.

22-01.13 SUSPENSION / REVOCATION –

- A. Unless expressly provided herein or by the Town of Rockland Ordinance provisions, the *Explosive Use Permit* may be suspended or revoked for cause for substantial noncompliance with the Ordinance after the proper Town of Rockland hearing noted below, unless in an emergency condition determined by the Town Board wherein the license, registration or *Explosive Use Permit* can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Town Board must, by the Town Clerk, receive a verified complaint concerning the license, registration, *Explosive Use Permit*, or the applicant/permittee. The following persons may file a verified complaint with the Town Board:
 1. The Town Chair
 2. The Town Clerk
 3. The Town Supervisors
 4. The Town Zoning Administrator/Building Inspector
 5. The Town Constable
 6. The Chairperson of the Town Planning Commission
 7. A landowner within one thousand (1,000) feet of the blasting site
- B. The Town Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance, or otherwise of such a nature as to require a formal evidentiary hearing.
- C. The applicant/permittee or person subject to charges for violation of any Town of Rockland Ordinance or any violation of a condition of the *Explosive Use Permit* shall be provided a copy of the verified complaint and notice of hearing before the Town Board. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board and the applicant/permittee or person subject to charges.
- D. The applicant/permittee or person subject to charges for violation of any Town of Rockland Ordinance or any violation of a condition of the *Explosive Use Permit* shall be entitled to the following:
 1. Representation by legal counsel

2. Right to present and cross examine witnesses
 3. Right to subpoena witnesses by the Town Chairperson issuing subpoenas to compel attendance of witness
- E. The Town Board may, after the hearing for any applicant/permittee or person previously issued an *Explosive Use Permit* by the Town Board, act as follows:
1. Revoke the *Explosive Use Permit* as the final decision
 2. Suspend the *Explosive Use Permit* for a date certain as a final decision
 3. Request additional information as an interim decision prior to taking future action
 4. Take no action on the *Explosive Use Permit* as a final decision. This decision will allow the *Explosive Use Permit* to remain in place
- F. The final decision of the Town Board to revoke or suspend the *Explosive Use Permit* shall be subject to appeal to the Circuit Court, which appeal must be filed with the Circuit Court not later than 45 days from the mailing date of the Town Board's decision.
- G. The Town Board's decision will be mailed to the applicant/permittee or person by USPS registered mail, return receipt.

22-01.14 PENALTY

- A. In addition to the suspension or revocation of a *Explosive Use Permit* issued by the Town Board under this Chapter, any applicant/permittee or person who shall violate any provisions of this Ordinance or who shall fail to obtain a *Explosive Use Permit* as required hereunder shall upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution. Any default of such forfeiture determined by a court of competent jurisdiction shall be subject to any penalties as provided by Sections 66.0109, 66.0113, 66.0114 and 66.0115, Wisconsin Stats, as may be amended.
- B. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town of Rockland from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.

CHAPTER 23 THROUGH 135 ARE RESERVED